

# 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 3, 1983

Senate called to order by the President.

Prayer by the Reverend Gary E. Smith of the First Universalist Church of Bangor.

REVEREND SMITH: Let us pray! Spirit of all life; God of all history; Dynamic force for all that is good. By whatever name we call that source of deepest truth and greatest love, we invoke this power in these moments, recalling all of those ways in which God has been made known to us in days past.

We acknowledge those moments when we have not valued one another. When we have said the unkind word. When we have fallen short of the measure we set for ourselves. We look for forgiveness from each other, from ourselves, and from God.

We ask God's blessing upon the Senate of the State of Maine, so, those who govern might be Men and Women of open minds, of far reaching vision, and of loving and compassionate hearts. Guide our leaders to recognize that privilege carries with it responsibility. To place service above self, and true greatness above gain. We pray that these Senators be equipped and enlightened for us sustained and strengthened in every good work.

We ask God's blessing, too, upon the people of the State of Maine: those who work, as well as those who look for work; those who know peace and happiness as well as those who are troubled; those who have the satisfaction of achievement, as well as those who continue to struggle for recognition.

Though we attempt in our prayers and in our speeches to find clever word, teach us above all that it is the human relationship that matters. May we so order, govern and lead our lives that God may in justice send upon us a gracious blessing, and may God, the Maker of us all, create from our differences the political preference of race and religion, of age and color, of State and a Nation of both diversity and great interdependence. Amen.

Reading of the Journal of yesterday.

**Communications**

The Following Communication:  
**State of Maine**  
**House of Representatives**  
**Augusta 04333**

May 2, 1983

Honorable Joy J. O'Brien  
Secretary of the Senate  
111th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it Failed to Enact An Act to Provide for the Use of Major Credit Cards at State Liquor Stores (S. P. 160) (L. D. 448) (C. "A" S-50)

Respectfully,  
S/EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

(Off Record Remarks)

The Following Communication: (S. P. 523)

**State of Maine**  
**Senate Chamber**  
**President's Office**  
**Augusta, Maine 04333**

April 25, 1983

Honorable Joy J. O'Brien  
Secretary of the Senate  
Maine State Senate  
State House  
Augusta, Maine 04333  
Dear Secretary O'Brien:

This is to notify you that I have today appointed Senator Samuel W. Collins, Jr. to the Low-Level Waste Siting Commission, pursuant to Public Law 1983, Chapter 88.

Sincerely,  
S/GERARD P. CONLEY  
President of the Senate

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

The Following Communication: (S. P. 521)  
**111th Maine Legislature**

May 2, 1983

Honorable Carroll E. Minkowsky  
Honorable Nathaniel J. Crowley, Sr.  
Chairs

Joint Standing Committee on  
Marine Resources  
State House  
Augusta, Maine 04333

Dear Chairs Minkowsky and Crowley:

Please be advised that Governor Joseph E. Brennan today nominated William A. Knight, Jr. of Belfast for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, this nomination will require review by the Joint Standing Committee on Marine 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 Marine Resources.  
Sent down for concurrence.

The Following Communication: (S. P. 520)  
**111th Maine Legislature**

May 2, 1983

Honorable Carroll E. Minkowsky  
Honorable Nathaniel J. Crowley, Sr.  
Chairs

Joint Standing Committee on  
Marine Resources  
State House  
Augusta, Maine 04333

Dear Chairs Minkowsky and Crowley:

Please be advised that Governor Joseph E. Brennan today nominated Endicott P. Davison, Jr., of Boothbay for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, this nomination will require review by the Joint Standing Committee on Marine 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 Marine Resources.  
Sent down for concurrence.

**Joint Resolution**

On motion by Senator BUSTIN of Kennebec, the following Joint Resolution (S. P. 522) (Cosponsor: Representative NELSON of Portland)  
**JOINT RESOLUTION ON MEDICARE ASSIGNMENT**

WHEREAS, both the public and private sectors have a heavy financial burden in paying for costs of health care; and

WHEREAS, through cooperative public education efforts among providers of and payors for health care, consumers can be made aware of the costs of that care; and

WHEREAS, many elderly rely on Medicare payments to cover their health care costs; and  
WHEREAS, there is a discrepancy between Medicare allowable charges and physicians or providers actual charges, and older adults are often faced with large out-of-pocket expenses for physician care; and

WHEREAS, at certain times or in certain circumstances it may not be convenient for a

consumer of health care to determine in advance whether his physician accepts Medicare assignment; and

WHEREAS, physicians agree that this information ought to be made available in advance to the consumer; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the 111th Legislature direct the Maine Committee on Aging, to conduct a survey of provider practices regarding Medicare assignment and report back the results by February 1, 1984; and be it further

RESOLVED: That the Maine Committee on Aging conduct an educational campaign for both providers and Medicare beneficiaries, on the importance of requesting provider practice on Medicare assignment in advance; and be it further

RESOLVED: That suitable copies of this Joint Resolution be sent forthwith to the Maine Committee on Aging.

Which was Read and Adopted.  
Sent down for concurrence.

**Committee Reports**  
**House**

**Leave to Withdraw**

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

BILL, "An Act to Adjust the Workers Compensation Insurance Rates Charged Volunteer Ambulance Companies" (H. P. 888) (L. D. 1153)

BILL, "An Act Relating to Malpractice Insurance in the Field of Medicine" (Emergency) (H. P. 946) (L. D. 1227)

**Ought to Pass**

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 515) (L. D. 640) Reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence. The Bill Read Once and Assigned for Second Reading later in today's session.

The Committee on Appropriations and Financial Affairs on RESOLVE, Appropriating \$15,000 for Maine Poison Control Center (H. P. 376) (L. D. 459) Reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence. The Resolve Read Once and Assigned for Second Reading later in today's session.

