

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 22, 1983
 Senate called to order by the President

Prayer by the Reverend Russell M. Chase of the United Church of Monmouth.

REVEREND CHASE: Let us pray! Our heavenly Father, before we begin deliberations today, we ask Thy blessings upon all of those who are in this Chamber. We ask Thy blessings upon all of the families that are represented here.

We thank you who have sat in this Chamber, and we thank You for our great and wonderful State.

We ask for Your guidance and Your love as we deal with the issues before us and help us, our Father, to remember always that we would seek to follow Thy way and know Thy truth, for we pray in the Master's Name, Amen.

Reading of the Journal of Tuesday, April 19, 1983.

(Off Record Remarks)

**Papers From the House
 House Papers**

BILL, "An Act to Provide for Compensation for Law Enforcement Officers Making Administrative Appearances in the Same Manner as Court Appearances" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1118) (L. D. 1493)

Reference to the Committee on Judiciary suggested.

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

On motion by Senator Carpenter of Aroostook, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

BILL, "An Act to Reestablish the Energy Testing Laboratory of Maine as a Part of Southern Maine Vocational-Technical Institute" (Submitted by the Department of Business Regulation pursuant to Joint Rule 24) (Emergency) (H. P. 1104) (L. D. 1492)

Reference to the Committee on Business Legislation suggested.

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

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

BILL, "An Act to Establish Rules to Minimize the Negative Effects of Monthly Reporting and Retrospective Budgeting in the Aid to Families with Dependent Children and Food Stamp Programs" (H. P. 1126) (L. D. 1494)

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.

Joint Resolution

The Following Joint Resolution (H. P. 466) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

Joint Resolution Memorializing The President of the United States, The United States Secretary of Transportation and the Congress of the United States to Remove Certain Roads in the State of Maine From the Interim Designated Network for Operation of

Tractor-Semitrailer-Trailer Combinations
 WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, President of the United States, Elizabeth H. Dole, United States Secretary of Transportation and the Congress of the United States, as follows:

WHEREAS, the United States Surface Transportation Assistance Act of 1982 made several significant changes in federal law governing the type of trucks that can operate on the Federal Aid Interstate System and other qualifying federal aid primary roads, as designated by the United States Secretary of Transportation; and

WHEREAS, the United States Surface Transportation Assistance Act, Section 411, requires that all states permit the operation of tractor-semitractor-trailer combinations on the Interstate Highway System and on other designated portions of the Federal Aid Primary System; and

WHEREAS, the State of Maine has not previously allowed the operation of tractor-semitrailer-trailer combinations on Maine highways because of safety considerations; and

WHEREAS, the 111th Maine Legislature has amended its state law effective April 1, 1983, consistent with the United States Surface Transportation Assistance Act of 1982; and

WHEREAS, the 111th Maine Legislature is convinced that tractor-semitrailer-trailer combinations would jeopardize safety to Maine motorists if they were allowed to operate on roads other than 4-lane divided roads with access fully controlled; and

WHEREAS, Mr. R. A. Barnhart, Federal Highway Administrator, issued a policy statement published in the Federal Register, April 5, 1983, wherein an Interim Designated Network was established for operation of tractor-semitrailer-trailer combinations effective April 6, 1983; and

WHEREAS, the Interim Designated Network included nearly 600 miles of highways within the State of Maine which were generally 2-lane facilities; and

WHEREAS, these substandard roads included 152 high-accident locations, 100 miles of federal aid secondary roads, and many railroad grade crossings, traffic signals and built-up urban areas; and

WHEREAS, tractor-semitrailer-trailer combinations represent an unacceptable threat to the health, welfare and safety of the people of Maine operating on any of our roads; now, therefore, be it

RESOLVED: That we, your Memorialists, respectfully urge that the President of the United States, Ronald W. Reagan, and the United States Secretary of Transportation, Elizabeth H. Dole, take steps to immediately remove the following roads in the State of Maine from the Interim Designated Network established by Federal Highway Administrator, R. A. Barnhart:

U.S. Route 202 from the New Hampshire state line to the Maine Turnpike;

U.S. Route 302 from the New Hampshire state line to I-295 in Portland;

U.S. Route 1 from I-95 in Brunswick to the Canadian border, Fort Kent, excluding the 4-lane divided fully-controlled access section between Brunswick and Bath; and

U.S. Route 1-A from U.S. Route 1, Stockton Springs, to U.S. Route 1 in Ellsworth; and be it further

RESOLVED: That the Congress of the United States return to the states the right to determine whether they will suffer tractor-semitrailer-trailer combinations on their highways, contrary to the provisions of the United States Surface Transportation Assistance Act

of 1982, Section 411; and be it further

RESOLVED: That suitable copies of this resolution be transmitted immediately to the Honorable Ronald W. Reagan, President of the United States, to Elizabeth H. Dole, United States Secretary of Transportation, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Comes from the House, Read and Adopted. Which was Read and Adopted in concurrence.

Communications

The Following Communication:

**Maine State Retirement System
 State Office Building
 State House Station 46
 Augusta, Maine 04333**

January 31, 1983

Honorable Joseph E. Brennan
 Governor of Maine
 State House, Augusta
 Members, 111th Legislature
 Dear Governor Brennan and Members of the Legislature:

Enclosed herewith is a copy of the 1982 Annual Report of the Maine State Retirement System as required by law (5 MRSA, Section 1031, subsection 9) and addressed to its members.

Sincerely,
 S/ROBERT BOURGAULT
 Chairman
 Board of Trustees

Maine State Retirement System
 Which was Read and with Accompanying Papers Ordered Placed on File.

The Following Communication:
State of Maine

**One Hundred and Eleventh Legislature
 Committee on Energy and Natural Resources**
 The Honorable Gerard P. Conley
 President of the Maine Senate
 State House
 Augusta, Maine 04333
 Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Energy & Natural Resources has had under consideration the nomination of Kim Matthews of Freeport for appointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
 Senators-2
 Representatives-8
 NAYS:
 Senators-None
 Representatives-None
 ABSENT: 3

Ten members of the Committee having voted in the affirmative and None in the negative with three being absent, it was the vote of the Committee that the nomination of Kim Matthews of Freeport for appointment to the Board of Environmental Protection.

Sincerely,
 S/JUDY C. KANY
 Senate Chairman
 S/DONALD M. HALL
 House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair, at this time, would like to state with respect to taking votes on confirmations within committees. I want to make it clear because there has been some slippage with respect to following the rules with respect to taking votes on confirmation.

A Confirmation Hearing is a public hearing

and when the vote is taken, one must be present to vote at that hearing. You cannot abstain, you cannot vote in absentia, nor can you come in after the vote has been taken and then say you want to be recorded. That is a public transcript that is taken with the process of that hearing and will always be held there in case its brought forward for some type of review.

Again, the Chair just wanted to make sure that everyone was clear on that particular question.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Kim Matthews of Freeport be confirmed.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, we have before us today the Confirmation of Kim Matthews of Durham, County of Androscoggin.

Kim Matthews enjoys a Freeport mailing address, but in fact, is one of the fine citizens from that large metropolitan area called Sou'west Bend in Androscoggin County. Thank you, Mr. President.

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

Senator MINKOWSKY: Mr. President, since we're talking about the nominee today, Kim Matthews, whom I do not know, but I do recognize the fact that she does live in Durham, the northern end of the Town of Freeport.

I thought that it was of significant value to raise a concern that I had relevant to the position the Governor has taken on this nominee. I raise it for one particular reason and it's this: Mr. Lionel Ferland who is the present member of the Board of Environmental Protection has not been considered for reappointment to this Board by the Governor of the State of Maine. That disappoints me a great deal. Mr. Ferland's roots are in the City of Lewiston, from what I consider a very large French Democratic area of constituency and many French families come from the Ferland strain.

