

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
April 19, 1983
Senate called to order by the President.

Prayer by Reverend Lawrence E. Merckens of the Riverside Congregational Church of Vassalboro.

REVEREND MERCKENS: Let us pray! Lord, we acknowledge Thee in Thy loving ways which always are in our midst. We acknowledge, as well, our need humbly and obediently to do Thy love.

Help us to remember thankfully those countless blessings which Thou hast entrusted so faithfully to us: life in this free and abundant land; those many talents given to us; many privileges, challenges and responsibilities in need of wise, and yet humble, committed and yet compassionate decisions.

So empower us, Lord, with the courage, the vision, the hope, the faith and the love we need for the living of these days disturb us with Thy judgement when we ignore our responsibilities; prod us with the zeal to give the best of ourselves; move us to be thankful for the many things we have to be done. May Thy ways be done, that the best within us will triumph, and we will live up to Thy faith in us.

Bless us with such confidence, O Lord, that we will press on in a manner becoming Thy servants to whom so much has been entrusted. Amen.

Reading of the Journal of Friday, April 15, 1983.

(Off Record Remarks)

Papers From the House Non-concurrent Matter

BILL, "An Act to Prohibit Shooting Within 100 Yards of any Dwelling During Hunting Season" (H. P. 167) (L. D. 198)

In Senate April 13, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-90) and Senate Amendment "A" (S-59)

Comes from the House Passed to be Engrossed as Amended by House Amendment "B" (H-143) in non-concurrence.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Further Consideration.

House Papers

BILL, "An Act to Equalize the Years of Participation and Benefits Under the Maine State Retirement System" (H. P. 1098) (L. D. 1449)

Comes from the House referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed in concurrence.

BILL, "An Act Creating a Maine Milk Pool" (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24) (H. P. 1099) (L. D. 1450)

Comes from the House referred to the Committee on Agriculture and Ordered Printed.

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

BILL, "An Act to Transfer to the Department of Mental Health and Mental Retardation Certain Program and Function Authority and Services to the Mentally Retarded" (H. P. 1100) (L. D. 1451)

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

Which was referred to the Committee on

Health and Institutional Services and Ordered Printed in concurrence.

BILL, "An Act Relating to the Authority of the County Commissioners over the Operation of all County Offices" (H. P. 1101) (L. D. 1452)

Comes from the House referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed in concurrence.

Study Report — Committee on Education

The Committee on Education to which was referred by the Legislative Council the study relative to Residential Placements have had the same under consideration and ask leave to submit its findings and to report that the accompanying BILL, "An Act to Establish Advocacy Services for Special Education Students in Residential Placements" (H. P. 1127) (L. D. 1482) be referred to the Joint Standing Committee on Education for public hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report Read and Accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

Which Report was Read and Accepted in concurrence and the Bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

Communications

The Following Communication: (S. P. 493)

Department of Inland
Fisheries and Wildlife
284 State Street
State House Station 41
Augusta, Maine 04333

April 13, 1983

Honorable Gerard P. Conley
President of the Maine Senate
Honorable John L. Martin
Speaker of the Maine House of Representatives
Dear Senator Conley and Representative Martin:

I am pleased to submit my report for 1983 pertaining to compliance with provisions of the 1977 Resolve Chapter 55 on the Augusta fishway issue.

I have had recent correspondence with Richard Davies of the Executive Department regarding this issue. Several questions were raised by Mr. Davies with regard to compliance with the 1977 Resolve. My response to Mr. Davies is considered an appropriate response at this time to inform the Legislature on what has taken place since 1977 and bring the Legislature up to date on our progress in getting a fishway installed in the Augusta dam. I have therefore enclosed a copy of my reply to Mr. Davies.

I shall be glad to address further questions should the need arise.

Very truly yours,
S/GLENN H. MANUEL
Commissioner

Which was Read and Ordered Placed on File. Sent down for concurrence.

Committee Reports House

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 Provide Adoption Information to Unwed Mothers" (H. P. 552) (L. D. 703)

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 Simplify the Administration of the Taxation of Watercraft" (H. P. 353) (L. D. 411)

BILL, "An Act to Provide Improved Dental

Care by Amending the Denturist Law" (H. P. 610) (L. D. 758)

BILL, "An Act Relating to the Survival of Small Private Excursion Boat Services" (H. P. 450) (L. D. 543)

Change of Reference

The Committee on Health and Institutional Services on BILL, "An Act Relating to Education of Dependent Children" (H. P. 879) (L. D. 1133) Reported that the same be referred to the Committee on Appropriations and Financial Affairs.

Comes from the House with the Report Read and Accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

Which Report was Read and Accepted in concurrence, and the Bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

Ought to Pass as Amended

The Committee on Energy and Natural Resources on BILL, "An Act to Promote Safe Solid Fuel Burning Practices" (H. P. 521) (L. D. 646) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-133)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-133)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-133) was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Transportation on BILL, "An Act to Deregulate Motor Carriers of Passengers for Hire" (H. P. 781) (L. D. 1010) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-134)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-134).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-134) was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Judiciary on BILL, "An Act to Amend the Statute of Limitations for the Probate of Estates under the Maine Probate Code" (H. P. 440) (L. D. 533) Reported that the same Ought to Pass in New Draft under same title (H. P. 1122) (L. D. 1466)

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

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

Ought to Pass in New Draft Under New Title

The Committee on Health and Institutional Services on BILL, "An Act to Amend the Law Prohibiting Smoking at Public Meetings" (H. P. 244) (L. D. 291) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Prohibit Smoking in Jury Rooms" (H. P. 1110) (L. D. 1455)

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

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

Divided Report

The Majority of the Committee on Election Laws on BILL, "An Act to Prohibit Registration

within 72 Hours of an Election" (H. P. 305) (L. D. 364)

Reported that the same Ought Not to Pass.

Signed:

Senators:

USHER of Cumberland
PEARSON of Penobscot

Representatives:

HANDY of Lewiston
MICHAUD of East Millinocket
NADEAU of Lewiston
ROBERTS of Buxton
PARADIS of Augusta

The Minority of the same Committee on the same subject matter.

Reported that the same Ought to Pass.

Signed:

Representatives:

CAHILL of Woolwich
SHERBURNE of Dexter
MARTIN of Brunswick
WENTWORTH of Wells
STEVENSON of Unity

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.

Divided Report

The Majority of the Committee on State Government on BILL, "An Act to Require Prenotification of Agenda for Special Sessions of the Legislature" (H. P. 616) (L. D. 764)

Reported that the same Ought to Pass in New Draft under New Title, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that Legislators be Sent Notification Seven Calendar Days in Advance of Special Sessions of the Legislature and that Notification be Accompanied with an Agenda of Memorials and Legislation to be Considered at Each Special Session (H. P. 1124) (L. D. 1468)

Signed:

Senators:

HICHENS of York
VIOLETTE of Aroostook

Representatives:

COOPER of Windham
HOLLOWAY of Edgecomb
SALSBURY of Bar Harbor
KETOVER of Portland
LEBOWITZ of Bangor
SPROUL of Augusta
DILLENBACK of Cumberland
LaPLANTE of Sabattus

The Minority of the same Committee on the same subject matter Reported that the same Ought Not to Pass.

Signed:

Senator:

BALDACCI of Penobscot

Representative:

PARADIS of Augusta
GWADOSKY of Fairfield

Come from the House, Bill and Accompanying Papers Indefinitely Postponed.

Which Reports were Read.

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

Senator PRAY: Mr. President, a Parliamentary Inquiry?

The PRESIDENT: The Senator may state his inquiry.

Senator PRAY: Mr. President, the question is, whether or not L. D. 1468 is germane to the original Bill, L. D. 764?

The PRESIDENT: The Chair would respond in the negative, it is not germane.

On motion by Senator Pray of Penobscot, the Minority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on State Government on BILL, "An Act to Establish a State Bank" (H. P. 807) (L. D. 1047)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
BALDACCI of Penobscot
VIOLETTE of Aroostook

Representatives:

LEBOWITZ of Bangor
COOPER of Windham
HOLLOWAY of Edgecomb
DILLENBACK of Cumberland
KETOVER of Portland
SALSBURY of Bar Harbor
SPROUL of Augusta
LaPLANTE of Sabattus
GWADOSKY of Fairfield

The Minority of the same Committee on the same subject matter

Reported that the same Ought to Pass.