The Committee on Judiciary on BILL, "An Act to Increase the Damages Jurisdiction of the Maine District Court to \$30,000" (H. P. 400) (L. D. 483) reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence. The Bill Read Once and Assigned for Second Reading later in today's session.

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Create a Revolving Fund for Publications of the Department of Marine Resources" (H. P. 778) (L. D. 1027) Reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence. The Bill Read Once and Assigned for Second Reading later in today's session.

The Committee on Energy and Natural Resources on BILL, "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (H. P. 478) (L. D. 575) Reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence. The Bill Read Once and Assigned for Second Reading later in today's session.

The Committee on Judiciary on BILL, "An Act to Strengthen the Penalties for Misuse of Narcotics by Health Professionals" (H. P. 858) (L. D. 1108) Reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence. The Bill Read Once and Assigned for Second Reading later in today's session.

#### Ought to Pass — as Amended

The Committee on Judiciary on BILL, "An Act to Clarify the Maine Motor Vehicle Habitual Offender Statute" (H. P. 577) (L. D. 725) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-172).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-172).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-172) was Read and Adopted, in concurrence.

The Bill, as amended, Assigned for Second Reading later in today's session.

The Committee on Judiciary on BILL, "An Act to Amend the Reporting Requirements in Cases of Death Due to Abuse or Neglect" (H. P. 715) (L. D. 906) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-173).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-173)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-173) was Read and Adopted, in concurrence.

The Bill, as amended, assigned for Second Reading later in today's session.

The Committee on Election Laws on BILL, "An Act Regulating the Activities of Political Action Committees" (H. P. 306) (L. D. 365) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-174)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-174)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-174) was Read and Adopted, in concurrence.

The Bill, as amended, Assigned for Second Reading later in today's session.

The Committee on Business Legislation on BILL, "An Act to Regulate Interstate Bank Ownership" (H. P. 768) (L. D. 998) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-175).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amend-

ment "A" (H-175).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-175) was Read and Adopted, in concurrence.

The Bill, as amended, Assigned for Second Reading later in today's session.

The Committee on Business Legislation on BILL, "An Act to Authorize Group Self-insurers to Add Participating Employers" (H. P. 120) (L. D. 128) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-176).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-176).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-176) was Read and Adopted, in concurrence.

The Bill, as amended, Assigned for Second Reading later in today's session.

#### Ought to Pass in New Draft Under New Title

The Committee on Election Laws on BILL, "An Act to Provide that an Absentee Ballot for a Municipal Election May be Requested on the Application Requesting an Absentee Ballot for a State Election" (H. P. 30) (L. D. 35) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide that an Absentee Ballot for a Municipal Election may be Issued Pursuant to an Application for an Absentee Ballot for a State Election" (H. P. 1157) (L. D. 1527).

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

Which Report was Read and Accepted in concurrence.

The Bill, in New Draft under New Title, Read Once and Assigned for Second Reading later in today's session.

#### Divided Report

The Majority of the Committee on Transportation on BILL, "An Act to Require a Single License Plate" (H. P. 497) (L. D. 594)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DANTON of York  
DIAMOND of Cumberland  
EMERSON of Penobscot

Representatives:

CAHILL of Woolwich  
CALLAHAN of Mechanic Falls  
CARROLL of Limerick  
MACOMBER of South Portland  
THERIAULT of Fort Kent  
STROUT of Corinth  
McPHERSON of Eliot  
MOHOLAND of Princeton

The Minority of the same Committee on the same subject matter

Reported that the same Ought to Pass.

Signed:

Representatives:

NADEAU of Lewiston  
REEVES of Pittston

Comes from the House, the Minority Report Read and Accepted and the Bill Failing of Passage to be Engrossed.

Which Reports were Read.

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

Senator DANTON: I move the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from York, Senator Danton moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Ladies and Gentlemen, I have some concerns

about the particular issue that is before us this morning, the Acceptance of this Majority Ought Not to Pass Report.

Two years ago, Members of this Body will remember, this issue was debated and at that time, the good Senator from Aroostook, Senator Carpenter made some very pertinent observations concerning the one versus two license plates. Since that time—at that time I very much supported the Ought Not to Pass position here in keeping the two license plates. Since that time I have observed, and all of you have, the fact that anybody and their brother can put anything they want to in front of the car. They can put names, they can put the names of the automobile dealers, they can put anything they so desire. There's no effort, whatsoever, to maintain the two license plate law. Here we are going ahead and turning down the opportunity to have a single license plate and we're doing nothing to enforce the two license plates.

The arguments that are made is that the State Police need this for identification, that that's a helpful tool to be able to identify cars. Yet if I intend to be a lawbreaker, I'll take that license plate off and put my wife's name on the front of the automobile, or anything else I so desire. So, it seems to me we're being very hypocritical when we go ahead and maintain the idea of having two license plates and do nothing whatsoever about enforcing that law.

I will not even ask for a Division this morning, probably it's inappropriate, because of the strong Committee Report, but nevertheless, the fact remains that if we are going to maintain the idea of two license plates, then we ought to enforce that law. We oughtn't to have every automobile dealer in the State and every person's brother put anything they want to on the front of that automobile. There's no good reason for it. Thank you, Mr. President.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I did not fully intend to debate this morning, but seems how my good friend the Senator from Washington, Senator Brown started it, I think, one point needs to be made, and that is, that this issue has been around here time and time and time again, and time and time again I hear the same arguments, and yet, somehow I'm not convinced.

I guess, one of the things that I have to look back on the year of 1976, bicentennial year when we said in this State, as a State, that we don't need this plate. We said, as a State, it is all right to wear the bicentennial plate on the front of your car. We acknowledged for one entire year that this was not a necessary law enforcement tool, it was not a necessary identification tool, it was not necessary.

