

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
March, 10, 1983
Senate called to order by the President.

Prayer by the Honorable Michael Carpenter of Houlton.

Senator CARPENTER: Let us pray! Our heavenly Father as we enter upon our deliberations this morning, this week and this session, here in this Chamber, we ask Your guidance that we do the right and proper thing by all of our people regardless of race, color, creed, religion, or political party.

We ask that we be given the wisdom to do that which is Your will. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Senator PRAY of Penobscot, the following Joint Order: (S. P. 375)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, March 14, 1983 at 9:30 in the morning.

Which was Read and Passed.

Sent down forthwith for concurrence.

**Papers From the House
Non-concurrent Matter**

BILL, "An Act to Clarify the Administration of the Department of Labor." (Submitted by the Department of Labor pursuant to Joint Rule 24.) (S. P. 333) (L. D. 978)

In the Senate, March 3, 1983 Referred to the Committee on Labor and Ordered Printed.

Comes from the House referred to the Committee on State Government in non-concurrence.

On motion by Senator Carpenter of Aroostook, the Senate voted to Recede and Concur with the House.

Non-concurrent Matter

BILL, "An Act to Require Mandatory Jail Sentences for Trafficking or Furnishing Drugs." (H. P. 122) (L. D. 130)

In the House, March 7, 1983, Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "B" (H-47).

In the Senate, March 8, 1983, Majority Ought Not to Pass Report Read and Accepted in non-concurrence.

Comes from the House, that Body Insisted, and Asked for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. I move that we Adhere.

The PRESIDENT: The Senator from Washington, Senator Brown moves that the Senate Adhere.

The Chair recognizes the Senator from York, Senator HICHENS.

Senator HICHENS: I move that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from York, Senator HICHENS moves that the Senate Insist and Join in a Committee of Conference.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, one thing that 8½ years in this Legislature has taught me is to be able to count, to, also, be able to know when I am beaten.

At the risk of being accused of being overly harsh, I just want to let you know that I do believe that it is not too much to ask that someone that has been convicted twice of selling drugs be sentenced to at least ten days in jail, however, it is not the will of this Senate.

I will not this morning vote to Adhere, I will in fact vote to Join in a Committee of Conference.

I just hope that we keep bills like this in mind, as we go through the process and that this Senate overall be consistent as to the term of the Legislature this year, in that we take all things into consideration on this Bill and all others.

The other thing that I would add to all of that, is that the other day, in here, when we were debating this Bill, I was a little bit disturbed that members of the Judiciary had indicated, apparently, that this was what they would give, if in fact this Bill passed, and they would not look past the wording of the Bill to see that it was a mandatory minimum. That disturbs me a little bit, both from a protection of the process standpoint and, also, from interference with a piece of Legislation. I have no evidence that that in fact happened, and I have been able to track down no evidence that, that in fact happened.

I hope that we just keep all of these things in mind as more bills like this come along. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I see no value for a Committee of Conference on this matter. This matter had substantial debate in the House, and it had a full hearing and substantial debate within the Committee on Judiciary. We, also, had debate here the other day on this matter. There is very little room for compromise on this particular matter.

There is sufficient evidence that was discussed both at the hearing and debated in both Bodies that the Judiciary when a second offense is presented to them doles out sentences substantially more than ten days.

I see little value in this particular Bill. I see little value with a Committee of Conference on this matter. I urge you to support Senator Brown's motion to Adhere.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from York, Senator HICHENS, that the Senate Insist and Join in a Committee of Conference, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

13 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion to Insist and Join in a Committee of Conference, Failed.

On motion by Senator Brown of Washington, the Senate voted to Adhere.

House Papers

BILL, "An Act to Share Equitably the Fines and Forfeitures Resulting from Enforcement of the State Motor Vehicle Laws." (H. P. 815) (L. D. 1055)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

BILL, "An Act to Create a Revolving Fund for Publications of the Department of Marine Resources." (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.) (H. P. 778) (L. D. 1027)

Reference to the Committee on Marine Resources suggested.