Mr. Ferland moved from Lewiston into the Town of Poland, has become one of the most successful dairy farmers that I know in Androscoggin County, and maybe I can even add on Sagadahoc County, which I represent, also.

In reading a newspaper account that was written by the Lewiston Daily Sun a couple of days ago, it was interesting to denote the following: "The Energy and Natural Resources Committee unanimously recommends on Wednesday that the Senate confirm Governor Brennan's nomination of Ms. Kim Matthews of Durham for the position on the Board of Environmental Protection. Ms. Matthews, an attorney, is the wife of Representative Martin S. Hayden, Durham. She will succeed Lionel Ferland, Sr. of Poland, Maine. There was no opposition to the appointment although the Maine Natural Resources Council President, Robert Gardiner cited what he considered an obvious deficiency in the nominee's qualifications. Although he said, she possessed what he called obvious qualifications, he said her lack of knowledge in environmental issues could be a handicap in her work on the Board."

Now, those are pretty stiff comments and statements to make, and not because I'm in accord with the Maine Natural Resources Council in most of the things they do that I guess maybe part of the rationale according to this newspaper article, is that they had submitted three names to the Governor, none of which was Ms. Matthews. I would hope we'd be more objective than placing that assessment upon Ms. Matthews from that particular prospective.

My feelings still go back to one important thing, over the years when we first established

the Board of Environmental Protection, it was designed to represent a cross-section of Maine people, lay people from many different walks of life, and not specialists, or experts in the field of Environmental Protection. It appears now the trend is changing radically, that we are now considering having only experts to make decisions of what is in the interest of the people in the State of Maine.

I intend to vote this afternoon for Ms. Matthews for her appointment, but I want the Record to be very clear that I'm totally disappointed in the administration in the handling of this particular nominee who was not replaced for the person we are voting on this afternoon, Attorney Kim Matthews, Durham, Maine.

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

Senator KANY: Thank you, Mr. President. Mr. President and Members of the Senate, for the Record the question was asked at the hearing about the reappointment of Mr. Ferland and it was pointed out by the Governor's representative that Mr. Ferland had served two terms on the Board of Environmental Protection and was being considered for another post.

Regarding the nominee, Kim Matthews, our Committee was extremely impressed with the testimony; there were several people who spoke in her favor, including the Attorney General of the State of Maine, who is familiar with her work, and her intelligence, and compassion, really since the days she was in Law School. She is an attorney and she has been a practicing attorney and will now be giving up her practice primarily because of having a first baby at home. It seems like an ideal opportunity for the State of Maine to take advantage of this very qualified person, who was seen by the Committee as a very open-minded person. I believe that's probably what impressed most of us, who discussed the hearing, most was her open-mindedness and I just wanted to go on the Record, so I certainly hope you will vote in favor of this nomination.

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

Senator DANTON: Mr. President and Members of the Senate, within the last week or two, the good Senator from Androscoggin, Senator Minkowsky, has criticized the Chief Executive of the State of Maine in reference to his appointments.

I've been a firm believer in the many terms that I have served in the Maine Senate, and I've served here with our present system of nominees appearing before Legislative Committees and I've served here when we had the Executive Council, never at any time did it cross my mind, there is only one Governor in the State of Maine and he can appoint anyone he wants and he has to live with that appointment. Somewhere, somehow with what the people in general throughout this country think about politicians in the political process, I think it would be wise on our part if we stopped criticizing each other. This is one reason why good people do not want to step forward and serve in governmental positions. If every time someone gets appointed by the Chief Executive, who is the Governor, will be the Governor for the next four years, then I think we should take and support his appointments because he, as the Governor, has to live with the person he appoints.

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

Senator CLARK: Thank you, Mr. President, Men and Women of the Senate, I'm quite sure that you're aware that Senate District 11 includes that Town in Androscoggin County from which Ms. Matthews originates and I would subscribe and endorse the remarks of the good Chair of the Committee on Energy and Natural Resources, the Senator from Kennebec, Senator Kany, as well as, endorse the

remarks of the Senator from York, Senator Danton.

The Chief Executive of this State has well exercised his authority in nominating the members of the Board of Environmental Protection, the most current of which is before us this afternoon. Suffice to say, that Ms. Matthews is a homemaker, educationally, she holds a Bachelor Degree, a Masters Degree in Educational Research and her Law Degree. She is by trade currently, a homemaker and by profession, professionally, an attorney. She has chosen to leave her private law practice and devote her energies in her growing family. I would share with you that there is no other nominee who would, or no Member of this Legislature, or the Committee on Energy and Natural Resources who would challenge or even question the intellectual integrity and/or the ability of Ms. Matthews with reference to her sensitivity and balance as she brings her intellect to the membership of the Board of Environmental Protection.

I think that the good Senator from Androscoggin has himself, made some pretty, if I may quote, "stiff comments". Thank you, Mr. President.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, not to belabor the issue itself but if the Board of Environmental Protection is truly to be a citizens board, then I think that we must get over the hangup that appointment to such a Board is somehow annointment for a life-time tenure.

I speak as one who several months ago corresponded with the Governor's Office on behalf of Lionel Ferland, I only wish that everyone that was on our citizens boards were as good, as conscientious, and as knowledgeable as Lionel Ferland after two terms on the Board.

For our boards to be truly citizens boards then it comes the time when expertise has to move over for new citizens.

I don't think that Mr. Ferland is particularly upset and I am sure that nothing said here this morning was said as his... Nobody is questioning the qualifications as a citizen the qualifications and integrity and competence and common sense of Ms. Matthews.

I just think that it is too bad that all of a sudden we have to get into a situation where we are playing one off against the other, that one is more qualified or unqualified. There are two sets of names and two sets of qualifications with common sense and decency and honesty then they are qualified to serve on this Board. I would hope that you would not vote as individualist this morning. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, let me make one point very clear to my very good friend, Senator Clark from Cumberland County.

The comments I made which she classified as "stiff comments" were not of own volition. These comments were taken from the April 21st issue, Thursday, of the Lewiston Daily Sun written by Edmund MacDonald who quoted the President of the Maine Natural Resources Council, Mr. Robert Gardiner, who is the author allegedly, according to the newspaper document of that statement. These are not my own thoughts; I was just quoting what I was reading in the newspaper.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, it's my intention this morning to vote for Ms. Kim Matthews. I'm sure that the recommendation of the Committee on Energy and Natural Resources is a very fine one, and I don't take issue with Ms. Matthews at all.

I will say, though, its entirely this Senator's prerogative to address comments relative to anyone's nomination. I don't sit in this Chamber to rubber stamp anyone's nomination.

I do though have a concern, and perhaps it is a very parochial and maybe it's even a petty concern, but in this State, we have a very large group of people of which I happen to represent, perhaps basically, entirely made up of a very large minority in this State made up of French people. It is my opinion that within this Executive Branch of Government and within the appointment process this Governor has, the Governor I've supported now, the last two times he's run in the General Election that I feel that those people that I represent and the interest that they have, are grossly under-represented and that those people that I represent of whom I have made suggestions to this Board and others, have the same professional level of expertise not only this appointment has, or that others have, I would hope, and this Senator goes on Record as simply saying that I would hope that the Chief Executive in the future would make a better attempt at appointing those good friends that helped elect him, and perhaps, reappointing those people or finding others who are as eminently qualified as he has been appointing. Thank you.