I don't notice it as prevalently in this area, Kennebec County, as I do in the rural areas in the State, but in the rural areas in the State, this law is routinely not enforced. Savings to the State which I have harangued on now for the last four years in a row, I guess, would be something in the order of one hundred thousand dollars, I understand. If we ever get around, and we will have to very soon, reissue license plates, the amount of savings would be phenomenal. It just seems to me that we're being terribly hypocritical. There are times of the year when the State Police do run out and enforce this law, which I believe is a mandatory twenty-five dollar fine, as soon as you're caught without your front license plate. I suspect that I could go through the Legislative parking lot this morning and find certain Legislators without front plates.

I recently bought a new car and forgot to put my plate on about two weeks. I thought about toying with the law a little bit and going longer but decided not to, but for two weeks I drove up and down the road, could have been breaking any laws, I could have been murdering, maiming people and never would have been caught

because I didn't have my front plate.

Mr. President, I will ask for a Division.

The PRESIDENT: A Division has been requested.

(Off Record Remarks)

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I would hope that this Body would Accept the Ought Not to Pass Report, Reported out by the Transportation Committee.

I think it was eight years ago I was on the Transportation Committee when this issue surfaced and we had quite an in-depth assessment as to what the rationale was of having one or two plates. It just so happened that during the segment of time in the town of Yarmouth an elderly lady was murdered, and enroute to the area was one of our State Police Officers who was just checking cars that were coming along with a possible description of a car that left the scene of the murder. He did get the license plate of various vehicles and they checked out these vehicles and fortunately, one of the vehicles that was on that road, leaving the scene of the murder, was the person who committed the crime. That convinced me at that particular point in time that those front plates are of paramount importance.

Insofar as cost savings, I can recall a few years ago they brought up the fact that to manufacture a plate costs anywhere from fifty-five to eighty-five cents per plate. If we are talking of substantial cost savings of hundreds of thousands of dollars that was brought out earlier, I think that would be chewed up very quickly because we always can increase fees, that's been the customary thing to do for a long span of time. For the safety of the people of the State of Maine, and as an additional law enforcement tool, I would hope that this Body would support the Transportation Committee's Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question? A Division has been requested.

Will all those Senators in favor of the motion by Senator Danton of York that the Senate Accept 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 places to be counted.

18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to Accept the Majority Ought Not to Pass Report of the Committee, in non-concurrence Prevailed.

**Divided Report**

The Majority of the Committee on Transportation on BILL, "An Act to Require the Wearing of Protective Headgear by All Motorcycle, Motor Driven Cycle and Moped Riders" (H. P. 836) (L. D. 1072)

Reported that the same Ought to Pass.

Signed:

Senators:

DANTON of York  
DIAMOND of Cumberland

Representatives:

MACEMBER of South Portland  
McPHERSON of Eliot  
REEVES of Pittston  
NADEAU of Lewiston  
CARROLL of Limerick

The Minority of the same Committee on the same subject matter

Reported that the same Ought Not to Pass.

Signed:

Senator:

EMERSON of Penobscot

Representatives:

STROUT of Corinth  
MOHOLLAND of Princeton  
THERIAULT of Fort Kent

CALLAHAN of Mechanic Falls

CAHILL of Woolwich

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

Which Reports were Read.

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

Senator DANTON: I move the Senate Accept the Majority Ought to Pass Report.

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

**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 to Create a Commission on the Financial Needs of Maine Small Businesses" (S. P. 443) (L. D. 1366)

BILL, "An Act to Promote Early Diagnosis of Child Abuse or Neglect" (S. P. 98) (L. D. 227)

**Ought to Pass — as Amended**

Senator ERWIN for the Committee on Agriculture on RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of Northern New England and Quebec and the Maritimes (S. P. 324) (L. D. 969) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-82).

Which Report was Read and Accepted.

The Resolve Read Once.

Committee Amendment "A" (S-82) was Read and Adopted.

The Resolve, as amended, Assigned for Second Reading later in today's session.

Senator ERWIN for the Committee on Agriculture on BILL, "An Act to Promote the Development of Human Resources in Rural Areas of Maine" (S. P. 441) (L. D. 1348) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-83).

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-83) was Read and Adopted.

The Bill, as amended, Assigned for Second Reading later in today's session.

**Second Readers**

**House**

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

BILL, "An Act to Make Confidential Certain Documents of the Maine Human Rights Commission" (H. P. 1156) (L. D. 1526)

BILL, "An Act to Improve Voter Registration Access for Potential Absentee Voters" (H. P. 114) (L. D. 121)

BILL, "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats" (H. P. 1149) (L. D. 1514)

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

**House — as Amended**

BILL, "An Act to Provide Cost-of-Living Adjustments to Retired State Employees, Teachers and Beneficiaries" (H. P. 1142) (L. D. 1507)

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

BILL, "An Act to Revise the Composition of the Marine Resources Advisory Council" (H. P. 1038) (L. D. 1363)

Which was Read a Second Time.

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

**Senate**

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)

BILL, "An Act Concerning Smoking in Nursing Homes" (S. P. 517) (L. D. 1538)

BILL, "An Act to Establish the Third-party Prescription Program Act" (S. P. 518) (L. D. 1539)

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

Sent down for concurrence.

BILL, "An Act Relating to the Humane Treatment of Animals" (S. P. 515) (L. D. 1530) Which was Read a Second Time.

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

Senator WOOD: Mr. President and Members of the Senate, I do not intend to take any action other than I would like at this time to speak on this item since the 12 to 1 Report was Accepted yesterday without any debate.

Many would think it would be foolhardy to stop a Bill that you are in favor of, and want to see passed, when it is in such a favorable position, but unfortunately, in the last couple of days I have heard rumors, innuendoes and allegations and I would like to set the Record straight on those.

I would like the Bill to rise or fall on the merits of the Bill and not on the rumors, allegations and innuendoes that have been floating around.