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

BILL, "An Act to Amend the Lines of Credit

and Commercial Loans to Individual Borrowers." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (H. P. 786) (L. D. 1028)

BILL, "An Act to Prohibit Control of Financial Institutions as Closely Related Activities." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (H. P. 787) (L. D. 1029)

BILL, "An Act to Conform State Antitrust Laws with Federal Antitrust Laws." (H. P. 788) (L. D. 1030)

BILL, "An Act to Amend the Waiting Period After Promulgation of a Rule by the Bureau of Banking." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (H. P. 814) (L. D. 1054)

BILL, "An Act to Amend Maine's Abandoned Property Law." (Submitted by the Treasury Department pursuant to Joint Rule 24.) (H. P. 816) (L. D. 1056)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which were referred to the Committee on Business Legislation and Ordered Printed in concurrence.

BILL, "An Act to Limit the Amount of Money Which Can Be Spent on Campaigns for the Maine Legislature." (H. P. 789) (L. D. 1031)

BILL, "An Act to Provide for the Settlement of Disputes Concerning Political Advertising during Political Campaigns." (H. P. 809) (L. D. 1049)

Come from the House, referred to the Committee on Election Laws and Ordered Printed.

Which were referred to the Committee on Election Laws and Ordered Printed in concurrence.

BILL, "An Act to Amend the Statutes Governing the Licensing, Approval and Registration of Adult and Child Care Programs." (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (H. P. 791) (L. D. 1032)

BILL, "An Act Relating to Transfer Review." (H. P. 793) (L. D. 1033)

Come from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which were referred to the Committee on Health and Institutional Services and Ordered Printed in concurrence.

BILL, "An Act to Deter Assaults on Officers in Penal Institutions." (Submitted by the Department of Corrections pursuant to Joint Rule 24.) (H. P. 794) (L. D. 1034)

BILL, "An Act to Clarify the Adoption Assistance Law." (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (H. P. 795) (L. D. 1035)

BILL, "An Act to Establish Statewide Pretrial Release Agencies." (H. P. 796) (L. D. 1036)

BILL, "An Act Regarding the Investment of Workers' Compensation Settlements." (H. P. 797) (L. D. 1037)

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

Which were referred to the Committee on Judiciary and Ordered Printed in concurrence.

BILL, "An Act to Improve the Evaluation of Hearing Loss Under the Workers' Compensation Act." (H. P. 798) (L. D. 1038)

BILL, "An Act Regarding Return to Work Under the Workers' Compensation Law." (H. P. 799) (L. D. 1039)

BILL, "An Act to Encourage Speedy Rehabilitation under the Workers' Compensation Act." (H. P. 800) (L. D. 1040)

BILL, "An Act to Require that Employers have a Leave Policy." (H. P. 801) (L. D. 1041)

Come from the House, referred to the Committee on Labor and Ordered Printed.

Which were referred to the Committee on Labor and Ordered Printed in concurrence.

BILL, "An Act to Fairly Apportion the Cost of Canceled Generating Facilities." (Submitted by the Office of Public Advocate pursuant to Joint Rule 24.) (H. P. 802) (L. D. 1042)

BILL, "An Act to Retain Jurisdiction over Telephone Directory Revenues." (Submitted by the Office of Public Advocate pursuant to Joint Rule 24.) (H. P. 803) (L. D. 1043)

BILL, "An Act Relating to the Maine Municipal and Rural Electrification Cooperative Agency." (H. P. 804) (L. D. 1044)

BILL, "An Act to Ensure Funding for Eventual Spent Fuel Disposal at Nuclear Power Plants." (H. P. 805) (L. D. 1045)

Come from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which were referred to the Committee on Public Utilities and Ordered Printed.