(Off Record Remarks)

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

Senator KANY: Mr. President and Members of the Senate, I found it interesting at the public hearing on the confirmation that there were two people who came forward to speak neither for nor against, simply because there are several more nominations expected for the Board of Environmental Protection this year. The two people who spoke, one stating that he did not know the nominee Kim Matthews at all, but that he just spoke in favor of having an attorney on the Board which is lacking at present. The second person was from the Natural Resources Council not really knowing Kim Matthews, either, but choosing that opportunity to talk about possibly what good members might be selected in the future.

I really do think, in a way, as important as that is, that it should in no way take away from this excellent nomination. This person is highly qualified, an excellent selection from the Governor. I am certain that if you are interested in future appointments for the Board of Environmental Protection, that the Governor would be interested in hearing from all of you on potential nominees.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources be overridden: In accordance with 3 M.R.S.A. Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Viollette, Wood. The President-Gerard P. Conley.

No Senators having voted in the affirmative and 33 Senators in the negative, with No Senators being absent, and None being less than two-thirds of the membership present, it is the

vote of the Senate that the Committee's recommendation be accepted.

The nomination of Kim Matthews is confirmed.

The Secretary was directed to inform the Speaker of the House.

(Off Record Remarks)

Senate Papers

BILL, "An Act to Require the Department of Human Services to Conduct Demonstrations of Adult Day Care and Other Services through Long-term Care Facilities" (S. P. 499) (Presented by Senator BUSTIN of Kennebec) (Cosponsors: Senator GILL of Cumberland and Representative MELENDY of Rockland)

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

Sent down for concurrence.

(Off Record Remarks)

Committee Reports 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 Relating to Finance Charges on Lender Credit Card Sales" (S. P. 300) (L. D. 914)

BILL, "An Act to Enable Claimants to Process Small Claims Locally" (S. P. 373) (L. D. 1147)

Leave to Withdraw

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

BILL, "An Act to Provide Exemptions on Sales or Donations to State, any Political Subdivisions or the Federal Government under the Sales and Use Tax Law" (S. P. 467) (L. D. 1421)

BILL, "An Act to Provide Transportation to Nonpublic School Students" (S. P. 370) (L. D. 1144)

Ought to Pass

Senator TRAFTON for the Committee on Judiciary on BILL, "An Act to Establish a Chief Justice of the Superior Court" (S. P. 146) (L. D. 437) Reported that the same Ought to Pass.

Which Report was Read and Accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Senator TRAFTON for the Committee on Judiciary on BILL, "An Act Relating to the Investment of Funds in Litigation" (S. P. 343) (L. D. 1017) Reported that the same Ought to Pass.

Which Report was Read and Accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Senator HAYES for the Committee on Labor on BILL, "An Act to Establish a Workers' Compensation Hearing Exemption for Agricultural Employers' Liability Insurance Claim Disputes" (S. P. 358) (L. D. 1079) Reported that the same Ought to Pass.

Which Report was Read and Accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Senator SHUTE for the Committee on Marine Resources on RESOLVE, Authorizing the Department of Marine Resources to Sell the Research Vessel Challenge and to Convert the Fishing Vessel Jubilee (S. P. 429) (L. D. 1298) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-65)

Which Report was Read and Accepted.

The Resolve Read Once. Committee Amendment "A" (S-65) was Read and Adopted. The Resolve, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Senator SEWALL for the Committee on Labor on BILL, "An Act to Clarify, Simplify and Improve Certain Sections of the Labor Laws of Maine" (S. P. 281) (L. D. 846) Reported that the same Ought to Pass in New Draft under same title (S. P. 497) (L. D. 1503)

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

Ought to Pass in New Draft under New Title

Senator COLLINS for the Committee on Judiciary on BILL, "An Act Concerning Separate Trials Arising from the Same Criminal Episode and Concerning Probation and Suspended Prison Sentences" (S. P. 287) (L. D. 875) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Concerning Probation and Suspended Prison Sentences" (S. P. 498) (L. D. 1504)

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

Divided Report

The Majority of the Committee on Legal Affairs on BILL, "An Act to Permit the Sale of Liquor after 11 a.m. on Certain Sundays" (S. P. 449) (L. D. 1370)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-66)

Signed:

Senator:

CHARETTE of Androscoggin

Representatives:

COX of Brewer

DILLENBACK of Cumberland

COTE of Auburn

MCWEENEY of Old Orchard Beach

SWAZEY of Bucksport

PERRY of Mexico

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

Signed:

Sensors:

SHUTE of Waldo

DANTON of York

Representatives:

HANDY of Lewiston

STOVER of West Bath

DUDLEY of Enfield

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Charette. Senator CHARETTE: Thank you, Mr. President. I move the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Charette moves that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, this Bill that we have before us now was before Legal Affairs and what the original bill did is it allowed the sale of liquor in restaurants on Easter, Mother's Day, and Father's Day starting at 11 a.m. Quite a few on the Committee didn't think that that was a real good Mother's Day present.

So an amendment was drafted to extend that no only three Sundays during the Spring, but to include the Sundays between Easter and Labor Day, which brought up 22 Sundays.

Now I don't know why the other 30, 32 or 30 Sundays were not included, but they weren't in that amendment.

I think that if we start drinking liquor in the restaurants on Sunday at 12 and give people a

chance maybe to go to church and not have to hurry to get to the restaurants, I think that the State might be just as well off. I opposed the Ought to Pass motion and hope that you accepted the Ought Not to Pass motion.

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

Senator CHARETTE: I would like to explain the reason perhaps on the Committee Amendment is also the original bill, opened 11 a.m. sales to all types of sales of liquor, or beer. The Amendment now restricts that to Class "A" restaurants and hotels.

I look at this as a Bill for convenience and a Bill, also, that would help and the reasons to expand this to the summer months, it would also be a Bill that is for tourists, who travel the State of Maine.

Many restaurants offer three meals a day, and for most part breakfast ends around 11 a.m. or 11:30 a.m. and then goes into the noon luncheon period and it is customary during the noon luncheon for many people to have their favorite liquor as a beverage during lunch. I am not saying that I think that this would expand drinking by one more hour on Sunday. I think that it is a convenience bill for those people who choose to having an early luncheon.

I don't think, as pointed out that church people, this Bill doesn't affect that part, for the most part. In some religions, church occurs during the week, any week day really. The Lord's day for every denomination is in some respect is not all on Sunday.

This is why this report has been increased from the three Sundays as originally submitted. I would hope that the convenience part of it for those people who are tourists, and for those people who wish to have an early luncheon, I would hope that the Senate passes the Majority Ought to Pass Report.

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

Senator HICHENS: Mr. President, 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 Androscoggin, Senator Charette, that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Charette, Dow, Pray, Sewall, Violette, The President—Gerard P. Conley.

NAY—Baldacci, Bustin, Carpenter, Clark, Collins, Danton, Diamond, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBrearty, Minkowsky, Najarian, Pearson, Perkins, Redmond, Shute, Teague, Trafton, Twitchell, Usher, Wood.

ABSENT—None.

A Roll Call was had.

7 Senators having voted in the affirmative and 26 Senators in the negative, with No Senators being absent, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee, Failed.