L. D. 1530 is an outgrowth of L. D. 218. I sponsored L. D. 218 at the request of the Maine State Society for the Protection of Animals. At the hearing on that Bill I told the Committee that although I had sponsored the original Bill I had some reservations about it. I was not sure that I would vote for the Bill in Committee. Those reservations were shared by probably the twelve other members of that Committee, and if the vote had been taken that day it would have come out thirteen Ought Not to Pass. In fact, the Commissioner of Agriculture came in and gave us many reservations, although, he testified neither for nor against, I quipped with him afterwards that I could find little to be said for about the Bill, and much to be said against.

There were many people at the hearing, many of them had reservations about the Bill, but people, also, had reservations about the present situation. The charge that I left with the Committee, was the charge that we should look at the Department and see if it is protecting our animals in this State. If it is, we should kill the Bill, if it isn't and needs a remedy we should pass the Bill out.

Fortunately, Senator Erwin gave me time to reflect and to research this area and after reflecting and researching in this area, I came to the conclusion that, although the day to day operations of the Department were by and large being carried out in an adequate and professional manner, that the focus of the Department was not always in the best interest of the animals.

The Commissioner of Agriculture had many other hats to wear and animal welfare is not now and probably will never be a high priority in that Department. In the past, when we found situations that need attention in that Department, it has seemed appropriate to create a stronger voice.

We only have to look back to pesticide control. When the Commissioner was not adequately taking care of the needs of pesticides through no fault of his own, but just through many other hats that he had to wear, we decided to create a Pesticide Control Board.

In the area of harness racing, when the Commissioner cannot adequately spend a lot of time on harness racing, it was deemed appropriate to create a Harness Racing Commission.

So, it seemed to me appropriate to make sure animal welfare issues were adequately addressed and were a continuing concern to the Department. It seemed appropriate that we create a board to continue to represent the needs of the animals of this State, and that is what the Redraft does.

It does not change any of the animal welfare laws, those continue as they have been. It does not change any of the day to day operations of the Department, those will continue as they have been. It does not change any of the staff in the animal welfare division, those people will remain and we've guaranteed that they would remain by putting language in this Bill.

It simply puts in place an Animal Welfare Board who will be the policy arm of that Department and will look into animal welfare issues. The animal welfare laws will be transferred to this Board, but the day to day operations will be pretty much as they are. The same we can say for pesticide, or any other policy board. The day to day operations are carried out by the staff. The policy questions are carried out by the Board.

How is this Board to be made up? It will be made up of four members from the humane societies, four farmers, or representative to farm groups, one veterinarian, and the Commissioner of Agriculture is a non-voting ex-officio member.

To take care of the concerns of some people that the Board would play into the hands of any individual, we took steps to guarantee this. We made sure that the chairman would be approved by the Board and not by the Governor. We made sure that these people would have to be confirmed so that they would come before the Committee on Agriculture and have their credentials questioned and looked into. Then they would have to be approved by the full Senate. The same way that we approve other bodies of this nature.

We, also, put language in that no humane society could have more than one member on the Board at any given time, and then we put language in that the first term would be for one year for three members. So at the end of one year we would be reviewing one-third of the Board, so that we could get a handle on what they had done in the first year and whether they were worthy of reappointment. So, we have placed many safeguards.

We, also, put off the Final Enactment of this Bill in terms of coming into play until March 1st, so that there would be plenty of time to search out qualified candidates, plenty of time to transfer authority, plenty of time to take care of the paper work necessary, so that this Department would operate in the best way that it could.

I feel very strongly with this Board in place, that the staff, over there, that the Legislature and the State, as a whole, will have a constant and continuing voice in Augusta for our animals of this State. That was my sole reason for sponsoring this Legislation and the sole reason for working so hard. Over the years, I have sponsored many animal welfare issues, it is something I hold very dear to my heart. It's always disturbed me that there is not many strong voice, other than the staff over there, and this Bill will insure that there is a strong voice, but a voice that is tempered, tempered with representatives from various elements of Maine to make sure that it's a strong but tempered voice.

Now to the rumors that have been floating around here. The first rumor is that this Bill is the effort of one powerful individual. If you consider me one powerful individual, then I take credit for it. The Bill is my Bill. I have sponsored it I have worked for it and it is my Bill, and no one else. It was sponsored on the behalf of a large organization, an organization that has been in this State since 1872 and an organization that is more than one person.

The second rumor, this Bill is an attempt to

do away with staff. That somehow it's the reflection on the staff of that division. I have in front of me a memo from the Commissioner of Agriculture indicating that he is supporting this Bill and that his support in no way should indicate any disregard for the staff, that the staff is doing a wonderful job and he is supporting this Bill for other reasons.

I had the unpleasant task of calling a former Commissioner of Agriculture last night to determine whether he had told people that he felt the staff was incompetent. I knew the answer before I called him, but I felt that it was important to call him. That individual assured me that in his lobbying efforts he had never told anyone that the staff was incompetent. He had told our Committee that the staff was very competent, that he had problems over there but it was not with the staff. That is why he was supporting the Bill not as a reflection on any staff.

I would not have insured that the staff continue in this Bill, if I thought they were incompetent. I have taken every step to make sure they do continue and so the issue of whether the staff is incompetent is a red-herring being dragged out at the twelfth hour to try to defeat this measure.

The third argument is whether the Maine State Federation supports or does not support this Bill? The Maine State Federation, to my knowledge, does not support this Bill. I met with them one evening for three hours; I answered every objection they had; I made every change they recommended; I knew that if I made those changes I would still not get their support, but I felt that it was important to meet with them and to make their changes. I do not want anyone to think that the Federation is supportive of the Bill. There are people in the Federation that support it, but the Federation as a whole has not, to my knowledge, taken a new vote or if they have I'm not aware what the total is. I knew they were polling members but I'm not sure what the final outcome was. So, if someone says you should vote for this Bill or against this Bill on the basis of the Federation, at this point, the Federation is not supportive of it.

