

# 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  
 May 2, 1983  
 Senate called to order by the President.

Prayer by Sister Pauline Fournier of Holy Cross Catholic Church of Lewiston.

SISTER FOURNIER: We pause this morning to receive your inspiration from the Book of Wisdom, God of our ancestors, Lord of mercy, Who by Your Word has made all things, and in Your wisdom has fitted men and women to rule the creatures that has come from You, to govern this world in holiness and justice and in honesty of soul to wheeled authority. Give us wisdom and do not reject us from the number of Your children. We are Your servants; we are feeble with little time to live, with small understanding of justice and laws, but indeed, we want to come to You to inspire ourselves from Your wisdom for You, Yourself has chosen us to rule and govern over Your people.

Lord, it is with grateful hearts this morning, for the life that flows within us that we are here; ever mindful that You have empowered us with the task of transforming this earth. Give us keenness of mind, clarity of vision, respect for truth and justice. Renew our decision to place our lives and efforts at the service of mankind, at the service of this State to do always in word and action the will of Him, Who has placed us here. Amen.

Reading of the Journal of Friday, April 29, 1983.

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

BILL, "An Act Relating to the Capitalization and Board of Directors of the Maine Fidelity Life Insurance Company" (H. P. 260) (L. D. 320)

In House April 25, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-160) in non-concurrence, having been recalled from the Governor's desk pursuant to Joint Order (H. P. 467).

In Senate April 26, 1983, Receded and Concurred.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-170) in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House?  
 It is a vote.

**(Senate at Ease)**

The Senate called to Order by the President.

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

SENATE REPORT—from the Committee on Agriculture on BILL, "An Act Relating to Agricultural Contracts" (S. P. 272) (L. D. 835) Ought to Pass.

Tabled—April 29, 1983 by Senator Carpenter of Aroostook.

Pending—Acceptance of the Committee Report.

On motion by Senator Carpenter of Aroostook, Recommended to the Committee on Agriculture.

On motion by Senator Carpenter of Aroostook, under suspension of the rules, sent down forthwith for concurrence.

**Communications**

The Following Communication: (S. P. 516)  
**111th Maine Legislature**

April 29, 1983

Honorable Judy C. Kany  
 Honorable Donald M. Hall

Chairs  
 Joint Standing Committee on  
 Energy and Natural Resources  
 State House

Augusta, Maine 04333

Dear Chairs Kany and Hall:

Please be advised that Governor Joseph E. Brennan today nominated Peter J. Wiley of Falmouth for appointment to the Board of Environmental Protection.

Pursuant to Title 38 MRSA Section 341, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,  
 /S/ GERARD P. CONLEY  
 President of the Senate  
 /S/ JOHN L. MARTIN  
 Speaker of the House

Which was Read and referred to the Committee on Energy and Natural Resources.  
 Sent down for concurrence.

The Following Communication: (H. P. 1158)  
**State of Maine  
 House of Representatives  
 Speaker's Office  
 Augusta, Maine 04333**

April 26, 1983

Hon. Edwin H. Pert  
 Clerk of the House  
 Maine House of Representatives  
 State House Station 2  
 Augusta, Maine 04333  
 Dear Clerk Pert:

This is to notify you that pursuant to Chapter 88 of the Public Laws of 1983, I have today appointed Rep. Laurence L. Kiesman to the Low-level Waste Siting Commission.

Sincerely,  
 /S/ JOHN L. MARTIN  
 Speaker of the House

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

**Senate Papers**

BILL, "An Act to Permit the Use of Modulating Headlights on Motorcycles" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 519) (Presented by Senator DOW of Kennebec)

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

Sent down for 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 the Joint Rules:

BILL, "An Act to Allow the Election of Members of the Board of Assessment Review" (H. P. 940) (L. D. 1223)

**Ought to Pass in New Draft**

The Committee on Judiciary on BILL, "An Act to Make Confidential Certain Documents of the Maine Human Rights Commission" (H. P. 522) (L. D. 647) Reported that the same Ought to Pass in New Draft under same title (H. P. 1156) (L. D. 1526).

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.