Signed:

Representative:

PARADIS of Augusta

Come from the House, the Majority Report Read and Accepted.

Which Reports were Read.

On motion by Senator Carpenter of Aroostook, Tabled until later in today's session, pending Acceptance of either Committee Report.

Senate

Ought Not to Pass

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

BILL, "An Act to Amend the Provisions for Telecommunication Services to the Hearing Impaired" (S. P. 318) (L. D. 954)

BILL, "An Act to Require Social Workers Employed by Hospitals to be Registered" (S. P. 301) (L. D. 915)

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 Relating to the Board of Trustees of the University of Maine (S. P. 350) (L. D. 1024)

Bill, An Act to Require Prisoners Capable of Paying to Pay for the Costs of Their Incarceration (S. P. 306) (L. D. 920)

Ought to Pass as Amended

Senator BALDACCI for the Committee on State Government on RESOLVE Approving the 1983 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Judicial Court and Providing for its Publication and Distribution (S. P. 180) (L. D. 547) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-64)

Which Report was Read and Accepted. The Resolve Read Once. Committee Amendment "A" (S-64) was Read and Adopted. The Resolve, as amended, Tomorrow Assigned for Second Reading.

Senator BALDACCI for the Committee on Public Utilities on BILL, "An Act Authorizing the Public Utilities Commission to Expend Revenues Collected as Filing Fees or Expense Reimbursements" (S. P. 411) (L. D. 1264) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-63).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-63) was Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

(Senate At Ease)

The Senate called to order by the President.

Second Readers

House

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

BILL, "An Act to Eliminate Reports by District Attorneys to the Attorney General" (H. P. 716) (L. D. 907)

BILL, "An Act to Establish Vehicular Manslaughter as a Class B Offense under the Criminal Code" (H. P. 905) (L. D. 1184)

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

House — as Amended

BILL, "An Act Concerning Inspection of Hotel Records by Police Officers" (H. P. 927) (L. D. 1206)

BILL, "An Act to Amend the Laws Relating to Transportation and Cutting of Christmas Trees" (H. P. 851) (L. D. 1101)

Which were Read a Second Time and Passed to be Engrossed as Amended in concurrence.

BILL, "An Act to Amend the Laws Relating to Fees for Private Investigator and Security Guard Licenses" (H. P. 775) (L. D. 1005)

Which was Read a Second Time.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Passage to be Engrossed.

Senate

BILL, "An Act to Change the Definition of Firearm in the Maine Criminal Code" (S. P. 328) (L. D. 973)

Which was Read a Second Time and Passed to be Engrossed

Sent down for concurrence.

Enactors

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

An Act Regarding the Motor Vehicle Offenses of Eluding a Police Officer and Passing a Roadblock (H. P. 688) (L. D. 868)

An Act to Amend the Waiting Period After Promulgation of a Rule by the Bureau of Banking (H. P. 814) (L. D. 1054)

An Act to Establish Clearer Guidelines for Guardians Ad Litem Appointed under the Child and Family Services and Child Protection Act (H. P. 889) (L. D. 1154)

An Act to Improve the Child and Family Services and Child Protection Act (H. P. 891) (L. D. 1156)

An Act to Promote Early Permanency for Children Subject to a Protection Order (H. P. 892) (L. D. 1157)

An Act Concerning Registration of Deer in Unorganized Territories (H. P. 1074) (L. D. 1406)

An Act Concerning the Hiring of "Clerk-of-the-works" for the Inspection of Public Improvements (H. P. 1090) (L. D. 1417)

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

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

Orders of the Day

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

Senate Reports—from the Committee on Judiciary on BILL, "An Act to Prohibit the Dissemination of Obscene Material" (S. P. 112) (L. D. 264)

—Six members reported in Report "A" that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Amend the Obscenity Laws" (S. P. 477) (L. D. 1438).

—Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

—Three members of the same Committee on

the same subject matter reported in Report "C" that the same Ought Not to Pass.

Tabled—April 12, 1983 by Senator PRAY of Penobscot.

Pending—Motion of Senator TRAFTON of Androscoggin to Accept Report "A".

On motion by Senator Pray of Penobscot, Re-tabled for 1 Legislative Day.

The President laid before the Senate the second Tabled and specially assigned matter.

BILL, "An Act to Limit Payments to Health Care Institutions which Engage Persons to Defeat the Organization of Collective Bargaining Units" (S. P. 485)

Tabled—April 15, 1983 by Senator CARPENTER of Aroostook

Pending—Reference

(Reference to Committee on Health and Institutional Services suggested)

Which was referred to the Committee on Health and Institutional Services, and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate the third Tabled and specially assigned matter.

BILL, "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System" (S. P. 481) (L. D. 1447)

Tabled—April 15, 1983 by Senator CARPENTER of Aroostook

Pending—The motion of Senator PRAY of Penobscot to Adopt Senate Amendment "A" (S-61)

On motion by Senator Pray of Penobscot, Re-tabled until later in today's session.

On motion by Senator Pray of Penobscot, the Senate voted to take from the Table:

BILL, "An Act to Prohibit Shooting Within 100 Yards of any Dwelling During Hunting Season" (H. P. 167) (L. D. 198) Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Further Consideration.

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

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

Out of Order and under Suspension of the Rules, the Senate voted to consider the following:

Order

On motion by Senator PRAY of Penobscot, the following Joint Order: (S. P. 494)

ORDERED, the House concurring, that when the House and Senate Adjourn, they adjourn to Friday, April 22, 1983 at 12:00 noon.

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Senator Carpenter of Aroostook, Recessed until 4 this afternoon.

Recess

After Recess

The Senate called to Order by the President.

Out of Order and Under Suspension of the Rules the Senate voted to consider the following:

Papers From The House

Non-concurrent Matter

BILL, "An Act to Revise Laws Concerning Commercial Whitewater Rafting" (S. P. 478) (L. D. 1453)

In Senate April 12, 1983 referred to the Committee on Energy and Natural Resources.

Comes from the House, referred to the Committee on Fisheries and Wildlife in non-concurrence.

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pray.

Senator PRAY: I move that L. D. 1453 lie on the Table.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that L. D. 1453 lie on the Table.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Roll Call.

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 by the Senator from Penobscot, Senator Pray that L. D. 1453 lie upon the Table.

A Yes vote will be in favor of L. D. 1453 being Tabled.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Carpenter, Charette, Clark, Danton, Diamond, McBreaity, Pearson, Pray, The President Gerard P. Conley.

NAY—Brown, Collins, Dutremble, Erwin, Gill, Hayes, Hichens, Kany, Minkowsky, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette,

ABSENT—Bustin, Dow, Emerson, Najarian, Perkins, Redmond, Wood.

A Roll Call was had.

10 Senators having voted in the affirmative and 16 Senators in the negative, with 7 Senators being absent, the motion to Table, Failed.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Further Consideration

(Off Record Remarks)

Non-concurrent Matter

BILL, "An Act to Regulate Commercial Whitewater Rafting" (S. P. 479) (L. D. 1454)

In Senate April 12, 1983 referred to the Committee on Energy and Natural Resources.

Comes from the House, referred to the Committee on Fisheries and Wildlife in non-concurrence.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Further Consideration.

House Papers

BILL, "An Act Relating to the Labeling of Milk Containers" (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24) (H. P. 1132)

Comes from the House, referred to the Committee on Agriculture and Ordered Printed.