The other rumor that has been floating around is one on personalities and turf, and yes, there is a lot of personalities at play and there is a lot of turf fighting at play in this issue. For every group that is opposed to the Bill, I can find a group that is in favor of the Bill, but at some point, that becomes irrelevant. The issue before us is what is in the best interest to animals of this State, not in what is the best interest of the Bath Humane Society, or the Sanford Humane Society, or the Old Town Humane Society. Those societies will rise and fall on their own merits, unfortunately, the animals of this State need some protection. I think this Bill offers it, regardless of what group does, or does not support it.

I would urge you not to be misled if someone says this person is supporting it or that person is not supporting it. Unfortunately, we have here an original Bill that left a great deal of sour taste in peoples' mouths. Even now, though we have changed the Bill radically, that taste remains. So, I have talked to people who are not supporting the Bill and when I explain to them what the new Bill does, they sort of looked at me blankly and said, it does that.

I think we've all over the years seen issues in which there was a controversy, and when you changed and respond to those criticisms, the controversy remains. I think that's unfortunate, but I would argue that we have made a concerted effort. When you consider that we started out with thirteen members of the Committee opposed to a Bill, and we now have a twelve to one report. When you consider that we had the Department and the Commissioner of Agriculture opposed to a Bill, and now we have his support. We must have taken some of the controversy out of the issue. We must have

responded to some of the concerns. We must have come up with a Bill that meets some needs. So, although there is a sour taste there, I'm not sure that it's justified.

Finally, one of the most disturbing rumors that I heard was that somehow people signed these jackets under duress. I think that charge belittles all of us. There are some charges that I will not bring up, because I don't think they deserve the courtesy of response. Both jackets were taken around. The issues were discussed fully in work session, after work session, and people knowingly signed those jackets if the results twelve to one, so be it.

I would urge you to look at this Bill, to tear it apart, to ask questions, but please, vote on it on the merits, or the demerits. Not on rumor, innuendo or other things. Thank you.

Which was Passed to be Engrossed.

Sent down for concurrence.

#### Senate — as Amended

BILL, "An Act to Promote Work-site High Blood Pressure Programs for Maine Workers" (S.P. 284) (L. D. 872)

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

Sent down for concurrence.

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

#### Enactors

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

An Act to Amend the Probate Fees (H. P. 714) (L. D. 905)

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

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

Comes from the House, Indefinitely Postponed.

On motion by Senator Danton of York, L. D. 482) was Indefinitely Postponed, in concurrence.

#### Orders of the Day

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

HOUSE REPORT—from the Committee on Election Laws on BILL, "An Act Relating to Boards of Voter Registration" (H. P. 186) (L. D. 228) Ought to Pass in New Draft (H. P. 1146) (L. D. 1509)

Tabled—April 29, 1983 by Senator PEARSON of Penobscot

Pending—Acceptance of Committee Report (In House April 27, 1983 Report Read and Accepted and the New Draft Passed to be Engrossed.)

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

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

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

Tabled—May 2, 1983 by Senator PRAY of Penobscot

Pending—Enactment (In House April 29, 1983 Passed to be Enacted)

On motion by Senator Pray of Penobscot, Retabled for 2 Legislative Days.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

#### (Off Record Remarks)

On motion by Senator Carpenter of Aroostook, Recessed until the sound of the bell.

(Recess)

(After Recess)

The Senate called to order by the President.

On motion by Senator Pray of Penobscot, Recessed until 4 o'clock this afternoon.

(Recess)

After Recess

The Senate called to Order by the President.

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

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

BILL, "An Act to Clarify, Simplify and Improve Certain Sections of the Labor Laws of Maine" (S. P. 497) (L. D. 1503)

In Senate April 25, 1983 Passed to be Engrossed.

Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-185) in non-concurrence.

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

**Non-concurrent 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)

In House April 29, 1983 Passed to be Enacted.

In Senate May 2, 1983 Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

Comes from the House, that Body Adhered.

On motion by Senator Carpenter of Aroostook, Tabled for 2 Legislative Days, pending Further Consideration.

**Joint Resolution**

The following Joint Resolution (H. P. 1164) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL DELEGATION AND APPROPRIATE OFFICIALS OF THE IMMIGRATION AND NATURALIZATION AND CUSTOM SERVICES OF THE UNITED STATES TO OPPOSE THE PROPOSED PLAN TO CLOSE THE BORDER STATION AT COBURN GORE, FRANKLIN COUNTY, MAINE

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 Members of the United States Congress from Maine and appropriate officials of the Immigration and Naturalization and Custom Services of the United States as follows:

WHEREAS, Coburn Gore, in the far northwest corner of Franklin County, is now the only port of entry between New Hampshire and Jackman, Maine; and

WHEREAS, this station manned by 2 customs officers is one of 34 ports in 9 northern border states that has been named for closure or curtailment by the Federal Government; and

WHEREAS, the closing of Coburn Gore station would stop all entry into the country at that point and traffic would be stopped at the border where Quebec Highway 161 becomes Maine Route 27; and

WHEREAS, Coburn Gore is the only entry point for Canadians traveling to the year-round Sugarloaf recreational area; and

WHEREAS, this closure would place an eco-

nomnic hardship on both Maine and Canadian citizens and play havoc with commerce in the western Maine area; and

WHEREAS, a detour of more than 40 miles to another border crossing at Jackman is an undue burden for both commercial and pleasure traffic in this area; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the Honorable Ronald W. Reagan, President of the United States, Members of the Congress of the United States and appropriate officials of Immigration and Naturalization and Custom Services of the United States to reverse any plans to close the border station at Coburn Gore in Franklin County, Maine and to consider the great hardship on people of this area that will result should that station be closed; and be it further

RESOLVED: That copies of this Memorial, duly authenticated by the Secretary of State be transmitted forthwith to the Members of the Maine Congressional Delegation and the appropriate heads of Immigration and Naturalization and Custom Services of the United States.