**Divided Report**

The Majority of the Committee on Election Laws on BILL, "An Act to Improve Voter Registration Access for Potential Absentee Voters" (H. P. 114) (L. D. 121) Reported that the same Ought to Pass.

Signed:

Senators:  
 PEARSON of Penobscot  
 USHER of Cumberland

Representatives:  
 NADEAU of Lewiston  
 ROBERTS of Buxton  
 HANDY of Lewiston  
 PARADIS of Augusta  
 MICHAUD of E. Millinocket

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

Signed:

Senator:  
 REDMOND of Somerset

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

Come from the House with 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.

**Divided Report**

The Majority of the Committee on Aging, Retirement and Veterans on BILL, "An Act to Provide Cost-of-Living Adjustments to Retired State Employees, Teachers and Beneficiaries" (H. P. 23) (L. D. 19) Reported that the same Ought to Pass in New Draft under same title (H. P. 1142) (L. D. 1507).

Signed:

Senators:  
 DOW of Kennebec  
 MINKOWSKY of Androscoggin  
 TEAGUE of Somerset

Representatives:  
 STEVENSON of Unity  
 PERRY of Mexico  
 THERIAULT of Fort Kent  
 TUTTLE of Sanford  
 AINSWORTH of Yarmouth  
 PARADIS of Old Town  
 HICKEY of Augusta  
 LEHOUX of Biddeford

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

Signed:

Representative:  
 WALKER of Skowhegan

Come from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-169).

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

The Bill Read Once, House Amendment "A" (H-169) Read and Adopted, in concurrence.

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

**Divided Report**

Eleven Members of the Committee on Transportation on BILL, "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats" (H. P. 719) (L. D. 910)

Eleven Members of the Committee Reported in Report "A" that the same Ought to Pass in New Draft under same title (H. P. 1149) (L. D. 1514).

Signed:

Senators:  
 DANTON of York  
 DIAMOND of Cumberland  
 EMERSON of Penobscot

Representatives:  
 MOHOLLAND of Princeton

McPHERSON of Eliot  
THERIAULT of Fort Kent  
MACOMBER of South Portland  
REEVES of Pittston  
NADEAU of Lewiston  
CALLAHAN of Mechanic Falls  
CAHILL of Woolwich

One member of the same Committee on the same subject matter Reported in Report "B" that the same Ought Not to Pass.

Signed:

Representative:

STROUT of Corinth

One member of the same Committee on the same subject matter Reported in Report "C" that the same Ought to Pass in New Draft under New Title, BILL, "An Act Requiring the Use of Child Restraint Seats and the State Police to Loan Restraint Seats to Persons in Violation" (H. P. 1150) (L. D. 1515)

Signed:

Representative:

CARROLL of Limerick

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

Which Reports were Read and Report "A", 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 Marine Resources on BILL, "An Act to Revise the Composition of the Marine Resources Advisory Council" (H. P. 1038) (L. D. 1363) Reported that the same Ought Not to Pass.

Signed:

Senators:

MINKOWSKY of Androscoggin  
SHUTE of Waldo

Representatives:

HOLLOWAY of Edgecomb  
SALSBUURY of Bar Harbor  
AINSWORTH of Yarmouth  
SCARPINO of St. George  
MELENDY of Rockland  
CROWLEY of Stockton Springs  
MITCHELL of Freeport

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-162).

Signed:

Senator:

DUTREMBLE of York

Representatives:

MANNING of Portland  
VOSE of Eastport

Come from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-162).

Which Reports were Read.

On motion by Senator Dutremble of York, the Minority Ought to Pass, as amended, Report of the Committee was Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-162) was Read and Adopted, in concurrence.

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

#### Senate

##### Leave to Withdraw

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

BILL, "An Act Concerning Uniform Crime Reports of Child Abuse, Incest and Gross Sexual Misconduct" (S. P. 202) (L. D. 624)

BILL, "An Act to Create a Capital Improvement Fund for the Maine Veterans' Memorial Cemetery" (S. P. 337) (L. D. 982)

#### Ought to Pass

Senator TWITCHELL for the Committee on Local and County Government on RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Harpswell \$9,781.22 Unexpended Retirement Funds. (S. P. 464) (L. D. 1413) reported that the same Ought to Pass.