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

BILL, "An Act to Remove Spruce Budworm Spray Project Personnel from the Maine State Retirement System" (Submitted by the Department of Conservation pursuant to Joint Rule 24) (H. P. 1131)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

BILL, "An Act to Authorize a Bond Issue in the Amount of \$25,000,000 to Rehabilitate and Provide an Access Causeway at Portsmouth Naval Prison at Kittery and Establish a Regional Jail Facility for the Northeastern States" (H. P. 1103) (L. D. 1457)

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 Department of Environmental Protection Statutes" (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24) (H. P. 1105) (L. D. 1458)

BILL, "An Act Relating to Hazardous Waste Management" (H. P. 1106) (L. D. 1459)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which were referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

BILL, "An Act Relating to Attorneys' Fees under the Workers' Compensation Law" (H. P. 1107) (L. D. 1460)

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

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

BILL, "An Act to Change Public Hearing Date for Budget Estimates" (H. P. 1108) (L. D. 1461)

BILL, "An Act to Clarify Method of Payment of Salaries to County Commissioners" (H. P. 1109) (L. D. 1462)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Committee Reports

House

Ought Not to Pass

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

BILL, "An Act to Amend the Law Governing the Compelling Evidence in Criminal Cases" (H. P. 732) (L. D. 941)

BILL, "An Act Appropriating \$5,000 for the Pink Panthers of Millinocket to Represent Maine in the Cherry Blossom Festival" (Emergency) (H. P. 194) (L. D. 238)

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 Provide Appropriations to the Department of Human Services and the Department of Mental Health and Retardation" (H. P. 78) (L. D. 82)

BILL, "An Act to Provide State Funding for Literacy Volunteers" (H. P. 696) (L. D. 885)

BILL, "An Act to Permit the Maine Health and Higher Education Facilities Authority to Issue Hospital Equipment Loan Program Revenue Bonds, to Allow Nonprofit Health Services' Groups to Participate in the Authority's Programs, and for other Purposes" (H. P. 874) (L. D. 1128)

BILL, "An Act to Change Age at which a Juvenile Offender is Treated as an Adult" (H. P. 324) (L. D. 383)

BILL, "An Act to Establish a Recreational Lobster Fishing License" (H. P. 961) (L. D. 1242)

Ought to Pass

The Committee on Legal Affairs on BILL, "An Act to Amend the Law Relating to Games of Chance" (H. P. 1014) (L. D. 1339) Reported that the same Ought to Pass.

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-145)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-145) was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Local and County Government on BILL, "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H. P. 1135) (L. D. 1488) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159)

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 Education on BILL, "An Act to Designate the Director of Area Reference and Resource Centers as Permanent, Nonvoting Members of the Maine Library Commission" (H. P. 919) (L. D. 1198) 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 RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Harrison \$2,368.86 for Unexpended Retirement Funds (H. P. 1065) (L. D. 1403) Reported that the same Ought to Pass.

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

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

(Off Record Remarks)

Ought to Pass — As Amended

The Committee on Judiciary on BILL, "An Act to Amend the Termination of Parental Rights Act." (H. P. 591) (L. D. 735) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-142)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-142)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-142) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Public Utilities on BILL, "An Act to Reincorporate and Amend the Charter of the North Berwick Water District" (Emergency) (H. P. 929) (L. D. 1208) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-135)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-135) and House Amendment "A" (H-146).

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-135) was Read and Adopted, in concurrence.

House Amendment "A" (H-146) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Public Utilities on BILL, "An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants" (H. P. 344) (L. D. 403) Reported that the same Ought to Pass in New Draft under same title (H. P. 1129) (L. D. 1484)

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

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

The Committee on Business Legislation on BILL, "An Act to Amend the Statutes Relating to Itinerant Sellers" (H. P. 469) (L. D. 569) Reported that the same Ought to Pass in New Draft under same title (H. P. 1134) (L. D. 1487)

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

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

Ought to Pass in New Draft under New Title

The Committee on Taxation on BILL, "An Act to Amend the Charter of St. Mark's Home in Augusta" (H. P. 486) (L. D. 583) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide a Sales Tax Exemption for Certain Church Affiliated Residential Homes" (H. P. 1128) (L. D. 1483)

Comes from the House with the Report Read and Accepted and the New Draft under New Title Passed to be Engrossed.

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

The Committee on Marine Resources on BILL, "An Act to Revise the Statutes Relating to Fish Weirs" (H. P. 690) (L. D. 870) Reported that the same Ought to Pass in New Draft under new title, RESOLVE, Prohibiting the Issuance of Fish Weir Licenses for One Year (Emergency) (H. P. 1133) (L. D. 1486)

Comes from the House, the Report Read and Accepted and the New Draft under New Title Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Marine Resources on BILL, "An Act to Prohibit the Possession or Landing of Plugged Lobsters" (H. P. 777) (L. D. 1007)

Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Protect the Quality of Lobsters" (H. P. 1111) (L. D. 1456)

Signed:

Senators:

MINKOWSKY of Androscoggin
DUTREMBLE of York

Representatives:

VOSE of Eastport
SCARPINO of St. George
MANNING of Portland
SALSBURY of Bar Harbor
CONNERS of Franklin
AINSWORTH of Yarmouth
MITCHELL of Freeport
MELENDY of Rockland
HOLLOWAY of Edgecomb
CROWLEY of Stockton Springs

The Minority of the same Committee on the same subject matter

Reported that the same Ought Not to Pass.

Signed:
Senator:

SHUTE of Waldo

Comes from the House the Majority Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I would like to pose a question through the Chair. This relates to the Statement of Fact on the Bill as opposed to the text of the Bill itself. The Bill, itself, says: "the Commissioner can make regulations Prohibiting the Possession of Plugged Lobsters provided he's determined that these regulations will not adversely affect lobster importation."

We're concerned here, of course, with the fact that a large number of Canadian lobsters come into the State of Maine for pounding, feeding, trans-shipment and sale. It is a very important factor of our marine business along the coast and most Canadians still use the wooden plugs that have been used in Maine for a hundred years. In Maine, we've shifted to rubber bands as a more efficient and safer way.

The Statement of Fact says: "the Bill grants the Commissioner authority to Prohibit the Possession of Plugged Lobsters when the Canadian fishermen had been subject to a similar requirement." I don't understand these two statements as being identical, but I would like to be reassured by the Committee that the intent of the Statement of Fact is indeed the intent of the text of the legislation.

The PRESIDENT: The Senator from Knox, Senator Collins has posed a question through the Chair to any Member of the Committee who may wish to respond.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, the Statement of Fact does correspond to the question of the good Senator from Knox has, Senator Collins. The Committee was vitally concerned with the importation of twenty-two million pounds of lobsters from Canada coming into the Maine market. The reason for this, primarily, was to protect the six or eight large wholesalers in the State of Maine who import Canadian lobsters to supplement lobsters when Maine does not have an ample supply to meet their quotas.

The main reason why we gave this factor further consideration was because it was easier for the Canadians to bypass the Maine market which the Maine wholesale lobstermen has recaptured within the past fifteen years. We were very concerned to protect this particular interest.

I think it is of significant value because this is such an important Bill to give the entire Senate a adequate Committee evaluation, which I'd like to read into the Record at the present time, so there's no misconception as to what the Committee is doing or has done relevant to this issue.

As stated in the title LD 1456, 'An Act to Protect the Quality of Lobsters.' The only objective of the Committee is to prevent lobster disease and to improve the quality of lobsters for consumers in the State of Maine. Lobsters must have one or both claws immobilized after capture so that they may be handled and held in storage safely. Until recently, the only way to do this was by inserting small wooden plugs into each claw. Plugging is undesirable for two reasons and this will explain the Canadian position as we continue on:

First, plugging causes discoloration, lesions and rotting of the meat around the plug. This makes the lobster claw meat undesirable to persons eating lobster. This can affect the value of the lobster and the consumer's acceptance of the product.

Secondly, of equal value "Red-Tail" a disease of lobsters which can cause substantial loss of

lobsters being held in lobster pounds. The disease is transmitted only through a wound in the lobsters and it was done primarily through plugging. The use of the plugs most certainly cause a substantial wound creating an opportunity to spreading of the disease "Red-Tail."

Now, why we are going to do this, the use of rubber bands is an alternate method of claw demobilization and is increasing in acceptance by Maine lobster fishermen. Two-thirds or more of Maine's lobstermen now use bands and hardly would object to a prohibition of plugging lobsters.

The Lobster Advisory Council voted unanimously to support such a band.

The problem arises with lobsters imported from Canada many dealers purchasing these Canadian lobsters hold them for varying lengths of time and then ship them to out of state markets. Canadian fishermen haven't generally accepted banding as yet, although a recent report indicates that this may change very soon.

Therefore, if we prohibit plugging lobsters in Maine, we will be discriminating against our own fishermen. If we prohibit possession of all plugged lobsters we will be hurting our Maine lobster dealers, and that was the concern that I am quite sure Senator Collins had.

The Committee adopted a compromise that will improve lobster quality without hurting the lobster dealers.

LD 1456 gives the Commissioner of Marine Resources the authority to prohibit the possession of plugged lobster when he determines that this wouldn't adversely affect lobster importation. I think, that that should be repeated, the Commissioner of Marine Resources the authority is to prohibit the possession of plugged lobsters when he determines that this wouldn't adversely affect lobster importations.

This sends a very clear signal to Canadian dealers and fishermen that we are moving towards banding but won't put undue restrictions on Maine fishermen and dealers until the Canadians have adopted similar provisions.