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

**Senate Papers**

BILL, "An Act Relating to Forest Practice." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 525) (Emergency) (Presented by Senator PRAY of Penobscot)

Reference to the Committee on Agriculture suggested.

On motion by Senator Carpenter of Aroostook referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Restructure State Involvement in Liquor Sales and Enforcement." (S. P. 526) (Presented by Senator NAJARIAN of Cumberland) (Cosponsors: Representative McCollister of Canton, Representative LEHOUX of Biddeford, Senator BROWN of Washington)

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

Sent down for concurrence.

BILL, "An Act to License Home Health Care Services." (S. P. 527) (Presented by Senator BUSTIN of Kennebec) (Cosponsors: Senator GILL of Cumberland, Representative NELSON of Portland, Representative J. DIAMOND of Bangor)

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

Sent down for concurrence.

BILL, "An Act to Create a Bill of Rights for Victims and Witnesses." (S. P. 528) (Presented by Senator SHUTE of Waldo) (Cosponsors: Representative DRINKWATER of Belfast, Senator PERKINS of Hancock)

BILL, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (S. P. 529) (Emergency) (Presented by Senator TRAFTON of Androscoggin) (Cosponsor: Representative HOBBS of Saco)

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

Sent down for concurrence.

BILL, "An Act Relating to Major Policy-influencing Positions in Certain Regulatory and Law Enforcement Agencies." (Submitted by the Department of Personnel pursuant to Joint Rule 24.) (S. P. 530) (Presented by Senator CONLEY of Cumberland) (Cosponsor: Speaker J. MARTIN of Eagle Lake)

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

Sent down for concurrence.

BILL, "An Act to Value Forest Land on the Basis of Current Use." (S. P. 531) (Presented by Senator McBREAIRTY of Aroostook)

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

Sent down for concurrence.

**Committee Reports**

**House**

**Leave to Withdraw**

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

BILL, "An Act to Reduce Driver's License and Registration Fees and to Increase the Tax on Motor Fuels." (H. P. 355) (L. D. 413)

BILL, "An Act Relating to Abortions in the Third Trimester." (H. P. 171) (L. D. 201)

BILL, "An Act Relating to Abortion by Saline Injection" (H. P. 108) (L. D. 115)

BILL, "An Act to Provide Access to Insurance Rates Filings before a Rate Filing Becomes Effective" (H. P. 1077) (L. D. 1431)

**Ought to Pass — as Amended**

The Committee on Health and Institutional Services on BILL, "An Act to Authorize Coverage of Medical Supplies Under the Low Cost Drugs for the Elderly Program" (H. P. 997) (L. D. 1330) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-178)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-178)

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-178) was Read and Adopted, in concurrence.

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

The Committee on Business Legislation on BILL, "An Act to Allow Domestic Assessment Mutual Companies to Appoint Agents" (H. P. 899) (L. D. 1178) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-180).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-180)

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-180) was Read and Adopted, in concurrence.

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

The Committee on Public Utilities on BILL, "An Act to Improve the Price and Availability of Radio Paging Services" (Emergency) (H. P. 894) (L. D. 1159) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-179)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-179)

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-179) was Read and Adopted, in concurrence.

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

**Ought to Pass in New Draft**

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Maximize the Availability of Certain Social Services by Providing for Income from Fees and Remove



References to Federal Requirements which no Longer Exist" (H. P. 828) (L. D. 1066) Reported that the same Ought to Pass in New Draft under same title (H. P. 1161) (L. D. 1533).

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

Which Report was Read and Accepted, in concurrence.

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

#### Ought to Pass in New Draft Under/New Title

The Committee on Energy and Natural Resources on BILL, "An Act to Strengthen the Shoreland Wetlands Alterations Law" (H. P. 575) (L. D. 723) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Amend Mandatory Zoning and Sub-division Control" (H. P. 1160) (L. D. 1531).

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

Which Report was Read and Accepted, in concurrence.

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

The Committee on Aging, Retirement and Veterans on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System (H. P. 25) (L. D. 30) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Clarify Legislative Intent Concerning Funding of the Maine State Retirement System" (H. P. 1155) (L. D. 1525)

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

Which Report was Read and Accepted, in concurrence.

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

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on BILL, "An Act Concerning the Beginning Date for the Open Season on Deer" (H. P. 686) (L. D. 866)

Reported that the same Ought Not to Pass.

Signed:

Senators:

REDMOND of Somerset  
DOW of Kennebec  
USHER of Cumberland

Representatives:

MacEACHERN of Lincoln  
ERWIN of Rumford  
RODERICK of Oxford  
JACQUES of Waterville  
KELLY of Camden  
CONNERS of Franklin  
PAUL of Sanford

The Minority of the same Committee on the same subject matter

Reported that the same Ought to Pass.

Signed:

Representatives:

CLARK of Millinocket  
SMITH of Island Falls  
GREENLAW of Standish

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

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

#### Divided Report

The Majority of the Committee on Education on BILL, "An Act to Create a Student Seat on the Board of Trustees of the University of Maine" (H. P. 24) (L. D. 29)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-177)

Signed:

Senators:

CLARK of Cumberland  
HAYES of Penobscot

Representatives:

BROWN of Gorham  
CROUSE of Washburn  
RANDALL of East Machias  
BOTT of Orono  
LOCKE of Sebec  
MATTHEWS of Caribou  
THOMPSON of South Portland

The Minority of the same Committee on the same subject matter

Reported that the same Ought Not to Pass.