BILL, "An Act Concerning Travel Expenses for Legislators." (H. P. 806) (L. D. 1046)

BILL, "An Act to Establish a State Bank." (H. P. 807) (L. D. 1047)

BILL, "An Act to Coordinate Regulatory Review." (H. P. 808) (L. D. 1048)

Come from the House, referred to the Committee on State Government and Ordered Printed.

Which were referred to the Committee on State Government and Ordered Printed in concurrence.

BILL, "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983." (Submitted by the Department of Transportation pursuant to Joint Rule 24.) (Emergency) (H. P. 810) (L. D. 1050)

BILL, "An Act to Modify Certain Rules of the Road to Conform with the Uniform Vehicle Code." (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (H. P. 811) (L. D. 1051)

BILL, "An Act Concerning Standards for Rejection of Altered Vehicles." (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (H. P. 812) (L. D. 1052)

BILL, "An Act to Provide the Department of Transportation with the Ability to Collect Rents on Acquired Properties." (Submitted by the Department of Transportation pursuant to Joint Rule 24.) (H. P. 813) (L. D. 1053)

Come from the House, referred to the Committee on Transportation and Ordered Printed.

Which were referred to the Committee on Transportation and Ordered Printed in concurrence.

Senate Papers

BILL, "An Act to Provide Municipal Authority over Siting Radioactive Waste Facilities." (S. P. 377) (Presented by Senator SHUTE of Waldo) (Cosponsors: Senator PERKINS of Hancock, Representative DRINKWATER of Belfast and Representative CROWLEY of Stockton Springs)

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

BILL, "An Act Concerning Referenda and Bond Issue Questions." (S. P. 378) (Presented by Senator HAYES of Penobscot) (Cosponsor: Representative BOST of Orono.)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Increase Benefits under the Elderly Householders Tax and Rent Refund Act." (S. P. 379) (Presented by Senator SHUTE of Waldo) (Cosponsors: Representative STEVENSON of Unity, Representative DRINKWATER of Belfast and Representative CROW-

LEY of Stockton Springs.)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Committee Reports House

Ought Not to Pass

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Encourage the Use of Wind Power." (H. P. 313) (L. D. 372)

Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act Concerning Mandatory Vehicle Liability Insurance." (H. P. 119) (L. D. 127)

BILL, "An Act to Require Financial Responsibility and Insurance be Provided before being Permitted to Operate a Motor Vehicle." (H. P. 146) (L. D. 154)

BILL, "An Act to Exempt Certain Paralegic Individuals from Property Taxation." (H. P. 208) (L. D. 252)

Ought to Pass

The Committee on Judiciary on BILL, "An Act to Expand the Authority of Probate Judges to Appoint Temporary Guardians." (H. P. 325) (L. D. 384) Reported that the same Ought to Pass.

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Judiciary on BILL, "An Act Concerning Court Procedures Dealing with Notice in Liability Cases." (H. P. 402) (L. D. 485) Reported that the same Ought to Pass.

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Local and County Government on BILL, "An Act to Authorize a July 1st to June 30th Fiscal Year for Counties." (H. P. 560) (L. D. 710) Reported that the same Ought to Pass.

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on BILL, "An Act to Permit Hunting for Small Game after 12 noon on Sunday." (H. P. 42) (L. D. 47)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DOW of Kennebec
USHER of Cumberland

Representatives:

MacEACHERN of Lincoln
JACQUES of Waterville
GREENLAW of Standish
SMITH of Island Falls
CLARK of Millinocket
ERWIN of Rumford
PAUL of Sanford

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Representatives:

KELLY of Camden
CONNERS of Franklin

Come from the House, the Majority Report

Read and Accepted.