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

#### Ought to Pass — as Amended

Senator NAJARIAN for the Committee on Appropriations and Financial Affairs on BILL, "An Act to Promote Work-site High Blood Pressure Programs for Maine Workers" (S. P. 284) (L. D. 872) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-78).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-78) was Read and Adopted. The Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

Senator BUSTIN for the Committee on Health and Institutional Services on BILL, "An Act Concerning Smoking in Nursing Homes" (S. P. 406) (L. D. 1254) Reported that the same Ought to Pass in New Draft under same title (S. P. 517) (L. D. 1538).

Which Report was Read and Accepted. 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 Establish the Third-party Prescription Program Act" (S. P. 199) (L. D. 621) Reported that the same Ought to Pass in New Draft under same title (S. P. 518) (L. D. 1539).

Signed:

Senators:

BUSTIN of Kennebec  
CARPENTER of Aroostook  
GILL of Cumberland

Representatives:

NELSON of Portland  
CARROLL of Gray  
PINES of Limestone  
WEBSTER of Farmington  
SEAVEY of Kennebunkport  
MAYBURY of Brewer  
MELENDY of Rockland  
RICHARD of Madison  
MANNING of Portland

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

Signed:

Representative:

BRODEUR of Auburn

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

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

#### Divided Report

The Majority of the Committee on Agriculture on BILL, "An Act to Make More Efficient the Enforcement of Laws Relating to Cruelty of Animals" (S. P. 87) (L. D. 218) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Relating to the Humane Treatment of Animals" (S. P. 515) (L. D. 1530).

Signed:

Senators:

WOOD of York  
ERWIN of Oxford

Representatives:

SHERBURNE of Dexter  
CROUSE of Washburn  
MICHAEL of Auburn

McCOLLISTER of Canton  
ANDERSON of Stockholm  
PARENT of Benton  
SMITH of Island Falls  
LOCKE of Sebec  
STOVER of West Bath  
MAHANY of Easton

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

Signed:

Senator:

HICHENS of York

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

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

#### Second Readers

##### House

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

BILL, "An Act to Allow the Department of Educational and Cultural Services to Administer the Child Nutrition Program in Private, Nonprofit Schools" (H. P. 772) (L. D. 1002)

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

BILL, "An Act to Revise the Charitable Solicitations Law" (H. P. 852) (L. D. 1102)

BILL, "An Act to Amend Special Education Statutes Pertaining to the Filing of Allowable Expenditures by Special Purpose Schools, Agencies or Institutions" (Emergency) (H. P. 856) (L. D. 1106)

RESOLVE, Authorizing the Exchange of Certain Public Lands. (H. P. 1008) (L. D. 1333)

BILL, "An Act to Authorize Easements for the Purpose of Sewage Disposal and to Eliminate Undersized Rights-of-way on Certain Leased Lots Owned by the Town of Bridgton" (H. P. 1079) (L. D. 1425)

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

BILL, "An Act to Override the Federal Preemption of State Authority to Regulate Alternative Mortgage Transactions" (Emergency) (H. P. 790) (L. D. 1082)

Which was Read a Second Time.

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

Senator CLARK: Mr. President, I present Senate Amendment "A" (S-77) to L. D. 1082 and move its Adoption.

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

Senate Amendment "A" (S-77) was Read and Adopted.

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

Sent down for concurrence.

#### House — as Amended

BILL, "An Act to Require Persons being Licensed to Hunt for the First Time to have Completed a Gun Safety Course" (H. P. 168) (L. D. 199)

BILL, "An Act to Amend the Maine Coastal Protection Fund" (H. P. 993) (L. D. 1303)

BILL, "An Act to Prohibit Smelting on Morrill Pond in Somerset County" (H. P. 995) (L. D. 1305)

BILL, "An Act to Make Corrections in the Maine State Housing Authorities Law" (H. P. 1053) (L. D. 1397)

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

#### Senate

BILL, "An Act for the Town of Bethel to Acquire the Assets and Liabilities of the Bethel Water District and for the Dissolution of the

Bethel Water District" (S. P. 410) (L. D. 1258)  
 BILL, "An Act to Require Swimming Pools to be Enclosed" (S. P. 511) (L. D. 1528)  
 BILL, "An Act to Extend Maine's Returnable Deposit Law" (S. P. 512) (L. D. 1529)  
 Which were Read a Second Time and Passed to be Engrossed.  
 Sent down for concurrence.