Signed:

Senator:

HICHENS of York

Representatives:

MURPHY of Kennebec  
SOUCY of Kittery  
SMALL of Bath

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

Which Reports were Read.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Majority Ought to Pass as amended, Report of the Committee?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, just as a matter of information. How would you pick the student? From what campus? Is there a formula? How would it be done?

The PRESIDENT: The Senator from Penobscot, Senator Pearson 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 Penobscot, Senator Hayes.

Senator HAYES: If I have a moment to check the Bill, I can then explain the process.

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

#### 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 to Prohibit the Trapping of Bear with the Leg Hold Steel Jaw Bear Trap." (S. P. 55) (L. D. 162)

BILL, "An Act Establishing Emergency Mental Health Services" (S. P. 490) (L. D. 1490)

##### Ought to Pass — as Amended

Senator EMERSON for the Committee on Transportation on BILL, "An Act to Authorize the Commissioner of Transportation in Maine to Enter into Interstate Agreements Related to Reciprocal Enforcement of Fuel Use Laws" (S. P. 335) (L. D. 980) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-85).

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-85) Read and Adopted.

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

Senator DANTON for the Committee on Legal Affairs on BILL, "An Act Relating to Drinking in Public" (S. P. 420) (L. D. 1273) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-

86)

Which Report was Read and Accepted. The Bill Read Once.

Committee Amendment "A" (S-86) was Read and Adopted.

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

Senator WOOD for the Committee on Agriculture on BILL, "An Act Relating to Agricultural Contracts" (S. P. 272) (L. D. 835) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-81)

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-81) was Read and Adopted.

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

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on BILL, "An Act to Allow the Training of Bear Dogs" (S. P. 371) (L. D. 1145)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-87)

Signed:

Senators:

USHER of Cumberland  
DOW of Kennebec  
REDMOND of Somerset

Representatives:

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

The Minority of the same Committee on the same subject matter

Reported that the same Ought Not to Pass.

Signed:

Representative:

KELLY of Camden

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

The Bill Read Once.

Committee Amendment "A" (S-87) was Read and Adopted.

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

#### Second Readers

##### House

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

BILL, "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 515) (L. D. 640)

RESOLVE, Appropriating \$15,000 for Maine Poison Control Center (H. P. 376) (L. D. 459)

BILL, "An Act to Increase the Damages Jurisdiction of the Maine District Court to \$30,000" (H. P. 400) (L. D. 483)

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

BILL, "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (H. P. 478) (L. D. 575)

BILL, "An Act to Strengthen the Penalties for Misuse of Narcotics by Health Professionals" (H. P. 858) (L. D. 1108)

BILL, "An Act to Provide that an Absentee Ballot for a Municipal Election may be Issued Pursuant to an Application for an Absentee Ballot for a State Election" (H. P. 1157) (L. D. 1527)

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



**House — As Amended**

BILL, "An Act to Clarify the Maine Motor Vehicle Habitual Offender Statute" (H. P. 577) (L. D. 725)

BILL, "An Act to Amend the Reporting Requirements in Cases of Death Due to Abuse or Neglect" (H. P. 715) (L. D. 906)

BILL, "An Act Regulating the Activities of Political Action Committees" (H. P. 306) (L. D. 365)

**(Senate at Ease)**

The Senate called to Order by the President.

BILL, "An Act to Regulate Interstate Bank Ownership" (H. P. 768) (L. D. 998)

BILL, "An Act to Authorize Group Self-insurers to Add Participating Employers" (H. P. 120) (L. D. 128)

Which were Read a Second Time.

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

**Senate — as Amended**

RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of Northern New England and Quebec and the Maritimes (S. P. 324) (L. D. 969)

BILL, "An Act to Promote the Development of Human Resources in Rural Areas of Maine" (S. P. 441) (L. D. 1348)

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

Sent down for concurrence.

**Enactors**

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

An Act to Make the Single Axle Limit Uniform (S. P. 131) (L. D. 318)

An Act Amending the Display of Registration Plates for Truck Tractors (S. P. 163) (L. D. 451)

An Act Relating to the Investment of Funds in Litigation (S. P. 343) (L. D. 1017)

An Act Concerning Probation and Suspended Prison Sentences (S. P. 498) (L. D. 1504)

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

**Emergency**

An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Services in Nursing Homes (S. P. 24) (L. D. 25)

This being an emergency measure and having received the affirmative votes of 30 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Emergency**

RESOLVE, to Designate the Saco Spur From Route 1 to its Intersection with Ocean Park Road as "Centennial Way" to Commemorate the Year of the 100th Anniversary of the Town of Old Orchard Beach (S. P. 500) (L. D. 1506)

**Emergency**

RESOLVE, to Reduce the Amount of Money to be Raised by Taxes in Penobscot County (H. P. 1159) (L. D. 1532)

**Emergency**

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)

These being emergency measures and having received the affirmative votes of 32 Members of the Senate, with No Senators having voted in the negative, were Finally Passed and having been signed by the President were by the Secretary presented to the Governor for his approval.

**Orders of the Day**

On motion by Senator Carpenter of Aroostook, the Senate voted to remove from the Table: L. D. 725, L. D. 906, L. D. 365, L. D. 998, L. D. 128;

BILL, "An Act to Clarify the Maine Motor Vehicle Habitual Offender Statute" (H. P. 577) (L. D. 725)

BILL, "An Act to Amend the Reporting Requirements in Cases of Death Due to Abuse or Neglect" (H. P. 715) (L. D. 906)

BILL, "An Act Regulating the Activities of Political Action Committees" (H. P. 306) (L. D. 365)

BILL, "An Act to Regulate Interstate Bank Ownership" (H. P. 768) (L. D. 998)

BILL, "An Act to Authorize Group Self-insurers to Add Participating Employers" (H. P. 120) (L. D. 128)

Tabled earlier in today's session, on motion by Senator Carpenter of Aroostook, pending Passage to be Engrossed.