I think that this has been a very fair and very compromising way that we could address both serious problems. We did have Mr. President and Members of the Senate the major Maine wholesale lobster dealer before the Committee, and it was my understanding from them that they are in full concurrence with what the Committee was attempting to do through the Department and its Commission on Marine Resources.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, Members of the Senate, I would just like to pose a question through the Chair to the Chairman of the Committee on Marine Resources. Under this Bill do I understand that the Commissioner would have the authority to say to the local fishermen you may not use plugs any longer, you may not sell any plugged lobsters which you caught to any dealer, and the only way that a dealer can then accept them is when they are imported from Canada? That is my first question.

My second question is there are two manufacturers of plugs for lobsters, does this mean that it will put both of those manufacturers, those small businesses, out of business?

The PRESIDENT: The Senator from Lincoln, Senator Sewall has posed two questions through the Chair to any Member of the Marine Resources Committee who may respond if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President as I pointed out in the position paper taken out by the Committee on Marine Resources the Lobster Association of Maine has already moved towards banding of lobsters. It is nothing new, in fact, I think 80% to 90% is done for that par-

ticular purpose and that is discoloration and prevention of rotting of the meat and producing a better quality product. They are move, this will not interfere and does not authorize the Commissioner of the Department of Marine Resources to change the position of the Lobster Council, is it?

Secondly, insofar as the people who manufacture plugs for lobster in the State of Maine who provide these particular plugs they certainly were not before the Committee nor was there any testimony raised that they would be adversely affected insofar as their particular business is concerned and the product that they use, in the wooden plugs that they use for the lobster claws. If they are concerned about the loss of revenue, they allegedly, the good Senator from Lincoln has brought forth, it would have been incumbent upon them to have testified before our Committee.

I hope that this satisfactorily answers the question posed by the good Senator from Lincoln, Senator Sewall.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Mr. Sewall.

Senator SEWALL: Thank you, Mr. President. I am sorry I wasn't quite clear on my first question, would this allow—I just want a one word answer, please—would this allow the Commissioner to prohibit local lobstermen from using plugs even though Canadians could?

The PRESIDENT: The Senator from Lincoln, Senator Sewall has posed a question through the Chair to any member of the Marine Resources Committee who may respond if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, to the best of my knowledge from what testimony that came before the Marine Resources Committee it would not prohibit the use of plugs in the State of Maine at the present time by those who would prefer to sell their lobsters on the wholesale market with plugs instead of banding.

The Lobster Council, I believe, most of the people who testified before the Committee indicated that the current trend of 80% to 85% was towards banding instead of plugging to produce a quality product.

At the present time it is not my understanding that it would prohibit the use of plugs by existing Maine lobstermen who prefer plugs.

The Majority Ought to Pass Report of the Committee was Accepted, in concurrence.

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

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits" (H. P. 415) (L. D. 498)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1123) (L. D. 1467)

Signed:

Sensors:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

NORTON of Biddeford
TAMMARO of Baileyville
SWAZEY of Bucksport
GAUVREAU of Lewiston
BEAULIEU of Portland
WILLEY of Hampden
ZIRNKILTON of Mount Desert
BONNEY of Falmouth
TUTTLE of Sanford

The Minority of the same Committee on the same subject matter

Reported that the same Ought Not to Pass.

Signed:

Sensor:

SEWALL of Lincoln
Representative:

LEWIS of Auburn

Come from the House, the Majority Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Reports were Read and the Majority Ought to Pass in New Draft Report of the Committee was Accepted, in concurrence.

The Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Health and Institutional Services on BILL, "An Act to Protect the Health of Children by Prohibiting the Free Distribution of Cigarettes" (H. P. 395) (L. D. 478)

Reported that the same Ought to Pass.

Signed:

Sensors:

GILL of Cumberland
BUSTIN of Kennebec

Representatives:

CARROLL of Gray
BRODEUR of Auburn
NELSON of Portland
RICHARD of Madison
MANNING of Portland
MELENDY of Rockland
SEAVEY of Kennebunkport

The Minority of the same Committee on the same subject matter

Reported that the same Ought Not to Pass.

Signed:

Sensor:

CARPENTER of Aroostook

Representatives:

WEBSTER of Farmington
MAYBURY of Brewer
PINES of Limestone

Come from the House, the Majority Report Read and Accepted and Passed to be Engrossed

Which Reports were Read.

On motion by Senator Carpenter of Aroostook the Majority Ought to Pass Report was Accepted, in concurrence.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act to Limit the Personal Liability of Municipal Employees under the Maine Tort Claims Act" (H. P. 399) (L. D. 482)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

COLLINS of Knox

Representatives:

JOYCE of Portland
REEVES of Newport
BENOIT of South Portland
DRINKWATER of Belfast
CARRIER of Westbrook
HAYDEN of Durham

The Minority of the same Committee on the same subject matter

Reported that the same Ought to Pass.

Signed:

Sensors:

VIOLETTE of Aroostook
TRAFTON of Androscoggin

Representatives:

FOSTER of Ellsworth
SOULE of Westport
HOBBINS of Saco
LIVESAY of Brunswick

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

Which Reports were Read.

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

Sensor TRAFTON: Mr. President, I would move acceptance of the Minority Ought to Pass

Report.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves Acceptance of the Minority Ought to Pass Report.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I would urge the Senate to vote No on the pending motion and would request a Division.

I would like to explain my position. Mr. President, the Senate joined with the house some six or seven years ago in enacting the Maine Tort Claims Act. Having enacted it in emergency fashion, because of a pending court case and the potential liability of a great many governmental entities, we then spent some additional time defining our original product. We had extensive public hearings and sessions of committee work in which we involved representatives of the insurance industry, the employee associations, the Maine Municipal Association and other interested groups.

Out of this came some amendments and in particular one of the most controversial amendments was that amendment which provided a partial immunity for State employees. That immunity from personal liability for the wrongs committed by the State employees, was made to be to the extent of ten thousand dollars, and any amount beyond that would not be allowed.

There was, also, a provision that facilitated the obtaining of insurance so that those State employees with that ten thousand dollar liability could be insured against it.

Now come the employees of other governmental entities our towns and cities and counties and districts of various shapes and sizes all created by the State. The employees of these districts say, Well you gave the State employees a limited liability a partial immunity why not us? On the face of it that makes some sense extending it to all employees of government.

Why didn't we do that in the first place? I want to explain that to you, because I think that it goes to the judgment that you would make at this time. The State of Maine at that time was in most instances a self-insurer. It did not buy insurance policies from private companies to insure its buildings, or its other exposures, with the exception of vehicles. It had some insurance for vehicles, so that if you were a truck driver, or you were driving your car on State business you had an insurance policy coverage which the State provided.

So it meant that a lot of State employees were not covered unless they personally bought insurance for that purpose. For example, suppose that someone was let's say a nurse at AMHI. She negligently failed to give the pill, or to restrain the patient, or in some fashion didn't perform her clearly assigned duty and the patient is hurt perhaps very badly, perhaps to the extent of a hundred thousand dollar injury and the patient, working through a guardian probably, sues the nurse and the nurse has to answer to her negligence. Well, if she is working for AMHI her exposure is ten thousand dollars by our statutes. If she is working for a municipally owned hospital, however, she has the same liability that you and I have for our torts. The difference between the State government and the city government was then, and in most cases is now, that the city government carried insurance that protected it, and which it made, in a practical sense, available to protect its employees.

The practice is of course to sue not only the entity the employer, but also the employee who has made the mistake. The insurance company insuring the city would come in and defend and protect the employee and if there were a judgment then it would be the insurance that would pay it. So that the employee didn't get caught with a big liability.

We tried to draw the line in opening up exposure to liability on the part of government so that if it were insurable there would be a liability

to some extent, but if it were not insurable, or if the cost of insurance were prohibitive to our taxpayers, then we would retain traditional immunity that government has had through the ages for its acts.

So now we come to this question of should we extend immunity for other employees of government, who have in a practical sense already a measure of protection through insurance? The next question would be, if we extend that immunity to those people, why not continue to extend immunity throughout our society? Why not extend it to the employees of the S.D. Warren Company? The Great Northern Paper Company? The Bangor Hydro Electric Company? All these people have employees, they are good people, they have insurance protection to some measure through their companies. Why not make everybody immune? Why not have it so that all of us can go out and negligently kill people and maim people, and not have to answer for it?