Which Reports were Read and the Majority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

Senate

Ought Not to Pass

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Permit a Trade-in Credit Under the Sales Tax Statutes for Utility Tractors." (S. P. 25) (L. D. 26)

Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Revise the University of Maine Arbitration Procedures." (S. P. 159) (L. D. 452)

BILL, "An Act to Repeal the Nonnegotiability of Educational Policies." (S. P. 178) (L. D. 545)

Ought to Pass in New Draft under New Title

Senator CARPENTER for the Committee on Health and Institutional Services on BILL, "An Act to Reinstate the Authority of the Division of Eye Care to Carry out Certain Aspects of its Prevention of Blindness Program." (S. P. 181) (L. D. 548) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Amend the Provisions of the Medical Eye Care Program." (S. P. 376) (L. D. 1123)

Which Report was Read and Accepted. The Bill, in New Draft, under New Title, Read Once and Tomorrow Assigned for Second Reading.

Second Readers

House — As Amended

The Committee on Bills in the Second Reading reported the following:

BILL, "An Act to Adjust the Service Fee and Allocations of the Low-Level Waste Siting Fund, and to Adjust the Membership of the Low-Level Waste Siting Commission." (Emergency) (H. P. 568) (L. D. 663)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: I would like to have LD 663 set aside.

The PRESIDENT: LD 663 will be set aside.

BILL, "An Act to Require Liquor Price Equity at Certain Border Area Liquor Stores." (H. P. 271) (L. D. 331)

Which was Read a Second Time.

On motion by Senator Baldacci of Penobscot, the Senate voted to Reconsider its action whereby Committee Amendment "A" (H-40) was Adopted.

On further motion by the same Senator, the Senate voted to Indefinitely Postpone Committee Amendment "A".

The PRESIDENT: The Senator has the floor. Senator BALDACCI: Mr. President, I present an Amendment and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Baldacci, offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-20) was Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, I'd like to have this Amendment explained, please.

The PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any member of the Senate, who may respond, if they so desire.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President, the reason for this Amendment, as I brought out a couple of days ago, was because of the inequities within the present system that we have in

setting liquor prices.

In reference to an article today in the Portland Telegram about the situation, it feels that the only solution short of getting the State out of the liquor business, entirely, is to establish a uniform blend price throughout the State, because of the discrimination.

The last couple of years I have been running for the State Senate, and it seems to be a constant gripe from people in my area about the difference in price that they pay for a product, versus another area. It's that concern which they have for it, and that sense of fairness that they would like to be instilled in State policy. I know that there are dollars and cents involved.

I think there was a study done by a group of Legislators, reports to the Committee on Legal Affairs on the equalization of liquor prices. It pointed out that the loss of revenues could be offset by the increased tourists buying, vacationers, residents from other states and Canada.

I think that in situations like we're in, in Bangor, we have a lot of people coming down from Canada to do shopping and other border towns, and a lot of people from Bangor that you see, on could be Sunday or Monday when you go by the Portsmouth, or Salem, New Hampshire liquor stores, and all you see is Maine plates. They're not buying one or two bottles, they're coming out with a full cart.

I think, you know, Kittery is hard to get to, and I just think it's a sense of fairness that we try to instill policies that kill discrimination, that this Body has dealt with on other issues. I think just because there's a dollar and cents involved doesn't mean that we can't be fair.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, Men and Women of the Senate, over the last several years there have been a number of different measures introduced that deal with what they call, "the Kittery problem", that Senator Danton has had so much fun with for the last couple of days.

The question originally posed was to create some more liquor stores along the New Hampshire border, in order to be able to compete with them. That is not the measure that is before us now, however. The measure that is before us now is to lower, as I understand it, lower the prices to the Kittery level throughout the State.

In 1981, there was a Bill introduced that was similar to that, it was LD 952 — which actually is exactly the same — presented by a Representative from Bangor at that time. The fiscal note attached to that Bill, at that time, said there would be a loss of revenue of \$9,933,990. I don't know exactly how they could get it down that fine. However, it's going to be, give or take, a million dollars, I suppose, somewhere in that neighborhood. The fiscal note, at that time, went on to say, but it would be necessary to realize an increase in sales at Kittery prices, over 36% to affect the loss of these revenues, to correct them. What that means is, you would have to have an increased consumption throughout the State of 36% in alcohol in order to make up for the loss of revenue that you have from the State liquor stores that we currently have.