The Minority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Second Readers House

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

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)

RESOLVE, Prohibiting the Issuance of Fish Weir Licenses for One Year. (H. P. 1133) (L. D. 1486)

BILL, "An Act Concerning a Judge Hearing a Case where his Town or County is a Party." (H. P. 890) (L. D. 1155)

BILL, "An Act to Amend the Habitual Offender Law." H. P. 956) (L. D. 1237)

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)

BILL, "An Act Relating to Nomination Petitions for Municipal Office." (H. P. 387) (L. D. 470)

BILL, "An Act to Amend the Election Laws Concerning Signatures and Names." (H. P. 196) (L. D. 240)

BILL, "An Act to Strengthen the Laws Relating to the Sexual Exploitation of Minors." (H. P. 320) (L. D. 379)

BILL, "An Act to Amend Certain Aspects of Post-conviction Review." (H. P. 844) (L. D. 1094)

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

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

BILL, "An Act to Protect the Quality of Lobsters." (H. P. 1111) (L. D. 1456)

BILL, "An Act to Provide a Sales Tax Exemption for Certain Church Affiliated Residential Homes." (H. P. 1128) (L. D. 1483)

BILL, "An Act to Amend the Statutes Relating to Itinerant Sellers." (H. P. 1134) (L. D. 1487)

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)

BILL, "An Act to Revise the Salaries of Certain County Officers." (H. P. 1135) (L. D. 1488)

BILL, "An Act to Prohibit Smoking in Jury Rooms." (H. P. 1110) (L. D. 1455)

BILL, "An Act to Amend the Statute of Limitations for the Probate of Estates under the Maine Probate Code." (H. P. 1122) (L. D. 1466)

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

BILL, "An Act to Protect the Health of Children by Prohibiting the Free Distribution of Cigarettes." (H. P. 395) (L. D. 478)

Which was Read a Second Time.
The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I present an amendment under filing number S-67 and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter offers Senate Amendment "A" (S-67) and moves its Adoption.

Senate Amendment "A" (S-67) was Read and Adopted.

Which was Passed to be Engrossed, as amended, in non-concurrence.
Sent down for concurrence.

BILL, "An Act to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits." (H. P. 1123) (L. D. 1467)

Which was Read a Second Time.
The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: I offer Senate Amendment "A" to LD 1467 under filing number S-69 and move its Adoption.

The PRESIDENT: The Senator from York,

Senator Danton offers Senate Amendment "A" (S-69) and moves its Adoption.

Senate Amendment "A" (S-69) was Read and Adopted.

Which was Passed to be Engrossed, as amended, in non-concurrence.
Sent down for concurrence.

BILL, "An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants." (H. P. 1129) (L. D. 1484)

Which was Read a Second Time.
The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, I present Senate Amendment "A" to LD 1484 under filing number S-68 and move its Adoption.

Mr. President I would like to tell the Members of the Senate that these amendments are being offered for the Committee on Bills in their Second Reading to clear whatever technicalities have to be cleared up.

The PRESIDENT: The Senator from York, Senator Danton offers Senate Amendment "A" to LD 1484 and moves its Adoption.

Senate Amendment "A" (S-68) Read.
The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President is it possible to have this item tabled for 1 Day?

The PRESIDENT: The Senator stated a parliamentary inquiry, the Chair would have to respond in the affirmative.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Adoption of Senate Amendment "A".

House-As Amended

BILL, "An Act Relating to Deposits and Termination of Utility Service for Nonresidential Customers." (H. P. 746) (L. D. 958)

BILL, "An Act to Amend the Law Relating to Games of Chance." (H. P. 1014) (L. D. 1339)

BILL, "An Act to Amend the Termination of Parental Rights Law." (H. P. 591) (L. D. 735)

BILL, "An Act to Reincorporate and Amend the Charter of the North Berwick Water District." (H. P. 929) (L. D. 1208)

BILL, "An Act to Regulate Striped Bass Fishing." (H. P. 636) (L. D. 787)

BILL, "An Act to Provide Equity for Former Military Wives." (H. P. 554) (L. D. 705)

BILL, "An Act to Enable Law Enforcement Agencies to Dispose of Certain Property." (H. P. 926) (L. D. 1205)

BILL, "An Act to Prohibit Control of Financial Institutions as Closely Related Activities." (H. P. 787) (L. D. 1029)

BILL, "An Act to Amend the Lines of Credit and Commercial Loans to Individual Borrowers." (H. P. 786) (L. D. 1028)

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)

BILL, "An Act Relating to Time Shares." (H. P. 468) (L. D. 568)

BILL, "An Act to Amend Maine's Abandoned Property Law." (H. P. 816) (L. D. 1056)

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)

BILL, "An Act to Deregulate Motor Carriers of Passengers for Hire." (H. P. 781) (L. D. 1010)

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

BILL, "An Act to Promote Safe Solid Fuel Burning Practices." (H. P. 521) (L. D. 646)

Which was Read a Second Time.
On motion by Senator Diamond of Cumberland Tabled until later in today's session, pending Passage to be Engrossed.

BILL, "An Act to Conform the Requirements for Construction of Generating Facilities or

Transmission Lines." (H. P. 860) (L. D. 1110)

Which was Read a Second Time.

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

Senator DANTON: I offer Senate Amendment "A" to LD 1110 under filing number S-70 and move its Adoption.

Again, Mr. President, and Members of the Senate, this amendment is being presented by the Committee on Bills in their Second Reading.

The PRESIDENT: The Senator from York, Senator Danton, offers Senate Amendment "A" to LD 1110 and moves its Adoption.

Senate Amendment "A" (S-70) Read and Adopted.

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

Sent down for concurrence.

Senate — as Amended

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)

BILL, "An Act Authorizing the Public Utilities Commission to Expend Revenues Collected as Filing Fees or Expense Reimbursements." (S. P. 411) (L. D. 1264)

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

Sent down for concurrence.

(Off Record Remarks)

Orders of the Day

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

An Act to Amend the Maine Consumer Credit Code (S. P. 219) (L. D. 656)

Tabled—April 15, 1983 by Senator PRAY of Penobscot

Pending—Enactment

(In House, April 14, 1983 Passed to be Enacted.)

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

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

BILL, "An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants" (H. P. 1129) (L. D. 1484), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Adoption of Senate Amendment "A" (S-68).

Senate Amendment "A" (S-68) was Adopted.

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

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, on motion by Senator Carpenter of Aroostook, the Senate voted to remove from the table:

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

Tabled—April 19, 1983 by Senator CARPENTER of Aroostook

Pending—Further Consideration

(Committee on Fisheries and Wildlife suggested)

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

(In the House April 19, 1983 referred to the Committee on Fisheries and Wildlife in non-concurrence.)

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

Senator CARPENTER: I move the Senate Adhere.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President, I move we

Recede and Concur.

The PRESIDENT: The Senator from Cumberland, Senator Usher, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Receding and Concurring with the House, please rise in their places to be counted.

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

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

Senator USHER: 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 Cumberland, Senator Usher that the Senate Recede and Concur with the House.

A Yes vote will be in favor of Receding and Concurring with the House.

A No vote will be opposed.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President and Members of the Senate, a few issues here before us. We have two Reports, as a result of the Whitewater Study Commission, a Minority Report and a Majority Report, both of these Reports deal with the Whitewater Outfitters the definition, the licensing, the guide licensing, the safety, the penalties, the enforcement, also, the river management and the recreational use of limits.

Out of all these issues, six of them are through the Fish and Wildlife Department. Two of them might be considered in the Energy and Natural Resources, both Committees are involved.

In the past few years on all Whitewater matters, the Fish and Wildlife Committee has dealt with these issues. They are familiar with them. We only had a turnover of three people on our Committee, so therefore, ten of them have been involved before. Three members of the Whitewater Study Commission were from the Fish and Wildlife Committee. We have been deeply involved with the issue and we feel that we can deal with this matter.

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

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, just to clarify a couple of points: first of all the reference of Committee and as to whether this Bill should go before one committee or another. I would suspect it would be fair to say, I use to feel that there were three committees that this Bill could go to, Fisheries and Wildlife, Energy and Natural Resources, or Business Legislation. The reason I add the Business Legislation Committee is because we're talking about establishing control on an industry, a business in this State which has grown rapidly over the last few years.