This is a serious extension of this idea of partial immunity. Ten thousand dollars liability nowadays isn't very much in the light of what it costs if there is someone severely injured, because of the negligence of another person. We think of it often in the context of motor vehicle accidents, but that of course is not the only place that accidents happen. They happen everywhere and in every avenue of activity that governmental people perform.

When we had the public hearing on this matter, I raised the question of insurance and what experience has been in the years since we passed the Tort Claims Act. I didn't report finances immediately, they are not easy to come by. So I went to one of the lawyers who worked with us several years ago, in this problem, who had at that time the assignment of surveying virtually all of our cities and towns to find out about their insurance coverage, and what could be done. He has continued to follow this area of law practice and information, and he told me that his inquiry led him to report to me that in no case did he find an employee of a municipality who had not had the benefit of that municipalities insurance in defending that employee against law suits and claims made by those who had been injured by the employee.

So, I submit that we don't really have to do this to benefit the particular class of people that request it.

Even if we did have to do it to benefit that class we again must ask ourselves should we create a special class of citizens, in our State, who have a very limited liability for their wrongs? A group of people, who just because they work for the government can be negligent, and be careless and do civil wrongs to their neighbors to the rest of the citizens of this State and not be responsible? Nor have to bear the duty of recompensing those that have been wronged by their wrongful acts?

This is a serious question about where to extend. I submit that the only reason that State employees were put in that category was because of the insurance position they otherwise had to be in.

Since we do not have the compelling argument among employees of other governmental entities, I submit we ought not to extend this idea of immunity further, because ultimately we are going to create a situation where negligence on the part of governmental employees is encouraged and protected. I am sure that none of us really want that. I see no reason that the people who work for government, whether it is the page who stands behind me, or the people on the rostrum who help with the Senate, or whom ever should not be responsible for the wrongs that they do, they do them not intentionally, of course, but carelessly, just the same as all the rest of the citizens of the State of Maine are responsible for the wrongs that they do.

So I hope that you will vote No on the pend-

ing motion.

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

Senator TRAFTON: Thank you, Mr. President. Members of the Senate, I rise to debate my good friend and colleague, Senator Collins, the good Senator from Knox, whom I respect a great deal especially in the area of the Tort Claims Act. As you know Senator Collins was here during its passage, during its debate both in committee and in this Chamber, I bow to his experience in that, in this Bill.

However, I rise today to point out to you an issue that I think is right for consideration today. This Legislative Document simply addresses an inequity that exists between the liability of State employees as opposed to the liability of municipal and county employees.

Currently, the Tort Claims Act provides that if the negligent act of a State employee results in property damage, bodily injury, or death and arose out of an act for which the State itself is immune, that employee, is only liable to ten thousand dollars worth of damages.

The Tort Claims Act, also, requires that the State purchase insurance for that State employee for that ten thousand dollars liability. However, and this is important, if that same act was done by municipal or county employee that individual would be personally liable to the acts three hundred thousand dollar limit. Contrary to what the good Senator from Knox, Senator Collins indicated, there are some municipalities, according to the Maine Municipal Association, that do not cover their employees for negligent acts. So that there are employees in the State of Maine county and municipal employees who may be subject to this three hundred thousand dollar limitation.

Now to me that is plainly inequitable. What is the difference that can justify, what can justify the difference between the liability of the State employee and the municipal and county employee? Frankly, I see none.

I wish that we could roll back the clock and perhaps review the whole Tort Claims Act and provide that the State employee may not have that ten thousand dollar limit of liability, but the fact is that the State employee has that limit of liability today, and there is no rational reason why the municipal and county employees shouldn't have that same limit of liability.

Governmental immunity is a difficult concept to swallow. It isn't unjust that there is a certain class of people that have limits upon their liability, and I agree with the good Senator from Knox, Senator Collins that this is unjust, however the fact of life that we must deal with today is that State employees have that limit of liability and there is no rational reason to deny that limit of liability to the municipal and county employees.

Now I ask you to consider what effect this Legislation may have on your towns and counties, obviously if there is a ten thousand dollar limit of liability the insurance that your community, your municipality and county, must purchase, if it does purchase that insurance to protect its employees, will cost that municipality and county less, because of the ten thousand dollar limit of liability. Obviously that is a tax savings for your community and one that Maine Municipal Association saw important enough to introduce, through a sponsor, this piece of Legislation. This Legislation was adopted by the members of the Maine Municipal Association as an important Bill meriting their support.

I rise today to ask you to follow the lead of the House of Representatives who adopted the Minority Report and urge you to vote Yes and accept the Minority Ought to Pass Report, Thank you.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I think that from the exchange between the Senator from Androscog-

gin, Senator Trafton and myself, you have the picture accurately in front of you.

I want to point out to everyone here who has children in school, or has had children in school, that if you pass this Bill you are saying to the bus drivers and you are saying to the teachers and you are saying to the janitors, you don't have to worry about being careful, you don't have to answer for anything about liability, you can drive as you please, you can do as you please with these youngsters because you're special, you're different from every other citizen in this State, you work for government, you're immune.

Now if that is what you want, you'll vote with the Senator from Androscoggin, if you think that is sound public policy that's the way to vote. I do not think that it is, I think everyone of us has to be responsible for our acts. When we stray from that idea and create special classes of citizens we're in danger. We are in danger for the sake of saving a few dollars on the city premium on the insurance, we are endangering lives and bodies of all the citizens of this State. Thank you.

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

Senator TRAFTON: I will not prolong this debate, but I simply want to point out a further illustration of the good Senator from Knox, Senator Collins example, if that bus driver were a State employee he would have that ten thousand dollar limit of liability. Can you justify why your local bus driver or county bus driver, if there are any, should not have the similar benefit of that State employee? I leave that question to you. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President, Members of the Senate, I would really like to pose a question and that is, would this ten thousand dollar limit apply to all those part-time deputy sheriffs, and those part-time law enforcement officers of the State?

The PRESIDENT: The Senator from Kennebec, Senator Kany has posed a question the Chair to any member of the Judiciary Committee who would care to respond.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: If I understand the good Senator from Kennebec, Senator Kany's question, if these persons are State employees then they would be subject to the ten thousand dollar maximum liability, if they were county or municipal employees they would be subject to currently a three hundred thousand dollar limit of liability. If this Bill is enacted and signed by the Governor they would be subject to the same ten thousand dollar limit of liability that State employees currently are.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Androscoggin, Senator Trafton to Accept the Minority Ought to Pass Report, please rise in their places to be counted.

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

15 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass Report in concurrence, Prevailed.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Marine Resources on BILL, "An Act to Regulate Striped Bass Fishing" (H. P. 636) (L. D. 787)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-137)

Signed:

Sensors:

DUTREMBLE of York

MINKOWSKY of Androscoggin
Representatives:

MITCHELL of Freeport
SCARPINO of St. George
MANNING of Portland
CROWLEY of Stockton Springs
CONNERS of Franklin
HOLLOWAY of Edgcomb
AINSWORTH of Yarmouth
MELENDY of Rockland
VOSE of Eastport
SALSBURY of Bar Harbor

The Minority of the same Committee on the same subject matter

Reported that the same Ought Not to Pass.

Signed:

Sensor:

SHUTE of Waldo

Comes from the House the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-137).

Which Reports were Read.

On motion by Senator Brown of Washington, the Majority Ought to Pass as amended, Report of the Committee was Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-137) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act Concerning the Qualifications of Attorneys Moving to Maine from Other Jurisdictions" (H. P. 326) (L. D. 385)

Reported that the same Ought to Pass.

Signed:

Sensors:

TRAFTON of Androscoggin
COLLINS of Knox
VIOLETTE of Aroostook

Representatives:

JOYCE of Portland
CARRIER of Westbrook
BENOIT of South Portland
HOBBINS of Saco
HAYDEN of Durham

The Minority of the same Committee on the same subject matter

Reported that the same Ought Not to Pass.