I don't think it should be the policy of this State, or this Senate, to try to promote a situation where we would have to make up, increase the sales, consumption of alcohol by 36% in order to keep the revenues where they are. We have to be concerned about revenues in this Senate, in this Legislature, and any dropping off of eight, nine, or ten million dollars is a substantial loss to this State. We cannot, I think, establish a policy in good conscience that would promote, or which would create a situation where we would have to promote a 36% rise in the consumption of alcohol, in order to make up for the loss.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President and Members of the Senate, if I for one minute thought that I was going to be leading a charge to have people drink more liquor in order for the State to come out even, I wouldn't be behind any type measure.

I think the point that was raised by a study group of this Legislature and the point being made earlier in my presentation is the drain of dollars that are going outside of this State. Not just in New Hampshire, but the State borders on the other end, also. The City of Bangor does a lot of business with Canadians. There's a lot of different reasons, people in my area just because either Kittery is hard to get to, or they're just so disenfranchised with the State policy that it discriminates that they go across the border. I think, the point is, I'm not sure what the dollars and cents involved are, but I think in a sense of fairness, which we espoused on a lot of other issues, when there's one that comes to some measure of money, that all of a sudden there isn't that sense of fairness.

I just want to ask for a Roll Call.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, I just would like to speak for a moment about this issue of fairness. There's no question that it's probably unfair to have a different price at Kittery. I'd just point out to you that there are a lot of things in our State Budget and the way we do things, that are unfair. One of the reasons we do this is because being fair often costs an awful lot of money.

I can just point out several examples, where we pay foster homes foster parents a lot more to keep a child of the State's than we pay an AFDC mother to keep her own child. We pay small boarding homes, reimbursement them less than we reimburse the large boarding homes, over six beds. Our tax code is just riddled with inequities.

This is ten million dollars, at a time, when the Governor is going to propose an increase in the cigarette tax to raise more money to do some other things to eliminate other unfair things that are happening.

I just hope you keep it. Ten million dollars is a lot of money, and I just don't think to equalize prices on liquor that we ought to sacrifice that kind of dough.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President, and Ladies and Gentlemen, I appreciate very much the good comments that were just made by the good Senator from Cumberland, Senator Najarian, about fairness. Once we discover "fairness" and what is fair then we ought to take that action, it seems to me.

It's very unfair. I remember two years ago when the good Senator from Waldo, Senator Shute, made the same sorts of points that I'm making now. I know what fun the good Senator from down the southern part of the State is having with this issue, because he can't lose either way. There is, regardless of loss of revenue, regardless of what else, there's a "fairness" issue here. I'd like to read to you this morning a portion of a letter that I received from a councilman in the city of Calais. "Calais is the sixth largest port of entry in the entire northern U.S./Canadian border, and a discount store should be established here. I believe a discount store, with good variety, would take a good part of the annex business and draw a large portion of the Canadian trade. Which in turn, would increase the taxes paid to this State." Not only in Calais, but all along the Canadian border. We would pull in some of the Canadian trade, possibly, and increase some of this loss of revenue we've talked about, by the good Senator from Cumberland.

I would hope, initially I took this very facetiously and I thought this is just an effort to kill this Bill, which of course it will. I understand why they're offering this amendment. When we look at it seriously, and look at the "fairness" issue, we've got to go along with the amendment that the good Senator from Penobscot, Senator Baldacci has offered.

In the name of "fairness", once we discover what "fairness" is we have an obligation to act in that fashion. Thank you, Ladies and Gentlemen.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate, I don't want to belabor this point, but I just want to take and repeat what I said the other day. If, somehow, we could invade New Hampshire and get those fifteen miles that separate us from Massachusetts back, we wouldn't have any of these problems. That's the whole cause of that problem. That little State of New Hampshire that we border.

