

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 9, 1983
Senate called to order by the President.

Prayer by Father George J. Plante of St. John the Baptist Catholic Church of Winslow.

FATHER PLANTE: Let us pray! O God, Almighty Father, look with favor upon the Members of this Senate assembled here today. If they have authority in our State, it is because You willed it so. Give them Your spirit of wisdom and counsel, so that they may always follow the right paths that leads to Your Kingdom. May Your guiding light always incline them to follow Your divine inspirations. In Your fortitude, give them courage to face obstacles valiantly. May Your love fire them with enthusiasm, and may the fear of You, O Lord, prevent them from ever straying from Your will.

Let the light of Your wisdom direct all their deliberations and shine forth in all their proceedings, so that in all they do, they may always strive to work for the common good of all our citizens, so that all may enjoy a happy and fruitful life. Amen.

Reading of the Journal of Friday, May 6, 1983.

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

BILL, "An Act to Increase Reimbursement for Professional Credits for Teachers." (S. P. 361) (L. D. 1074)

In Senate March 17, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-29).

Comes from the House, bill and accompanying papers Indefinitely Postponed in non-concurrence.

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

Non-concurrent Matter

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

In Senate May 2, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-163) as Amended by House Amendment "A" (H-165) thereto in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-163) as Amended by House Amendment "B" (H-207) thereto in non-concurrence.

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

**Order
Joint Resolution**

On motion of Senator BUSTIN of Kennebec, the following Joint Resolution (S. P. 540) (Cosponsor: Representative NELSON of Portland)

JOINT RESOLUTION ON DAY CARE

WHEREAS, many state workers have indicated an interest in greater availability of day care services for their children or those of other workers; and

WHEREAS, availability of day care is of concern to all who wish to encourage qualified care and supervision of children in our State; and

WHEREAS, provision of day care services has been cited as a significant contribution to employee morale; and

WHEREAS, there are demonstrated needs for provision of these services in many areas of the State; and

WHEREAS, the Labor-Management Committee, representing the Maine State Em-

ployees' Association and the State, has been studying the issue of day care services for state employees; and

WHEREAS, not all state workers are represented by the Maine State Employees' Association; and

WHEREAS, the Legislature wishes to consider all of the issues involved in the services to be offered, to whom, where, and at what cost; now, therefore, be it

RESOLVED: That a study committee on day care be formed, consisting of 2 Legislators from the Joint Standing Committee on Health and Institutional Services, appointed by the chairmen of that committee, representatives from the Maine Commission for Women, Labor-Management Committee, American Federation of State, County and Municipal Employees and the Department of Human Services; and be it further

RESOLVED: That one of the Legislators shall serve as chairman of the committee; and be it further

RESOLVED: That the committee report back its findings, together with any accompanying legislation, to the Joint Standing Committee on Health and Institutional Services by December 1, 1983.

Which was Read.

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

**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 Remove any Statutory Reference Mandating Teachers to take 6 Credit Hours for Recertification." (H. P. 1005) (L. D. 1313)

BILL, "An Act to Amend the Medicaid Co-payment Law." (H. P. 220) (L. D. 268)

BILL, "An Act to Establish Inmate Representation" (H. P. 903) (L. D. 1182)

BILL, "An Act to Amend the Maine Tort Claims Act." (H. P. 655) (L. D. 829)

Ought to Pass

The Committee on Judiciary on BILL, "An Act to Clarify the Rights of Putative Fathers in Adoption Proceedings" (H. P. 866) (L. D. 1114) 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 Transportation on BILL, "An Act to Remove the Requirement that Farm Vehicles have a Fuel Use Decal." (H. P. 427) (L. D. 509) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-197).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-197)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-197) 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 Amend the Standard Valuation Law for Life Insurance and Annuities and the Standard Nonforfeiture Law for Life Insurance" (H. P. 876) (L. D. 1130) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-198).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-198).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-198) was Read and Adopted, in concurrence. The Bill, as amended, Assigned for Second Reading later in today's session.

The Committee on Public Utilities on BILL, "An Act to Clarify the Fuel Charges of Electric Utilities." (H. P. 717) (L. D. 908) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-195)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-195)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-195) was Read and Adopted, in concurrence. The Bill, as amended, Assigned for Second Reading later in today's session.