#### Senate — as Amended

BILL, "An Act to Establish New Selection Procedures for the Maine Indian Tribal-State Commission Chairmanship" (S. P. 342) (L. D. 1016)  
 Which was Read a Second Time and Passed to be Engrossed.  
 Sent down for concurrence.

#### Orders of the Day

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

BILL, "An Act to Clarify Certain Provisions of the Marine Resources Law" (Emergency) (H. P. 987) (L. D. 1292)

Tabled—April 27, 1983 by Senator Minkowsky of Androscoggin.

Pending—Passage to be Engrossed.  
 (In House, April 25, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (H-157).)

On motion by Senator Minkowsky of Androscoggin the Senate voted to Suspend its Rules.

On further motion by Senator Minkowsky of Androscoggin the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

The PRESIDENT: The Senator has the floor.  
 Senator MINKOWSKY: Mr. President, I present Senate Amendment "A" (S-79) and move its Adoption. I would like to speak to the amendment.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, offers Senate Amendment "A" (S-79) and moves its Adoption.

Senate Amendment "A" (S-79) to Committee Amendment "A" was Read.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, the amendment that I just offered gives the Commissioner greater freedom to consider Federal rules but does not require him to follow Federal changes. This clarifies the authority and makes the rule-making most consistent with the APA or "the Administrative Procedure Act."

Senate Amendment "A" (S-79) was Adopted.  
 Committee Amendment "A" as amended by Senate Amendment "A" thereto was Adopted, in non-concurrence.

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

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

SENATE REPORT—from the Committee on Labor on BILL, "An Act to Remove Minimum Weekly Charge for Handicapped Workers under the Workers' Compensation Act" (S. P. 448) (L. D. 1369)

Majority Ought Not to Pass.  
 Minority Ought to Pass.  
 Tabled—April 29, 1983 by Senator Pray of Penobscot.

Pending—Acceptance of Either Committee Report.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, this is an after-deadline bill that I was requested to put in for a Handicapped Sheltered Workshop in Camden.

The reason for the Legislation is the workshop, at the present time at least, they employ about fifty handicapped workers, and it seems

that their Workmens' Compensation rate is based on a minimum charge, they happen to be insured by Travelers Insurance Agency. Under the rules by which, I guess their compensation rules that Travelers operates under, a person receives 75% of his weekly salary, if he is on Workers' Comp. and a minimum salary of \$37.50, they figure a minimum salary be \$37.50 a week, for any person, handicapped or not, which makes a Workers' Compensation rate of \$28.13. I'm certainly not arguing with that small amount of money but many of these people in this handicapped workshop only earn 50¢ a week, \$10.00 a week, or \$15.00 a week. There are a few that earn up to \$30.00 and a couple that earn up to \$50.00 a week.

This is mostly a good-will workshop that is supported by the Federal government, State government and community grants. Right now, the workshop has an actual payroll of \$18,000 a year. Under the Workmens' Compensation rules they are assessed at a payroll of \$85,800 a year which of course puts their Workmens' Compensation rates, up quite a bit.

It was the feeling of the director and the feeling of the Governor's person on handicapped council that these funds might be better used for the workshop and make more work available for the people in the workshop. This is a rather difficult Bill to amend because where I work, Workmens' Compensation is five times that amount, ten times that amount that I would receive. I think these funds would be better used for programs for the handicapped, if there is a good reason why it can't be done, or shouldn't be done, I'd certainly listen to them.

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

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, the Workers' Compensation has a law that says, right now that there will be a \$25.00 minimum that a person will receive if he becomes disabled, even though he is making less than \$25.00. Whether that person is handicapped or not handicapped that minimum is \$25.00.