I understand this morning there was a meeting in the Governor's Cabinet Room for individuals that were interested in this issue. At that point, it was suggested that perhaps the Bill should, also, go to a fourth committee, Public Utilities, once some people understood the issue and that there could be some questions as to whether or not a monopoly is going to be formed, and whether or not we should regulate them as a utility.

What I would like to point out is, to me, the main issue of these two Bills is when one looks at the Statement of Fact. You see that they tend to address the river management objectives of the State and the impact that Whitewater Rafting has on the management of Maine rivers. Presently, the Energy and Natural Resource Committee has several bills before it dealing with Maine rivers. They've received a lot of publicity this year. I see this as another one of those issues that properly should be addressed before that Committee.

As I stated earlier, I realize that a number of committees could hear this Bill and make a determination on it. Eventually, each and every member of this Legislature is going to make a determination on the final version that is going to be passed. Be it either one of these two Reports, the Majority or the Minority Report of the Committee, or some amended form thereof by any committee. Also, once it hits the floor of the House and the Senate it is subject to amendment by Members of this Legislature. So the Legislative process allows access, not only to a particular committee, but to the entire Legislative process and all of those who serve within the Legislature.

I would hope we would defeat the existing motion and support the motion made by the Senator from Aroostook, Senator Carpenter to put this Bill before the Energy and Natural Resources Committee. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Members of the Senate, I'll be very brief. In response to the good Senator Pray, I would like to mention, also, that the law enforcement part of the Department of Inland Fisheries and Wildlife are the ones that enforce many of the regulations that are from the Committee of Energy and Natural Resources. I just wanted to mention that the Committee on Inland Fisheries and Wildlife is very well qualified to conduct this public hearing and to make the recommendations to the Legislature.

(Off Record Remarks)

The PRESIDENT: The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Collins, Dow, Dutremble, Emerson, Erwin, Hichens, Kany, Perkins, Redmond, Sewall, Shute, Teague, Usher.

NAY—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Gill, Hayes, McBrearty, Minkowsky, Najarian, Pearson, Pray, Trafton, Twitchell, Violette, Wood, The President Gerard P. Conley.

ABSENT—None.

A Roll Call was had.

Senator Minkowsky of Androscoggin was granted permission to change his vote from Nay to Yea.

14 Senators having voted in the affirmative and 19 Senators in the negative, with No Senators being absent, the motion to Recede and Concur with the House, Failed.

On motion by Senator Carpenter of Aroostook the Senate voted to Adhere.

Out of Order and Under Suspension of the Rules, on motion by Senator Carpenter of Aroostook, the Senate voted to remove from the Table:

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

Tabled—April 19, 1983 by Senator CARPENTER of Aroostook

Pending—Further Consideration

(Committee on Fisheries and Wildlife suggested)

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

(In the House April 19, 1983 referred to the Committee on Fisheries and Wildlife in non-concurrence)

On motion by Senator Carpenter of Aroostook the Senate voted to Adhere.

The President laid before the Senate the second 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 in Report "B" reported 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 19, 1983 by Senator PRAY of Penobscot.

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

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

Senator HICHENS: Mr. President, Ladies and Gentlemen of the Senate:

I hope that you will reject the motion made by the good Senator from Androscoggin, Senator Trafton and vote to accept Report B which keeps the original bill, L.D. 264, as it was presented to the Judiciary Committee at the public hearing.

L.D. 264 was presented on behalf of thousands of Maine residents including myself, who are concerned with the moral deterioration of our society. I fully recognize the fact that we cannot legislate morality but concerned citizens can try to make living conditions better for themselves and their families, and prohibit the dissemination of obscene literature and materials will be a major step in the right direction.

Several communities have passed ordinances prohibiting the dissemination of obscene literature and materials and recently the people of Portland voted to prohibit such sales. Some people say that we should let each community make its own ordinance but I ask, "Why let these sellers move from one place where they are prohibited from selling their wares to the adjacent community? I feel that a State Law would save these communities a lot of time and money."

There have been many people who question me as to the clause — the average person, applying community standards would find that taken as a whole, appeals to the prurient interest in sex.

This clause is not my interpretation of obscenity. It is the definition given by the U.S. Supreme Court in 1980, following the Miller vs. California case, as follows:

"Material is obscene if considered as a whole and the average person when applying contemporary standards. (A) It's predominant appeal is to the prurient interest in sex; (B) It depicts or describes sexual conduct in a manner which, when applying contemporary standards, is patently offensive and (C) it lacks serious literary, artistic, political or scientific values."

A more recent decision by the Supreme Court leaves it to the individual state to decide what is obscene.

Twenty-eight states have obscenity laws similar to the bill presented two years ago, and not unlike the ordinance voted by the People of Portland last November. In Atlanta, Georgia, all pornography shops closed after several court hearings.

Obscenity is not a new word in our vocabulary. It has been around down through the ages, but I'm sure that you will all agree with me that it has become a well-known word in the past two decades. There was a time in my life span that obscene shows, stag parties, and obscene magazines were talked about in quiet

and only a certain few of the population ever came in contact with them. Gradually, when censorship was lifted regarding burlesque shows and the sale of pornography, our theatres, our magazine racks, our book stores, and now our television shows are presenting more and more of this smut to the general public.

According to Webster's Dictionary, obscene means to be offensive to one's feelings, or to prevailing notions of modesty or decency, lewd, disgusting, repulsive. If this definition were applied today, there isn't much that we can read or see in our papers, magazines or on television that would be acceptable.

With these definitions in mind and certainly not infringing on the rights of libraries, places of art, colleges, and so forth where literary, artistic, political or scientific publications, statues, paintings, photos, and so forth are used for educational purposes, covered by present laws, I ask you to accept this bill and allow me on Second Reading to present an amendment to the bill, which makes it a Class D crime for the dissemination of obscene materials and also clears up the question as to distribution by libraries, art galleries, etc.

The bill directs itself to sexual conduct and the various deviations of sexual conduct which are made available to the public via the means I have described previously.

Trial on the issue of obscenity may be by jury and intervention by others disseminating the same matter shall be freely allowed, which protects the libraries, should there be any concerns which I cannot believe there should be. Whenever the Attorney General or any District Attorney may enjoin all persons he reasonably believes to be disseminating that matter as parties to the action.

In the past few years, x-rated book stores began to appear in our state. In my own district town of Kittery such a store opened where films, books and materials could be seen and purchased. I received several calls and informed these people that if three or more approached the District Attorney, something could be done to close the store. No three persons together dared voice their disapproval and the store kept in business.

You have heard arguments that adults have the right to read, see and do what they please. I sympathize with the people who believe that it is their right to fill their minds with this trash, but I do not feel that they have rights to force these materials into the public eye. Furthermore, they claim that minors do not have access to these materials. The owner of the Kittery store has openly admitted that although he did not have an officer at the door to prohibit minors from entering, nor did he ask for I.D. cards. Who sees these publications and video tapes when they are purchased or rented? You can bet your bottom dollar that minors have access to whatever they want to see and are sometimes unwittingly observers of such materials.

Hard-core pornography is becoming increasingly a problem and the damage increasingly more harmful. Pornography threatens to pervert young people's attitudes toward sex. It degenerates womanhood, exploiting women as mere objects of men's sexual fantasies, as mere instruments of men's power and control. There is no pornographer who can have any respect for a woman and it is ironic that those individuals who are most vocal in support of women's rights are also among those who defend pornography. Women in this country have the right to be free from sexual exploitation.

Pornography not only threatens the young and degrades the women but it lowers the entire level of civility and cultural discourse by brutalizing and ultimately numbing our moral sensitivities. Pornography is anti-intellectual, anti-society, beastly and violent. It appeals to the easiest instincts in humankind. For these reasons it is a danger.