Signed:

Representatives:

FOSTER of Ellsworth
LIVESAY of Brunswick
DRINKWATER of Belfast
REEVES of Newport
SOULE of Westport

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

Which Reports were Read and the Majority Ought to Pass Report of the Committee was Accepted, in concurrence.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Enactors

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

An Act Eliminating the Responsibility of the State Planning Office to Prepare an Annual Housing Report (H. P. 847) (L. D. 1097)

An Act Concerning Visitation Rights for Parents and 3rd Persons with Children Involved in Divorce or Custody Proceedings. (H. P. 1091) (L. D. 1433)

An Act to Amend the Procedure for Assessing Surveying Costs in Court Cases. (H. P. 700) (L. D. 889)

An Act to Exempt Clustered Single Family Subdivisions from the Maine Condominium Act. (H. P. 603) (L. D. 751)

An Act Concerning the Penalties for Negotiating a Worthless Instrument. (S. P. 471) (L. D. 1435)

An Act to Extinguish Obsolete Mineral and

Mining Rights. (S. P. 468) (L. D. 1414)

An Act Concerning the Operating after Suspension Law, the Habitual Offender Law and Admission of Identity by the Defendent. (S. P. 290) (L. D. 878)

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

An Act Concerning Dates for Harness Racing. (S. P. 233) (L. D. 675)

An Act Concerning the Guidelines for State Contract Process and Appeal of Decisions. (S. P. 437) (L. D. 1316)

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

An Act Relating to Business, Travel or Recreation on Sunday. (S. P. 29) (L. D. 84)

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

Senator PEARSON: Mr. President, with regards to L.D. 84 I move Indefinite Postponement, and I'd like to speak on my motion.

The PRESIDENT: The Senator has the floor.

Senator PEARSON: Mr. President and Ladies and Gentlemen of the Senate, this is the Bill that we had in here before dealing with Sunday sales before Christmas time in the different large businesses of the State. It has variously been called "the Bangor Mall Bill," "The Maine Mall Bill" and just "the Mall Bill." I'm going to try as best as I can to do my job of mauling this Bill myself in this debate.

I don't think that anybody really has laid out what this Bill is all about, at least from the point of view of those of us who oppose it, yet and that is in an honest clear manner. I'm going to refer to one town, but it could refer to any number of towns. It could refer to Fairfield, or Winslow, or Mexico, or Rumford, or Newcastle, or Norway, or Rockland, or any of the towns in Aroostook County, Calais, or Machias, or Lubec or any of what we would call the backbone of this State, the small communities, Ellsworth, or Old Town, but my town that I'm going to choose is Lincoln.

I sent out a questionnaire and I asked the different merchants in the town of Lincoln, what do you think of this Bill? On the four Sundays preceding Christmas, when most of the public is buying their purchases, the big purchases they make for the year for the Christmas season. They save up money all year long and that's when they spend. Some businesses, I guess, report that they're able to get an income of 40% to 50% of all they make during the year on four weeks preceding Christmas.

What happens with this Bill is that those people who would normally probably buy in Lincoln who come from Lee and Burlington and Lowell and Mattawamkeag and Winn and all the towns that feed into Lincoln, not to mention the people of Lincoln themselves, who probably on a Sunday afternoon go to the Bangor Mall, and they'll spend their money there. What does that do the business on the local community level, in Waterville or Winslow, or any of the other towns, but I am thinking about Lincoln, of course, is that those merchants who depend on that income for the year, won't be getting it. I can see the cars sweeping down Route 9 from Calais and coming down from Lincoln and from Aroostook County, leaving all their hometown merchants behind. So those merchants which will suffer and some of them on a marginal business will now, in some cases, be forced to fold. Some of them will limp along, but some of them will fold. Who picks up the bill on the taxes for those businesses that fold? The very people who are going to Bangor or the Maine Mall to buy their gifts there, instead of supporting their local merchants. It seems like it is a lot of fun for a little while, but it cost more money in the long run, if you don't support your local business.

I just think that this is a grab on the part of a

couple or three or four or whatever it is large businesses who have well capitalized who can open their businesses on Sunday and sweep in all the money of the State. I hope that you'll consider that. I hope you consider your local merchants. I hope you consider your small businessmen when you think about this Bill.

The Bangor Mall and the Maine Mall and those other malls, they're going to survive, don't you worry about them. We not only have, I shouldn't say we, Senator Baldacci, not only has problems in the business community at the mall level, but he has a downtown that he has to worry about, which is having problems competing with the mall business and I suspect that that's probably true in the Portland area.

I hope you join me in defeating this Bill. There is no need for this Bill. It is a hurtful bill for the bulk of the Maine communities in this State and the businesses that have been their main stay for a hundred years. Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate, in earlier debate on this Bill I mentioned the fact that our Sunday religious observance was being eroded continually and as we come to the final stage of the Bill before it's Enactment, I would like to relate once more that the founders of our great Country came here pursuing religious freedom. As I read history books they use to begin early Sunday morning and go all through that day and worship in thanksgiving and praise to the creator. We've seen their principles eroded continually until now if some of them ever have the opportunity to come back they wouldn't know which day of the week was the day of worship, because there are more activities taking on Sunday than there are in other days of the week.

One of our four freedoms is the freedom of religion. But American has changed that around to freedom from religion. I would like to close my statements today by drawing your attention to the Lewiston Journal Editorial or opinion which was placed on our desks, dated April 4th, which endorses, "the Sunday Opening Bill." Ironically, they included the thought for today along with that opinion. That thought for today says, "Set your affection on things above, and not on things of the earth." Taken from the Holy Bible in Colossians 3:2. It goes on to say that "material things of this world we cannot take with us, so fill your hearts with things of the Spirit while there is yet time."

This Bill, being passed today, people are setting all their affections on the material things. The bargains they can get on the seventh day of the week or the first day of the week, whichever you want to call it. They're setting their affections on these things rather than for what that day was originally set aside for.

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

Senator CLARK: Thank you, Mr. President. Mr. President, I would request a Roll Call on the pending motion of Indefinite Postponement and would speak in opposition to the pending motion.

The good Senator from Penobscot has suggested that LD 84 in its amended version clean and neat as it was originally reported out of the Committee on Business Legislation is a Bill which reflects special interests of the malls across the State. I would submit to the Members of this Senate Chamber that indeed the Bill has been mauled not m-a-l-l-e-d but m-a-u-l-e-d.

The current law dealing with Sunday sales is blatantly unfair and all one has to do is read it to acknowledge in all sincerity an imbalance, and from whatever perspective you read it, that it is blatantly unfair.

In an earlier session of this Legislature, namely the 110th, a bill was introduced to permit stores to open on fifty-two Sundays of

the year and that Legislature in its wisdom and the Legislatures before it resoundingly defeated that proposal.

This Bill provides that all Maine businesses with few exceptions, as outlined in the Bill, but mostly retail establishments be open those four Sundays between Thanksgiving and Christmas from 12 noon to 5 p.m., a total of twenty hours. This addresses a need which was substantiated by the evidence and testimony presented at the public hearing and by previous debate on this measure in not only in this Chamber, but in the other Body.

Needless to say, I oppose the pending motion of Indefinite Postponement and that decision as a personal choice was not made with any personal gain in mind for we don't have malls in Senate District 11, as of yet. Should those malls make an appearance and I do know that there have been some moves in that direction, which have been reviewed by local planning board, my position on this Bill would still be the same. That what is occurring today with direct relation to the Sunday sales is in fact a circumvention of existing law and that if it were to revert, as was once the case prior to 1963, I believe, to local option, and we would have a different question facing us, but that's not the choice today.

This Bill is finally, after every single parliamentary maneuver possible, before us in an Enactment stage and now faces the ultimate demise, if you will, of Indefinite Postponement.

We have an organization which represents a vast majority of the retail establishments in this State and 95% of the membership of that organization supports LD 84 as amended. I grant you it supported LD 84 without the Committee Amendment, but it accepts the constraints that the Committee in a vast Majority Ought to Pass, as amended, Report recommended to this Legislature and that is the addition of restrictive hours.

I, for one, as a citizen of this State do not find that twenty hours, those which are contained within those four Sundays between Thanksgiving and Christmas threatening to the retail establishments in my Senate District. I do find, and have noted with interest, that there is actually a continuous movement of Maine citizens across the State, because the retail establishments and the mobility of our society here in Maine encourages travel and movement to do one's shopping, whether it be from the town of Freeport to Auburn, or more appropriately Portland, or focusing on the Brunswick area, or those from the mid-coast area going to larger retail centers of the State. Nothing in LD 84 threatens that current mobility. Yes, it presents an option for retail businesses but it does not mandate that those retail businesses remain open.