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

On motion by Senator Carpenter of Aroostook, the Senate voted to take from the Table:

HOUSE REPORT—from the Committee on Education on

BILL, "An Act to Create a Student Seat on the Board of Trustees of the University of Maine" (H. P. 24) (L. D. 29)

Tabled earlier in today's session on motion by Senator Carpenter of Aroostook, pending Acceptance of Either Committee Report.

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

The President laid before the Senate:

BILL, "An Act to Revise the Composition of the Marine Resources Advisory Council" (H. P. 1083) (L. D. 1363)

Tabled—May 3, 1983 by Senator PRAY of Penobscot

Pending—Passage to be Engrossed.

(In House—April 29, 1983 Passed to be Engrossed as amended by Committee Amendment "A" (H-162)

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

Senator MINKOWSKY: I think that there is a reasonable explanation that should be in the Record relevant to this particular Bill, today.

First, I would like to read for the Record, since I was not present in the Senate Chamber yesterday, as to why the Committee on Marine Resources voted as it did, yesterday, and that was on this Bill nine to three, Ought Not to Pass.

Today we have come up with what we feel is an adequate compromise. First let me state that the Marine Resources Advisory Council is currently a nine member Board, each member is directly engaged in commercial activities or industries based on marine resources. The Council members are selected to represent the Council, (I am sorry), to represent the commercial fishing industry and I will reiterate that, the commercial fishing activities over which the Department has jurisdiction, and to reflect a broad geographical distribution along Maine's coast. This is the purpose of the Advisory Council.

Now the Minority Report LD 1363 would remove one of the commercial fishing representatives on the Council, take that person off the Council. Then substitute a person to represent

recreational fishing interests. In the viewpoint of the Committee on Marine Resources this was not a good idea.

The Department and the Council deal almost exclusively with commercial fishing issues, such as industry promotion and development, regulations of net mesh size, and hear conflicts, and processing industry quality control programs. This is what the Council does.

In the last seven years there has been only one controversial issue involving recreational fishing that the Council has been involved with.

It might be very difficult to select an adequate representative of recreational fishing interests, and I reiterate that point, it might be very difficult to select an adequate representative of recreational fishing interests, because the industry is multifaceted. Yet very many, several complex groups, and they cover a great spectrum and many different interests, a few examples of recreational fishing interests that I would like to have on the Record this afternoon would be a party boat, charter boats, individual fishermen or harvesters of different species of ground fish, to stripers, to smelts. This is what it does cover.

There is no apparent need to change accounts at all, but if a change is made it might be more appropriate to put a public member on the Council. A public member! When we speak about a public member we are talking about a public member at large that is served that might have the flexibility to represent the public interests. I think that if this public member is selected by the Governor and approved by the Marine Resources Committee we would have somebody adequate that could represent the public interests without being very specific without saying recreational fishing interests.

Now this afternoon after discussion with several members of the Marine Resources Committee we came up with what we consider a practical, viable, amendment. We are amended the original Minority Report that you passed on yesterday, and in this amendment that we are going to present we are simply saying amend — the amendment provides that one of the members of the Marine Resources Advisory Council shall represent the public.

Now I think that I have adequately explained beforehand why we have done this. I would like to present this amendment, Mr. President, and ask, hope that the Senate Accept its passage.

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

Is this the pleasure of the Senate?

It is a vote.

The Senator from Androscoggin, Senator Minkowsky offers Senate Amendment "A" (S-84) to Committee Amendment "A".

Senate Amendment "A" (S-84) to Committee Amendment "A" was Read.

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

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I would hope that we would not Accept Senate Amendment "A". I understand that Senator Minkowsky's proposal puts on a public member on the Advisory Council. That's a pretty open-ended statement. What is a public member? Is that public member a fisherman? Could it be a fisherman? Could it be a lobsterman? Could it be a recreational person? It's very open-ended and it's left entirely up to discretion of the Commissioner. You know in the past the Commissioner, along with the advice of the Advisory Council, has promulgated a lot of rules concerning Marine Resources, and some of them dealing with recreational fishing and recreational interests.

We think it is only fair that at least one member of the nine member Advisory Council

should be a person representing the recreational interests in the State of Maine.

Now the original Bill asked for three members, and I dare say the reason so many members of the Committee on Marine Resources were on the Ought Not to Pass Report on this Bill, was that they still thought that the original Bill was for three members: and I guess, few of them were aware of the fact that it was down to one member representing the recreational interests.

Senator Minkowsky, the good Senator from Androscoggin has stated that there's only been one controversial issue dealing with recreational fishing in the past years. That doesn't clarify how many issues or rules have been passed through on recreational fishing. There may have been a lot more than that, and he has stated himself, the number of different instances and the number of different cases, that recreational instances apply in the State of Maine.

Finally, I would like to say that who knows, if we had had this public member, or this recreational member on the Advisory Council a few years ago, we wouldn't have spent all those hours in here fighting over striped bass. You never know, because that was a rule that was going to be promulgated by the Commissioner and there was nobody there representing the interests of the recreational fishermen, and I think that's very important.

Marine Resources is important to the State of Maine, but it doesn't only belong to the businessmen, the fishermen and the lobstermen. It, also, belongs to all the people who fish recreationally.

I would hope that we would defeat, or Indefinitely Postpone the amendment that Senator Minkowsky has presented to us today. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Dutremble.

Senator DUTREMBLE: I request a Division, please.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A", please rise in their places to be counted.

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

9 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion to Adopt Senate Amendment "A" Failed.

Committee Amendment "A" was Adopted, in concurrence.

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

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Senator Brown of Washington was granted unanimous consent to address the Senate, Off the Record.

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

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