I could go on and on presenting good reasons why this bill should be enacted but you have received materials on your desks and in your own hearts know why such a law is necessary. I won't bore you with more information. I will close my statements by adding that a great amount of confusion as to time and place of the hearing prevented several people who had intended to be present from appearing to support L.D. 264. Originally scheduled to be heard in the Judiciary Hearing Room, it was moved to Room 113, State Office Building. Then, informed there would be a good crowd present, the hearing was changed to the Civic Center, on short notice. To add to the confusion on the day of the hearing, I was told that it would have to be postponed because of a picket line at the Civic Center. After calling several people, I was then informed that the hearing would take place at the State Armory, so I had to call those people, who, following my first call had notified their friends of the postponement, and tell them of the change. Several people have since told me that due to the confusion, they did not make the trip to Augusta.

However, there were over 250 people present and the committee listened to them speak for several hours, and I commend the committee members for their patience in sitting and listening in an uncomfortably cold auditorium. Opponents to the bill were vastly outnumbered both in numbers of those present at the hearing and those speaking.

I urge you again this afternoon to vote against the motion to accept Report A, and then vote to accept Report B so that the proper amendment can be added on the next Legislative Day and the people of Maine, whom we represent, can be assured of a better moral environment in which to live and bring these children up to.

Mr. President, when the vote is taken, I ask for a Roll Call.

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

Senator TRAFTON: Mr. President and Members of the Senate, I thank the good Senator from York, Senator Hichens for raising the issue of L.D. 264 and obscenity generally today. I think it is very important to discuss here in an open session of the Senate just what course L.D. 264 has taken to date and where it should go from now.

I do again, want to publicly apologize to the good Senator from York, Senator Hichens and others who tried to attend the public hearing before the Joint Standing Committee on Judiciary for L.D. 264, it was as Senator Hichens indicated a bit of confusion as to where the hearing would be located. At the request of the good Senator from York, Senator Hichens, the public hearing was moved from a small room, Room 113 in the State Office Building to the Civic Center. There was a threat of a picket line at the Civic Center as indicated, and to insure that the public hearing would not have to be rescheduled to another day and to insure that people who might wish to testify at the public hearing but might feel constrained not to cross a picket line, the Committee did move the public hearing to the Armory and that public hearing was well attended.

Additionally, the Committee did keep open the Record of that public hearing for a period of over two weeks to entertain any written comments that were submitted. I indicate to you, today, the Committee has received considerable input into its deliberations on L.D. 264 and the Committee has worked diligently in addressing this particular issue.

Let me address L.D. 264 the fact the Judiciary Committee would split three ways, which it has yet to do in this Legislative Session on any other Bill, indicates the difficulty in the Legislature addressing the issue of obscenity. There's no question that we as a State Legislature have the right to control and prohibit obscene speech. The case of Vuf before the United

States Supreme Court in 1957 clearly indicated that the State could regulate obscene speech. The problem that the United States Supreme Court indicated, and other courts in their turn, is the definition of obscenity and then the proper method in regulating obscene speech so that this regulation and limitation does not infringe upon our first Amendment Rights, The Rights of Free Speech. As I indicated, there are limitations on that First Amendment, Right of Free Speech. The question is, what is obscene? And then, how is that regulation actually done to not be overbroad?

As indicated by the good Senator from York, Senator Hichens, the case of Miller vs. California laid before us by the United States Supreme Court did indicate what types of speech may be subject to regulation and he did read part of the definition that was presented to us in that case. The question that arises from Miller vs. California is, how to regulate obscenity? One of the standards that Senator Hichens indicated came from that case is, does the average person applying contemporary community standards find the material taking as a whole, appeals to the prurient interest? I submit to you that it's not quite as easy as one might think to determine what that contemporary community standard is? Who is that average person? Would you like the Attorney General of the State of Maine laying down a standard for you as to what is prurient? What is of prurient interest? What is obscene? Would you rather have your various District Attorneys throughout the State indicate what is obscene as to their District? Is it reasonably to assume that there could be a statewide standard as to what actually is obscene? The practicality of who sets that standard and who then enforces that standard, is a real one!

Communities throughout the State, as again indicated by Senator Hichens have wrestled with this issue. Lewiston, currently, has rejected the approach of L.D. 264. As a matter of fact, I note that the Lewiston Journal in one of its issues within the last week indicated that it was much easier to regulate the availability of obscene material than it is to define what is obscene; Consequently, the city of Lewiston rejected this total approach of a city-wide obscenity ordinance, adopting or proposing to adopt, because they have yet to finally adopt it, proposing to adopt a stricter standard as to the availability of obscene materials to minors.

The city of Portland has adopted an ordinance, and as a matter of fact, L.D. 264 is modeled on the ordinance recently adopted by Portland. Obviously, you've heard from the City of Portland that this ordinance is currently being tested in the courts. It sits now in the Superior Court of Cumberland County; there is no question in my mind nor in others' minds, of those people who sit in the Judiciary Committee, that this matter will be appealed from the Cumberland County Superior Court to the Maine Supreme Court.

As I drove to Augusta the other day I listened to, with interest, a request before the city council of Portland reported, on the Portland budget to address, not only the enforcement of this new obscenity ordinance, but, additionally the legal costs in defending the attacks on this ordinance in court. I submit to you that that twenty-five thousand dollars price tag will be quite a bit higher when the legal cases are complete in the Appeals Court.

Well what did the Committee do, the Joint Standing Committee on Judiciary split three ways as I indicated. There were three people who indicated that LD 264 should not pass. Four who voted that LD 264 should pass. Six not a majority, but just one short of a majority, took a different approach and that different approach took considerable time and effort on the part of the Committee.

The Committee reviewed all of the State statutes addressing obscenity. For your interest

I'll just quickly review what types of controls we do have on obscene materials. Title 17, section 2911 addresses the dissemination of obscene materials to minors. Title 17, sections 2921 and 2922 addresses the sexual exploration of minors. Chapter 26, Title 8, addresses the problem of obscenity in motion pictures. The State does have statutes as indicated controlling obscenity.

What the report, Committee Report "A" sort to do, and does in my opinion, is revise these areas of the law currently in existence to meet current Constitutional standards that they will withstand the attack of those who wish to contest them. It, also, raises the penalty for those convicted of distribution of obscene materials to minors.

It was the feeling of the people who voted on Committee Report "A" the six Members of Judiciary who voted that Report out Ought to Pass that the principal problem dealing with obscenity in the State of Maine is access to obscene materials by minors.

Committee Report "A" strengthens the penalties for that crime. As I, also, indicated it goes further then that it goes through the rest of our obscenity statutes updates them. It provides uniform ages to the determination of minors and is a thorough review of our obscenity statutes.

What is the problem with Adopting Committee Report "B" LD 264 on its face? I submit to you that the State would be embroiling itself, immediately, in litigation. I'd point out to you that LD 264 doesn't, doesn't have a fiscal note, and I suggest to you that it should have a fiscal note because as soon as we were to Adopt this LD 264 with, or without amendment the complaints would be filed in the courts, throughout the State, testing the legality of that statute.

I submit to you that we can ride on the City of Portland's coattails. Let the city of Portland pay the costs of determining whether or not this statutes or this concept is Constitutional. Why should the rest of the citizens of the State of Maine pay the cost when the city of Portland has voted to undertake that role? Why not wait the two years that it may take until that court determination is made? Then review this issue and perhaps be free of that Constitutional problem and the costs that follow it.

This is the reasoning behind Committee Report "A". This is why we bring to you, I think, a rational approach in reviewing the current State statutes on obscenity, strengthening the penalties, but not going so far as to adopt a Constitutionally questionable statute and I urge you. I urge you very strongly, to support my motion to accept Committee Report "A". Thank you.