I've been in direct correspondence with a constituent of mine for whom I have the greatest admiration, a former member of previous legislatures, and a major entrepreneur and retailer in the town of Brunswick, who is unalterably opposed to the opening of retail establishments at any time on Sunday. Yet, he acknowledges that the retail establishments on Main Street in Brunswick are circumventing or opening. We have, as a matter of fact, some interesting stores whose main function it is to sell the pharmaceutical products, and in fact, one can buy almost any product in that store within reason.

Currently, I would remind you, all stores having less than five thousand square feet of selling space, or five regular employees or less, may open on any Sunday. Any Sunday of the year!

We, within the Committee on Business Legislation would remind, ever so gently the Members of this Chamber, that those who would observe the Sabbath in a religious manner are not precluded from observing the Sabbath in a formal, or semiformal, or informal religious manner. In fact, we would encourage

that kind of action. We believe we address the issue by the restrictive hours as contained in the Senate Amendment under filing number S-38. There are large bodies of Maine citizens or large groups of Maine citizens who don't recognize Sunday as the Lord's Day and while that was not a major focus of the deliberations on the Business Legislation Committee, it was indeed acknowledged. That is not to say that they are not members and participants, worshippers in an organized religion. It is to say and acknowledge that indeed, they observe the Sabbath Day on some other day, other than Sunday.

LD 84 as amended, is a good Bill. It is fair, it is brought what it is currently an unfair law into an acceptable law. Acceptable, not only to the vast majority of the Committee on Business Legislation who, if I may, anguished over this Bill and agonized over its decision for we were well aware of the responsibility with which we had been charged and the ramifications and the allegations that we might absorb and/or suffer as the result of our vast majority committee report.

I take issue specifically with the remarks of the good Senator from Penobscot, Senator Pearson, who suggested that those who have supported this Bill did not, if you will, lay out at least in an honest and clear fashion what this Bill would do. I think the good Senator is in error. Read the Bill, read the Amendment, its implications and its impact are obvious. We had retailer, after retailer, after retailer, fifteen in all, testify in support of this measure.

If there is one pecuniary interest which might be addressed, and which has not yet been addressed in this Chamber, particularly, it is the issue of retaining Sales Tax Revenue in the State of Maine. We requested computer printouts from Maine domestic retailers who have branches out-of-state, particularly those in the State of New Hampshire and that material was forthcoming within seven business days to the Committee on Business Legislation and of their total out-of-state sales, meaning Maine sales, excuse me, their total out-of-state sales on Sunday in New Hampshire, 38% of those sales came from Maine residents during the four weeks between Thanksgiving and Christmas. I would submit to you that that is revenue lost to this State in the form of Sales Tax, that decreases our General Fund and makes our cutting of the financial pie, here in this State, even more difficult, for it erodes from the proper and responsible funding of the goods and services which in fact this State provides to those citizens in particular need. 38 percent!

I believe LD 84, as amended, represents an equitable compromise and one which the Committee and this Chamber had previously felt not only will serve Maine consumers well, but will, also, go a long way towards blunting the efforts of those few retail giants who would prefer to open all stores on a fifty-two week basis. We have a pledge from that major organization representing 95% of Maine's retail merchants that they will not pursue a fifty-two week Sunday opening. We have unanimous consent from the Committee on Business Legislation that the Bill will never receive a favorable report and I believe that is the concept which we, as a Legislature, should continue to embrace. Thank you, Mr. President.

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 by the Senator from Penobscot, Senator Pearson that LD 84 be Indefinitely Post-

poned.

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

YE—Hichens, Kany, Pearson, Pray, Teague, Twitchell, Violette.

NAY—Baldacci, Brown, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dutremble, Emerson, Erwin, Gill, Hayes, Minkowsky, Najarian, Perkins, Sewall, Shute, Trafton, Usher, The President, Gerard P. Conley.

ABSENT—Dow, McBreaarty, Redmond, Wood. A Roll Call was had.

7 Senators having voted in the affirmative and 21 Senators in the negative, with 5 Senators being absent, the motion to Indefinitely Postpone, Failed.

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

Senator BROWN: Mr. President, point of inquiry, initially I voted in the negative on that issue and my name was called a second time and I presume that that might have meant Senator Bustin.

The PRESIDENT: The Chair would respond that the Senator is correct that the Senator voted on the first call and it is Senator Bustin who is absent.

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

Emergency

An Act to Amend the Competitive Bidding Procedure to Allow Negotiation for Petroleum Product Procurement. (H. P. 862) (L. D. 1111)

This being an emergency measure and having received the affirmative votes of 27 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, Providing for a Study of a Maine Product Marketing Strategy and a Maine Business Product Logo. (H. P. 1095) (L. D. 1437)

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with No Senators having voted in the negative, was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House Non-concurrent Matter

BILL, "An Act to Define Cider" (H. P. 711) (L. D. 902)

(In Senate, April 11 Passed to be Engrossed as Amended by Committee Amendment "A" (H-116))

Comes from the House Passed to be Engrossed as Amended by Committee Amendment "A" (H-116) as Amended by House Amendment "A" (H-139) thereto in non-concurrence.

The Senate voted to Recede and Concur with the House.

Senate Papers

BILL, "An Act to Create the Maine Conservation Corps" (Submitted by the Department of Conservation pursuant to Joint Rule 24) (S. P. 496) (Presented by Senator BROWN of Washington) (Cosponsors: Representatives VOSE of Eastport, Representative RANDALL of East Machias and Representative BEAULIEU of Portland)

Reference to the Committee on Energy and

Natural Resources suggested.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Reference.

BILL, "An Act Providing Uniformity, Conformity with the Maine Administrative Procedure Act and Compliance with Court Decisions of the Statutes of Licensing Boards within the Department of Business Regulation" (Submitted by the Department of Business Regulation pursuant to Joint Rule 24) (S. P. 495) (Presented by Senator CLARK of Cumberland) (Cosponsors: Representative PERKINS of Brooksville)

Which was referred to the Committee on Business Legislation, and Ordered Printed. Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers from the House House Papers

BILL, "An Act to Permit Producers of Perishable Products to Ship on Seasonally Closed Ways" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1112) (L. D. 1470)

Comes from the House, referred to the Committee on Agriculture and Ordered Printed.

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

(See Action Later Today)

BILL, "An Act to Provide Continued Funding for the Determination of Ground Water Quality in the State's Sand and Gravel Aquifers" (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24) (H. P. 1113) (L. D. 1471)

Reference to the Committee on Energy and Natural Resources suggested.

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

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Reference.

BILL, "An Act to Authorize the Department of Environmental Protection to Continue to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management" (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24) (H. P. 1114) (L. D. 1472)

Reference to the Committee on Energy and Natural Resources suggested.

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

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Reference.

BILL, "An Act Repealing the Law on the Effect of Bail Following Conviction and Commitment" (H. P. 1115) (L. D. 1473)

BILL, "An Act to Clarify what Constitutes Discrimination Against Handicapped Persons" (H. P. 1116) (L. D. 1474)

BILL, "An Act to Prohibit Parents from Interfering with the Parental Rights of the Other Parent" (H. P. 1117) (L. D. 1475)

Comes 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 Increase the Per Diem for County Commissioners Who Hire a Full-time County Administrator" (H. P. 1119) (L. D. 1476)

Comes from the House referred to the Committee on Local and County Government and

Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

BILL, "An Act to Require any Applicant for Guaranteed Loans from the Maine Guarantee Authority to Issue Insured Industrial Development Bonds Prior to Acceptance of any Loan Moneys that have been Guaranteed by the Maine Guarantee Authority" (H. P. 1120) (L. D. 1477)

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

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

BILL, "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1983-84" (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24) (Emergency) (H. P. 1121) (L. D. 1478)

Comes from the House referred to the Committee on Taxation and Ordered Printed.

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

On motion by Senator Carpenter of Aroostook, the Senate voted to reconsider its action of earlier in today's session whereby:

BILL, "An Act to Permit Producers of Perishable Products to Ship on Seasonally Closed Ways" (H. P. 1112) (L. D. 1470) was referred to the Committee on Agriculture.

On motion by Senator Carpenter of Aroostook, referred to the Committee on Transportation and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate: HOUSE REPORTS—from the Committee on State Government on

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

Majority Report Ought Not to Pass.

Minority Report Ought to Pass.

Tabled—April 19, 1983 by Senator CARPENTER of Aroostook

Pending—Acceptance of Either Report.

(In House, Majority Report Read and Accepted)

On motion by Senator Carpenter of Aroostook, Retabled for 2 Legislative Days.