So, Mr. President, today I'm going to support this amendment, because I feel it's only fair that the entire State have discount liquor stores.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, notwithstanding the remarks of "General" Danton, I would like to move the Indefinite Postponement of this amendment.

The PRESIDENT: The Senator from Penobscot, Senator Pearson moves that Senate Amendment "A" be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President, I had made a motion earlier about a Roll Call on the vote.

The PRESIDENT: The Chair would indicate to the Senator that a new motion has taken place, and if you wish to request a Roll Call on the motion to Indefinitely Postpone you may do so.

Senator BALDACCI: Thank you, Mr. President. I'd like to request that we have a Roll Call on Indefinite Postponement.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion of the Senator from Penobscot, Senator Pearson that Senate Amendment "A" be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Bustin, Carpenter, Diamond, Dow, Emerson, Hayes, Najarian, Pearson, Usher, Violette, Wood, The President-Gerard P. Conley.

NAY—Baldacci, Brown, Charette, Clark, Collins, Danton, Dutremble, Erwin, Gill, Hichens, Kany, McBreairty, Minkowsky, Perkins, Pray, Sewall, Shute, Teague, Trafton, Twitchell.

ABSENT—Redmond.

A Roll Call was had.

12 Senators having voted in the affirmative and 20 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone Senate Amendment "A", Failed.

Senate Amendment "A" was Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

BILL, "An Act to Adjust the Service Fee and Allocations of the Low-Level Waste Fund, and to Adjust the Membership of the Low-Level Waste Siting Commission." (Emergency) (H. P. 568) (L. D. 663)

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, relevant to LD 663, Bill, "An Act to Adjust the Service Fee and Allocations of the Low-Level Waste Siting Fund, and to Adjust the Membership of the Low-Level Waste Siting Commission."

I move that the Senate Reconsider its action whereby it Adopted House Amendment "A" and Committee Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that the Senate Reconsider its action whereby it Adopted Committee Amendment "A".

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate, I hope you go along with the motion to Reconsider. Then I hope you'll go along with the motion to Table following that, as I, also, have an amendment to present. It will not be ready until tomorrow and then we can debate both amendments at the same time.

On motion by Senator Minkowsky the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A", as amended by House Amendment "A".

On further motion by the same Senator the Senate voted to Recede from its action whereby it Adopted House Amendment "A" to Committee Amendment "A".

On motion by Senator Kany of Kennebec, Tabled for 1 Legislative Day, pending Adoption of House Amendment "A".

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: I believe that I requested the Chair to recognize me, prior to the gavel going down. Will the Senate Reconsider its action?

The PRESIDENT: The Chair is subject to error, and I may have failed to hear the Senator.

The Chair recognizes the Senator.

Senator MINKOWSKY: Mr. President, under the circumstances, I move for a Division relevant to the motion to Table this.

The PRESIDENT: The Chair will have to inform the Senator he's debated the Tabling motion.

Senate

BILL, "An Act to Establish an Annual Maine Clean Water Week." (S. P. 142) (L. D. 434)

BILL, "An Act to Amend the Consumer Credit Code Regarding Mobile Homes." (Emergency) (S. P. 366) (L. D. 1121)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

BILL, "An Act to Permit the Petition of Local Referendum by the State Liquor Commission." (S. P. 224) (L. D. 661)

Which was Read a Second Time and Passed to be Engrossed as amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Reduce the Mandatory Number of Election Clerks for Each Voting Place. (H. P. 148) (L. D. 156)

An Act to Provide for an Orderly Transition Period Following the Election of Constitu-

tional Officers. (H. P. 491) (L. D. 588)

An Act to Amend the Special Education Statutes Providing for the Department's General Supervisory Responsibility for All Educational Programming for Exceptional Students. (H. P. 472) (L. D. 571)

An Act to Require the Use of Generic Drugs in the Low-cost Drug Program for the Elderly. (H. P. 157) (L. D. 182)