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

Senator COLLINS: Mr. President the two previous speakers have indeed done an excellent piece of work in describing the issues that are before us.

In the nine years that I have served here I have voted on obscenity bills, I think, three previous times. In the past I have voted against those bills for two reasons: the first reason was that they seem to me to be of doubtful Constitutionality, the second reason was that even if they were Constitutional they had some very difficult questions about censorship, and I have an inherent distrust of censorship, I think we all do.

This year I am supporting the thrust of this Bill, it is not quite in the form that I would like it, and if it succeeds I shall be attempting to amend it. I would like to explain my reasons for supporting the Bill this year.

The first reason is that this particular language has been tested in a competent court in the Red Cloud Case and found to be Constitutional as to its principal sections. Two sections of the bill were deliberately set aside by that court and not judged because of the nature of

the particular proceeding. Those two sections relate to a presumption of "guilty intent" on the part of the possessors particularly in this case it would be news dealers and people who handle bulk quantities of various publications.

If this Bill succeeds it would be my purpose to amend the Bill by removing the two sections that relate to presumption of "guilty intent" because I do not think that that would be fair to the many small news dealers in Maine who frequently receive their publications under contracts that do not permit them to control the exact content of shipments. In many cases they will receive shipments of magazines that might be considered pornographic without their knowledge. I know of stores that refuse to sell those, but they sort them out and put them in the back room and eventually they go to the dump. I do not feel that they ought to be burdened with that presumption.

The second concern that I have is that I share the feeling of the six members of the Committee who voted to do something a little stricter with respect to material that reaches children. The problem I find is that so much of the materials that is really hardcore pornography reaches children inspite of our efforts to prevent it. I made a survey of some of these materials, the Senator from York, Senator Hichens had a collection that was assembled by interested parties ten years ago and I looked at that and then I went to a number of newsstands and looked at what is on sale today. What is on sale today is so much worse then what was on sale ten years ago, that it really makes you sick to your stomach at times just to look at the stuff, and of course people don't have to look at it. The concern that I have is that so much of this material, and I am not talking about Playboy Magazine or Hustler or some of the slicker pornographic magazines, they are tame by comparison to some of the other material that can be found on these stands. I am talking about the type of material that depicts just plain depraved brutality, torture of human beings usually naked of course, and it is not the nakedness that concerns me, it is the torture, the brutality, the tendency to glorify and to emphasize and to teach impressionable minds ways and means of being much more animal then human.

So that is my concern today, I still have an uneasiness about censorship, but I have observed that in the past ten years the community standards as to what is acceptable and what is not acceptable has changed considerably. We see on T.V. and in movies, everyday now, a number of depictions of the human body that would have been thought to be obscene ten years ago, and certainly twenty years ago.

So the standards have changed and those standards are what control the decision of what is obscene and what is not obscene. It is not an easy decision trying to protect people without at the same time unnecessarily hampering either business or the personal tastes of adults. I really do not like to interfere with the personal choices of adults, but in this case I am willing to attempt to do so, because of my interest in protecting the impressionable young minds, and even those minds of adults who are easily influenced. We have seen through the past few years some very definite pieces of evidence where brutal killers have responded to seeing pornographic materials and have gone out and tried to do likewise.

So I would urge you to think about that and to recall that from time to time we have to experiment with social controls. If an experiment in trying a statewide band of obscene material doesn't work well, we can repeal it, but I think that we ought to make that try. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. To address several issues raised by the good Senator from Knox, Senator Collins, this Bill as most of you know was before the Joint Standing Committee on Judiciary for over six weeks, no amendments, no amendments were proposed to bring LD 264 up to Constitutional standards by any members of the Committee, or others who were interested in the Bill. There was one amendment presented at the hearing which addressed the situation of libraries and their involvement in this type of statute. So that I am concerned of the promise of some vague amendments that will remove Constitutional problems in this Bill. I haven't seen them yet. I don't see any before me today.

Second, there was the point made by the good Senator from Knox, Senator Collins that this statute is based primarily on an act that was held Constitutional, I believe that he referred to the Texas statute that was upheld by the Fifth Circuit Court of Appeals. I would point out to you that that court didn't address the Bill before us. As a matter of fact that court abstained from dealing with several crucial sections of the Texas Legislation. Three of which, crucial sections, are before us today in LD 264. The federal judges preferred to wait until ongoing criminal proceedings allowed the state courts to better interpret these provisions and give the federal court a clearer sense of their meaning. That, to me, means that their judgment is still out as to the full impact of this Texas statute.

I would, also, point out that the Texas statutes that was upheld didn't impose a criminal penalty, but rather imposed a civil offense. I would propose to you that there may be a substantial difference as to the difference in Constitutionality in that distinction.

So again I ask you to support Committee Report "A". I think that if you accept Committee Report "B" on the promises that amendments can make it whole and can withstand the attack of those who would call it unconstitutional you will be in a sense voting for a major cost to State government in defending the Constitutionality of an act which we know, or should know is Constitutionally questionable. Thank you.

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

Senator BUSTIN: I move that this Bill and all of its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Bustin moves that LD 264 and all of its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I oppose that motion and ask for a Roll Call when it is taken.

I would like to respond to the good Senator from Androscoggin, Senator Trafton when he said that there were no amendments, that he has known about. Then he did admit that there was one amendment offered by me at the hearing. In addition to the amended Bill which I presented to the Committee and the majority of the Committee did not even consider those amendments in their deliberations and their work sessions. I was informed by one of the four who signed Report "B" that they felt that even if they had tried to put those amendments on that it would have come out the same way that it has, so they suggested that I wait until it came on the floor of the Senate.

The good Senator has, also, stated that he has not seen any sign of those amendments, but I would remind him that S-57 has been in your book for over a week.

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

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, as I understand it we are discussing Report "A" and I would hope that we would go along with the

Senator from Kennebec Senator Bustin's motion to Indefinitely Postpone.

I happen to be one of that small minority that signed out Report "C". The reason why I did that was because I believe wholeheartedly with the concerns that the Senator from Androscoggin has relative to our having to incur liability and go through the process. Why not wait, as other municipalities are doing until the case with respect to the city of Portland has been dealt with? I quite frankly think that that is the way to handle this particular problem. I do not think that we should pass this legislation saying that well if there are some problems found with it we can repeal it later. I think saying that that is a very improper way for the Legislature to Legislate. So I would hope that if this Report is Indefinitely Postponed that we would do the same with Report "B".

With respect to Report "A", I would like to highlight several concerns that I had and it was for that reason that I did not join with Senator Trafton in that Report. First of all, I think that if this is an area of such great concern and we are going to criminalize in certain areas violations in this area, that Report "A" provides for a civil jury. A civil jury is a jury of eight people, which in order to find one guilty doesn't even have to be unanimous. Only six people on that civil jury are necessary to find someone guilty. This is completely in opposition to what most of you are aware of prospective juries a body of twelve men and women which have unanimity. I think that that is a very real concern here, with respect to Report "A".

Another concern that I have with respect to Report "A" is with respect to the issue of venue. This is an issue whereby someone can sue, if some material be it a movie or a magazine could pick any particular county to bring their suit in, be it in Portland, or Dover-Foxcroft, or Lewiston, or Van Buren choosing an area in the State that they think they're most apt to win in. That concerns me I think that it provides for a very inequitable approach. I think that it is going to entail a tremendous amount of unnecessary legal expense and inconvenience because of this.

In addition to this, I think, that because of this question of venue, because D.A.'s or the Attorney General may bring suit in various areas or whomever, that there is a potential of two or more suit being brought in different jurisdictions with conflicting verdicts.