The President laid before the Senate:

BILL, "An Act to Amend the Laws Relating to Fees for Private Investigator and Security Guard Licenses" (H. P. 775) (L. D. 1005)

Tabled—April 19, 1983 by Senator PRAY of Penobscot

Pending—Passage to be Engrossed.

(In House April 14, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-128)

Which was Passed to be Engrossed, as amended, in concurrence.

The President laid before the Senate:

BILL, "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System" (S. P. 481) (L. D. 1447)

Tabled—April 19, 1983 by Senator PRAY of Penobscot

Pending—Motion of same Senator to Adopt Senate Amendment "A" (S-61)

Senate Amendment "A" (S-61) was Adopted.

Which was Passed to be Engrossed, as amended.

Sent down for concurrence.

There being no objections all items previously acted upon were sent forthwith.

(Senate at Ease)

The Senate called to order by the President.

On motion by Senator Pray of Penobscot, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to Order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Committee Report
House
Divided Report**

The Majority of the Committee on State Government on BILL, "An Act to Amend the Maine Administrative Procedure Act to Require Legislative Approval of Rules and Regulations" (H. P. 228) (L. D. 276)

Reported that the same Ought Not to Pass. Signed:

Senators:

BALDACCI of Penobscot
HICHENS of York
VIOLETTE of Aroostook

Representatives:

LEBOWITZ of Bangor
COOPER of Windham
GWADOSKY of Fairfield
PARADIS of Augusta
DILLENBACK of Cumberland
SALSBURY of Bar Harbor
LaPLANTE of Sabattus
KETOVER of Portland

The Minority of the same Committee on the same subject matter

Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide Legislative Review of Agency Rules" (H. P. 1130) (L. D. 1485)

Signed:

Representatives:

SPROUL of Augusta
HOLLOWAY of Edgcomb

Come from the House with the Majority Report Read and Accepted.

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

Enactors

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

An Act to Amend the Maximum Fee for Applications and to Clarify the Basis for the Annual Assessment of Financial Institutions (H. P. 818) (L. D. 1058)

An Act to Amend the Definition of Hospital in the Maine Health and Higher Educational Facilities Authority Act (H. P. 548) (L. D. 700)

An Act Relating to the Maine State Lottery Law (H. P. 151) (L. D. 159)

An Act to Increase Licensing Fees of Agencies within the Department of Business Regulation (S. P. 355) (L. D. 1076)

An Act to Provide Necessary Statutory Changes as a Result of Certain Laws Relating to Juries (S. P. 148) (L. D. 439)

An Act to Improve the Identification of Persons Prescribing Medicines on Hospital Prescription Blanks (S. P. 307) (L. D. 921)

An Act to Provide Confidentiality of Library Records. (S. P. 472) (L. D. 1436)

An Act Relating to Justices and Judges of the Supreme Judicial, Superior and District Courts. (H. P. 1088) (L. D. 1415)

An Act to Remove the Jurisdiction of the Public Utilities Commission over Certain Dealers of Gas in Liquid Form. (H. P. 981) (L. D. 1282)

An Act to Restrict Reimbursement of Mileage to Boards and Commissions to no More than that received by State Employees. (H. P.

1102) (L. D. 1448)

An Act to Authorize the Public Utilities Commission to Hold Joint Hearings with Federal Public Utility Regulatory Bodies. (H. P. 980) (L. D. 1281)

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

An Act to Amend the Motor Vehicle Racing Law. (H. P. 859) (L. D. 1109)

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Committee Reports
House
Ought to Pass**

The Committee on Judiciary on BILL, "An Act to Amend Certain Aspects of Post Conviction Review" (H. P. 844) (L. D. 1094) 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 to Strengthen the Laws Relating to the Sexual Exploitation of Minors" (H. P. 320) (L. D. 379) 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.

Ought to Pass as Amended

The Committee on Public Utilities on BILL, "An Act Relating to Deposits and Termination of Utility Service for Nonresidential Customers" (H. P. 746) (L. D. 958) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-144)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-144).

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-144) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

The Committee on Judiciary on BILL, "An Act to Provide Equity for Former Military Wives" (H. P. 554) (L. D. 705) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-148)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-148)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-148) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Legal Affairs on BILL, "An Act to Enable Law Enforcement Agencies to Dispose of Certain Property" (H. P. 926) (L. D. 1205) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-149)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-149)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-149) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on BILL, "An Act to Prohibit Control of Financial Institutions as Closely Related Activities" (H. P. 787) (L. D. 1029) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-150)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-150)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-150) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on BILL, "An Act to Amend the Lines of Credit and Commercial Loans to Individual Borrowers" (H. P. 786) (L. D. 1028) Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-151)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-151).

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-151) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on BILL, "An Act to Amend the Law Governing Construction Permits and the Examination of Plans by the Office of State Fire Marshal" (H. P. 744) (L. D. 956) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-152)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-152)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-152) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on BILL, "An Act Relating to Time Shares" (H. P. 468) (L. D. 568) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-153)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-153)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-153) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on BILL, "An Act to Amend Maine's Abandoned Property Law" (H. P. 816) (L. D. 1056) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-154)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-154)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-154) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Enactors

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

An Act to Remove the Sunset Provision for Home Health Care Providers in the Certificate of Need Law (H. P. 611) (L. D. 759)

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

Our of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Committee Report 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 Relating to Juvenile Offenders" (H. P. 757) (L. D. 988)

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers From The House House Papers

BILL, "An Act to Provide for Consumer Representation before the Maine Milk Commission" (Emergency) (H. P. 1137)

Reference to the Committee on Agriculture suggested.

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

On motion by Senator Carpenter of Aroostook referred to the Committee on Agriculture and Ordered Printed in non-concurrence.

Sent down for concurrence.

RESOLVE, to Prohibit the Expenditure of Funds Raised for Food Stamps in Androscoggin County (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Emergency) (H. P. 1138)

Comes from the House referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Committee Reports House 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 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)

BILL, "An Act to Restrict the Time During which a Candidate may Campaign before the General Election" (H. P. 921) (L. D. 1200)

BILL, "An Act Concerning Absentee Voting by Armed Services Members" (H. P. 990) (L. D. 1300)

Ought to Pass

The Committee on Election Laws on BILL, "An Act to Amend the Election Laws Concerning Signatures and Names" (H. P. 196) (L. D. 240) 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 Election Laws on BILL, "An Act Relating to Nomination Petitions for Municipal Office" (H. P. 387) (L. D. 470) 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 Public Utilities on BILL, "An Act to Establish Municipalities as Agents for Utilities within their Jurisdictions for the Purpose of Charges Assessed for Use of Railroad Crossings" (H. P. 1002) (L. D. 1310) 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 to Amend the Habitual Offender Law" (H. P. 956) (L. D. 1237) 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 a Judge Hearing a Case where his Town or County is a Party" (H. P. 890) (L. D. 1155) 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.

Ought to Pass — as Amended

The Committee on Public Utilities on BILL, "An Act to Conform the Requirements for Construction of Generating Facilities or Transmission Lines" (H. P. 860) (L. D. 1110) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-155)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-155)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-155) was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on BILL, "An Act to Establish Apprenticeship Opportunities in State Government for Recipients of the Aid to Families with Dependent Children Program" (H. P. 638) (L. D. 789)

Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Promote Apprenticeship and Training Opportunities in State Government and to Assist Qualified Recipients of Aid to Families with Dependent Children to Compete for State Apprenticeships" (H. P. 1125) (L. D. 1469)

Signed:

Senators:

VIOLETTE of Aroostook
BALDACCI of Penobscot

Representatives:

LEBOWITZ of Bangor
COOPER of Windham
GWADOSKY of Fairfield

KETOVER of Portland
PARADIS of Augusta
HOLLOWAY of Edgecomb
SALSBURY of Bar Harbor
DILLENBACK of Cumberland
LaPLANTE of Sabattus
SPOUL of Augusta

The Minority of the same Committee on the same subject matter

Reported that the same Ought Not to Pass.

Signed:

Senator:

HICHENS of York

Come from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-156)

Which Reports were Read and the Majority Ought to Pass, in New Draft Under New Title. Report of the Committee was Accepted, in concurrence.

The Bill, in New Draft Under New Title, Read Once.

House Amendment "A" was Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed, in concurrence, on motion by Senator Carpenter of Aroostook, Adjourned until Friday, April 22, 1983 at 12 noon.