An Act to Provide Furloughs from County Jails for 3 Days or More if Reason is Consistent with the Rehabilitation of an Inmate or Prisoner. (H. P. 177) (L. D. 206)

An Act to Require Training for Certain Part-time Law Enforcement Officers. (S. P. 295) (L. D. 881)

An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations. (H. P. 295) (L. D. 354)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in 3 Certain Parcels of Real Property. (H. P. 526) (L. D. 651)

Which was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate, the first Tabled and specially assigned matter:

SENATE REPORTS—from the Committee on Education BILL, "An Act to Increase Reimbursement for Professional Credits for Teachers." (Emergency) (S. P. 141) (L. D. 433) Majority Report Ought to Pass in New Draft under same title (S. P. 361) (L. D. 1074)

Minority Report Ought Not to Pass.

Tabled—March 8, 1983 by Senator CARPENTER of Aroostook.

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Hayes.

Senator HAYES: I move the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Hayes, moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

Is this the pleasure of the Senate?

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending the motion by the Senator from Penobscot, Senator Hayes.

The President laid before the Senate, the second Tabled and Specially assigned matter:

BILL, "An Act to Remove the Superintendent of the Governor Baxter School for the Deaf from Classified Service and Clarify the Law Relating to State Educational Personnel." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (Emergency) (H. P. 769) (L. D. 999)

Tabled—March 9, 1983 by Senator CARPENTER of Aroostook.

Pending—Reference.

Which was referred to the Committee on Education and Ordered Printed, in concurrence.

The President laid before the Senate, the third Tabled and Specially assigned matter:

RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment. (H. P. 761) (L. D. 992)

Tabled—March 9, 1983 by Senator CARPENTER of Aroostook.

Pending—Reference.

Which was referred to the Committee on Judiciary and Ordered Printed, in concurrence.

The PRESIDENT: The Chair recognizes the

Senator from Aroostook, Senator McBreairsty.

Senator McBREAIRTY: Mr. President, is the Senate in possession of LD 951?

The PRESIDENT: The Chair would respond in the affirmative.

The BILL, "An Act to Undedicate Funds Received from Public Reserved Lands." (S. P. 297) (L. D. 951) having been held.

The PRESIDENT: The Senator has the floor.

Senator McBREAIRTY: Mr. President and Members of the Senate, I move Reconsideration of our action whereby we referred this Bill to Energy and Natural Resources.

The PRESIDENT: The Senator from Aroostook, Senator McBreairsty, moves the Senate Reconsider its action whereby this Bill was referred to the Committee on Energy and Natural Resources.

Is this the pleasure of the Senate?

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would oppose that motion and request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Aroostook, Senator McBreairsty.

Senator McBREAIRTY: Is this debatable?

The PRESIDENT: The Chair would answer in the affirmative.

Senator McBREAIRTY: Mr. President Honorable Members of the Senate, my reason for wanting this Reconsidered is so that I can move to Indefinitely Postpone the Bill. My reason for the move is because of the fact that the Audit and Program Review Committee is beginning today to review the Department of Conservation and this is one item that we will be taking into consideration. I believe we will save the State some money if we kill this Bill now, and let the Audit Committee take care of the problem.

So, I would hope you would not vote against Reconsideration.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, it is with great pleasure that I will assist the good Senator from Aroostook, Senator McBreairsty, to kill the Bill. Therefore, I would ask Leave of the Senate to Withdraw my motion for a Division.

The PRESIDENT: Senator Carpenter of Aroostook now requests Leave of the Senate to Withdraw his motion for a Division.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

On motion by Senator McBreairsty of Aroostook, the Senate voted to Reconsider its action whereby it referred LD 951 to the Committee on Energy and Natural Resources.

On motion by Senator McBreairsty of Aroostook, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Carpenter of Aroostook, Adjourned until Monday, March 14, 1983 at 9:30 in the morning.