I would like to ask Senator Shute why should a person who is handicapped receive anything less than a person who is not handicapped?

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

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, as I said I wasn't sure what the Workmens' Compensation Laws were, however, the reason for the Legislation is for the benefit of the workshop. It is not to try to take advantage of anybody that's handicapped, if they have an accident at the work place. It certainly sounds reasonable that this money could be better used for those programs for these people than it is at the present time, because many people are not even collecting this Workers' Compensation, but the workshop itself has to pay on this rate of \$85,000 a year for salaries when they're only paying \$18,000. That is my complaint.

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

Senator BROWN: Mr. President, I was not at all aware of this particular issue until we started talking about it this morning. It seems to me that we're talking a sheltered environment to begin with, where we have sheltered people working under a sheltered situation, very heavily supervised. It seems to me that what the good Senator from Waldo, Senator Shute, says makes sense. We're not paying these people minimum wages to start with. Why should we hold them to the same level of Workmens' Compensation as minimum level, also?

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

Senator DUTREMBLE: Mr. President, Ladies

and Gentlemen of the Senate, I think it is important to remember that we're not talking minimum wage here; we're talking a person making less than \$25.00 shall receive no benefits less than \$25.00. There are people throughout this State who are working for less than \$25.00 so if they become injured would receive, could not receive less than \$25.00. What some of the Members of the Committee felt was that they should not be treated any differently for a person who is handicapped than for a person who is not handicapped. This law has been in existence for a number of years; it's never been changed; it's \$25.00 for everybody. The majority of the Committee along with the Commissioner of the Workers' Compensation Commission, I might add, saw no reason to change it.

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

Senator BUSTIN: Could I pose a question through the Chair?

The PRESIDENT: The Senator may do so.  
 Senator BUSTIN: If one of these handicapped workers, if under this Bill, one of these handicapped workers had an accident and they were allowed to collect Workers' Comp., what would their compensation be in relation to this and what is presently in place?

The PRESIDENT: The Senator from Kennebec, Senator Bustin poses a question through the Chair to any Member of the Committee who may respond, if they so desire.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, if I understand the question that the person is working and makes more than \$25.00, he can receive two-thirds of the amount made, just like any other job, unless that amount becomes less than \$25.00, at which time the \$25.00 limit would prevail.

The PRESIDENT: Is the Senate ready for the question?

Is it now the pleasure of the Senate to Accept the Majority Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I request a Division.  
 The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to Accept the Majority Ought Not to Pass Report of the Committee, Prevailed.  
 Sent down for concurrence.

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

BILL, "An Act Relating to Clam Regulation in the Unorganized Territories" (H. P. 908) (L. D. 1187)

Tabled—April 29, 1983 by Senator Carpenter of Aroostook.

Pending—Passage to be Engrossed.  
 (In House, April 26, 1983, Passed to be Engrossed.)

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

Senator MINKOWSKY: Mr. President, I present Senate Amendment "A" to L. D. 1187 and move its Adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, presents Senate Amendment "A" (S-80) to L. D. 1187 and moves its Adoption.

Senate Amendment "A" (S-80) was Read and Adopted.

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

Sent down for concurrence.

The President laid before the Senate the fifth Tabled and specially assigned matter:  
BILL, "An Act to Provide Equity for Former Military Spouses" (H. P. 554) (L. D. 705)

Tabled—April 29, 1983 by Senator Pray of Penobscot.

Pending—Enactment.

(In House, April 29, 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.

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

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)

Tabled—April 29, 1983 by Senator Pray of Penobscot.

Pending—Enactment.

(In House, April 29, 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.

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

BILL, "An Act to Amend the Obscenity Laws" (S. P. 477) (L. D. 1438)

Tabled—April 29, 1983 by Senator Pray of Penobscot.

Pending—Enactment.

(In House, April 29, 1983, Passed to be Enacted.)

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

The President laid before the Senate the eighth 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 29, 1983 by Senator Pray of Penobscot.

Pending—Enactment.