In addition to this the penalty for the dissemination of obscene materials in Report "A" with respect to outdoor motion picture theaters will be a Class "D" crime, whereas if you show the same thing indoors it is a Class "C" crime, (let me switch that one around, that's right) if you show it outdoors it is going to be a Class "D" violation and if you show it indoors it's going to be a Class "C" violation. Which makes utterly no sense at all to me.

We might ask just what are the penalties with respect to Class "C" and "D". Class "D" penalties are: the penalty is up to one year in prison and a fine of one thousand dollars, or if you happen to be a cooperation it is a penalty of up to five thousand dollars. A Class "C" violation showing that same material except under different circumstances is a Class "C" violation and is punishable up to five years in prison, up to twenty-five hundred dollars in penalty, and up to ten thousand dollars if that local man or woman that owns that theater or whatever happens to be incorporated.

What are Class "C" violations by enlarge? They are burglary, aggravated assault, gross sexual misconduct, burglary, aggravated assault and the like. It is for these reasons Ladies and Gentlemen of the Senate that I somewhat reluctantly decided to oppose the Chair of my own party on that Committee and decided to join those on Report "C".

I would hope today that we would vote with the good Senator from Kennebec, Senator Bus-

tin and Indefinitely Postpone this Report. Then I would hope that because of the concerns of the good Senator and I think very capably raised with respect to Report "B" with the issue of why should we get involved in the same problems as the city of Portland is getting themselves involved in, why not wait for the court to dispose of that issue and then deal with this problem? Await some decision there. Thank you very much, Ladies and Gentlemen.

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

Senator HAYES: Mr. President, Members of the Maine State Senate, I would like to speak only briefly to the virtues of Indefinite Postponement. I am deeply upset by Senator Collins, the good Senator from Knox, who would describe LD 1438 as an experiment in social control.

It strikes me that Committee Report "B" attempts to amend the obscenity laws of the State of Maine by replacing the community standards of local government control with the imposition of State community standards. For this reason I oppose this Bill, which extends State regulations in the hopes of imposing standards of morality over a special minority.

More importantly, however, it is my understanding that this Bill attempts to apply the community standards of Portland regarding obscenity over the entire State. For this reason I am going to oppose this Bill.

What is moral or immoral, obscene or not obscene is in the mind of the beholder. Obscenity is a most difficult area to legislate. For some "The Catcher in the Rye" is obscene because of its choice of words. For some the "American Heritage Dictionary" is obscene because it shows an unclothed statue.

Surely we must be very cautious about infringing on the First Amendment freedoms of people. To be extremely cautious about legislating the moral values of our citizens, and surely not to legislate simply, for the sake of legislating.

I move, along with Senator Bustin, Indefinite Postponement.

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

Senator KANY: Mr. President and Members of the Senate, I too, am proud of my heritage and long-time membership in the American Civil Liberties Union and am very proud to consider myself as a civil-libertarian.

I would just like to point out that the particular report that Senator Trafton has been pushing is really not getting us into any new areas of law and really just deals with minors. I don't believe that even the American Civil Liberties Union is opposed to trying to regulate in the areas of child pornography and pornography as it relates to minors.

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

Senator DUTREMBLE: Mr. President, I have a point of information? Could you tell me if we accept the Indefinite Postponement on motion by Senator Bustin, if we are going to be voting to kill both Reports "A" and "B"?

The PRESIDENT: Report "A" is presently what is before the Senate? The motion is to Indefinitely Postpone Report "A".

The Chair is in error, the Senator has requested that this Bill and all of its accompanying papers be Indefinitely Postponed.

Is the Senate ready for the question?

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 Kennebec, Senator Bustin that LD 264 and all accompanying papers be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YE—Baldacci, Brown, Bustin, Charette, Clark, Hayes, Najarian, Pray, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Carpenter, Collins, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hichens, Kany, McBrearty, Minkowsky, Pearson, Perkins, Redmond, Sewall, Shute, Teague, Trafton, Twitchell.

ABSENT—Danton.

A Roll Call was had.

12 Senators having voted in the affirmative and 20 Senators in the negative, with 1 Senator being absent the motion to Indefinitely Postpone LD 264, Failed.

Report "A" of the Committee was Accepted.

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

Senator HICHENS: Mr. President, I would move Reconsideration.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Hichens to Reconsider Acceptance of Report "A".

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, Members of the Senate, I see no reason whatsoever to reconsider our action whereby this Senate has accepted Committee Report "A". We have had considerable debate on this issue, I do not see that the position of the good Senators, from the various counties, will change at all under reconsideration and I would ask for a Division on Reconsideration.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of Reconsideration, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion to Reconsider, Failed.

The Bill Read Once and Tomorrow Assigned for Second Reading.

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

BILL, "An Act to Create the Maine Conservation Corps" (S. P. 496)

Tabled—April 19, 1983 by Senator CARPENTER of Aroostook

Pending—Reference

(Reference to the Committee on Energy and Natural Resources suggested)

On motion by Senator Carpenter of Aroostook referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

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

BILL, "An Act to Provide Continued Funding for the Determination of Ground Water Quality in the State's Sand and Gravel Aquifers" (H. P. 1113) (L. D. 1471)

Tabled—April 19, 1983 by Senator CARPENTER of Aroostook

Pending—Reference

(Committee on Energy and Natural Resources suggested)

(In House April 14, 1983 referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.)

On motion by Senator Carpenter of Aroostook referred to the Committee on Appropriations and Financial Affairs and Ordered

Printed, in concurrence.

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

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" (H. P. 1114) (L. D. 1472)

Tabled—April 19, 1983 by Senator CARPENTER of Aroostook

Pending—Reference

(Committee on Energy and Natural Resources suggested)

(In House April 14, 1983 referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.)

On motion by Senator Carpenter of Aroostook referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

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

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

Tabled—April 19, 1983 by Senator PRAY of Penobscot

Pending—Enactment

(In House April 19, 1983 Passed to be Enacted)

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

On motion by Senator Carpenter of Aroostook, 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:

Committee Reports 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 Regulation of Business Practices between Motor Vehicle Manufacturers, Distributors and Dealers Act" (S. P. 137) (L. D. 429)

BILL, "An Act Concerning Used Car Repairs and Insurance" (S. P. 234) (L. D. 676)

Leave to Withdraw

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

BILL, "An Act to Amend the Late Payment Provisions of the Maine Insurance Code." (S. P. 200) (L. D. 622)

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

Paper from the House Joint Order

The following Joint Order: (H. P. 467)

ORDERED, the Senate concurring, that BILL, "An Act Relating to the Capitalization and Board of Directors of the Maine Fidelity Life Insurance Company" (H. P. 260) (L. D. 320) be recalled from the Governor's desk to the House of Representatives.

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Committee Report House

Ought to Pass — as Amended

The Committee on Agriculture on BILL, "An

Act to Require Annual Disclosure of Interest in Agricultural Land in Maine" (H. P. 871) (L. D. 1125) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H. 131)

Comes from the House, the Report Read, the Bill and Accompanying Papers Recommended to the Committee on Agriculture.

Which Report was Read.

On motion by Senator Pray of Penobscot Recommended to the Committee on Agriculture, in concurrence.

Orders of the Day

The President laid before the Senate:

BILL, "An Act to Promote Safe Solid Fuel Burning Practices" (H. P. 521) (L. D. 646) Tabled earlier in today's session, on motion by Senator Diamond of Cumberland, pending Passage to be Engrossed.

Which was Passed to be Engrossed, in concurrence.

Senator Bustin of Kennebec was granted unanimous consent to address the Senate, off the Record.

On motion by Senator Carpenter of Aroostook, Adjourned until Monday, April 25, 1983 at 9 o'clock in the morning.