(In House, April 29, 1983, Passed to be Enacted.)

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

Senator PRAY: Thank you, Mr. President, Ladies and Gentlemen of the Senate, this is a Bill that has been debated on several previous occasions in this Chamber, it addresses the listing of whom shall serve on the State Retirement Board and whom shall be allowed to submit names for consideration to serve on that Board to the Governor.

Earlier I had at one occasion, had an amendment on it, from the Senate, which basically made the language a little bit generic; it named no specific organizations. It appears before us today, up for Enactment, listing under the individuals who will represent the three nominees submitted to serve on the Retirement Board appointed by the Governor, it lists that the Maine State Employees Association and the Maine Association of Retirees, or other organizations, or Retired State Employees, or Retired Participating Local District Employees may submit names.

The existing language in the statute would allow each of these organizations and any other individual to submit names to the Governor for his consideration. Thus, I believe this Bill is unnecessary, and I move Indefinite Postponement of this Bill and all its Accompanying Papers.

The PRESIDENT: The Senator from Penob-

scot, Senator Pray, moves L. D. 1447 and all its Accompanying Papers be Indefinitely Postponed.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Members of the Senate, I hope you would vote against the pending motion made by the Senator from Penobscot, Senator Pray.

This Bill is a Committee Redraft of a bill that was presented by myself. At the public hearing, we had a good public hearing and we heard from both sides of the Bill. The legislative assistant came out with a redraft of this measure. It had a unanimous Committee Report on it and I think when we voted on the Bill the other day the vote was 17 to 13 and at this time 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. 1447 be Indefinitely Postponed.

A Yes vote will be in favor of the Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Dutremble, Erwin, Hayes, Kany, Najarian, Pearson, Pray, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Collins, Emerson, Gill, Hichens, McBreaity, Minkowsky, Perkins, Sewall, Shute, Teague.

ABSENT—Dow, Redmond.

A Roll Call was had.

21 Senators having voted in the affirmative and 10 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone in non-concurrence, Prevailed.

Sent down for concurrence.

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

RESOLVE, Authorizing Governor to Convey an Interest in Land and Buildings on the Bangor Mental Health Institute Campus. (H. P. 1016) (L. D. 1341)

Tabled—April 29, 1983 by Senator Violette of Aroostook.

Pending—Enactment.

(In House, April 29, 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 Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

BILL, "An Act to Provide Legislative Participation in the Allocation of Consumer Settlements and for Allocation of Funds for the Low-income Energy Assistance Program" (H. P. 1136) (L. D. 1495) Tabled pending Enactment.

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

Senator NAJARIAN: Mr. President, I move its Passage to be Enacted and I would like to speak briefly to the motion.

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: Mr. President, Men and Women of the Senate, this particular Bill allocates seven hundred fifty thousand dollars to

the Low income Energy Assistance Program, and it is the oil over-charge money of which we presently have about one million four hundred thousand dollars.

This will be distributed to people who were qualified and eligible for heating assistance but the Department of Community Services ran out of money.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, moves Enactment on H. P. 1136, L. D. 1495.

This being an emergency measure and having received the affirmative votes of 31 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.

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

Senator CARPENTER: Mr. President, is the Senate in possession of L. D. 1358?

The PRESIDENT: The Chair would answer in the affirmative the Bill, "An Act to Establish a State Board of Prison Terms and Supervised Release" (H. P. 1033) (L. D. 1358) having been held at the request of a Senator.

On motion by Senator Carpenter of Aroostook, the Senate voted to Reconsider its action whereby: L. D. 1358 was referred to the Joint Standing Committee on State Government.

On motion by Senator Carpenter of Aroostook, re-committed to the Committee on Health and Institutional Services, in non-concurrence. 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

RESOLVE, to Reduce the Amount of Money to be Raised by Taxes in Penobscot County. (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Emergency) (H. P. 1159) (L. D. 1532)

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

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, L. D. 1532 be given its First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Resolve Read Twice, and Passed to be Engrossed without Reference to Committee, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

On motion by Senator Carpenter of Aroostook Adjourned until 9 o'clock tomorrow morning.