The Committee on Public Utilities on BILL, "An Act to Revise the Mexico Water District Charter" (H. P. 422) (L. D. 505) Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-196).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "B" (H-196).

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "B" (H-196) 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 Transportation on BILL, "An Act to Provide for a Sign on I-95 Directing Traffic to Houlton and the Trans-Canadian Highway." (H. P. 104) (L. D. 111) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Pertaining to Directions from Interstate 95 to the Maritime Provinces" (H. P. 1175) (L. D. 1563)

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

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

The Committee on Legal Affairs on BILL, "An Act to Create a Statewide Task Force on Arson" (Emergency) (H. P. 938) (L. D. 1221) Reported that the same Ought to Pass in New Draft under New Title, RESOLVE, Providing for a Study to Determine the Need for a Statewide Task Force on Arson (Emergency) (H. P. 1173) (L. D. 1556)

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

**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 Establish Day Care Services for State Employees." (S. P. 407) (L. D. 1255)

BILL, "An Act Relating to the Cutting of Wood on Public Lots" (S. P. 444) (L. D. 1367)

Ought to Pass

Senator COLLINS for the Committee on Judiciary on BILL, "An Act to Make Extreme Anger or Extreme Fear Brought About by Adequate Provocation an Affirmative Defense which Reduces Murder to Manslaughter, and to Create the Crime of Intentional or Knowing Manslaughter." (S. P. 447) (L. D. 1368) Reported that the same Ought to Pass.

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

Ought to Pass — as Amended

Senator VIOLETTE for the Committee on State Government on BILL, "An Act to Clarify the Administration of the Department of Labor." (S. P. 333) (L. D. 978) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-101)

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-101) was Read.

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

Ought to Pass in New Draft

Senator VIOLETTE for the Committee on State Government on BILL, "An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration." (S. P. 294) (L. D. 899) Reported that the same Ought to Pass in New Draft under same title (S. P. 539) (L. D. 1574)

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

Divided Report

The Majority of the Committee on Energy and Natural Resources on BILL, "An Act Relating to Authority of the Land Use Regulation Commission Over Organized Municipalities" (S. P. 302) (L. D. 916) Reported that the same Ought Not to Pass.

Signed:

Senators:

KANY of Kennebec
PEARSON of Penobscot

Representatives:

RIDLEY of Shapleigh
MITCHELL of Freeport
MICHAEL of Auburn
KIESMAN of Fryeburg
MCGOWAN of Pittsfield
HALL of Sangerville

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

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

DEXTER of Kingfield
MICHAUD of E. Millinocket
BROWN of Livermore Falls

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Election Laws on BILL, "An Act to Change the Date of the Primary Election to the First Tuesday in September" (S. P. 103) (L. D. 235) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-103).

Signed:

Senators:

USHER of Cumberland
PEARSON of Penobscot

Representatives:

STEVENSON of Unity
HANDY of Lewiston
SHERBURNE of Dexter
ROBERTS of Gorham
MICHAUD of E. Millinocket

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

Signed:

Representatives:

NADEAU of Lewiston
PARADIS of Augusta
MARTIN of Brunswick
WENTWORTH of Wells
CAHILL of Woolwich

Which Reports were Read.

On motion by Senator Pray of Penobscot, Tabled 1 Legislative Day, pending Acceptance of Either Committee Report.

Second Readers

House — As Amended

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

BILL, "An Act to Increase the Borrowing Capacity of the Winterport Water District" (Emergency) (H. P. 988) (L. D. 1293)

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

Senate

BILL, "An Act to Amend the Adult Protective Services Act" (S. P. 536) (L. D. 1562)

BILL, "An Act to Increase the Compensation for Substitute Teachers" (S. P. 538) (L. D. 1568)

BILL, "An Act to Establish a Commission to Review and Evaluate the University of Maine System" (S. P. 537) (L. D. 1566)

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

Sent down for concurrence.

Senate — As Amended

BILL, "An Act to Provide a Warden's Association Handbook" (S. P. 488) (L. D. 1481)

BILL, "An Act Pertaining to License Revocation Notices Issued by the Commissioner of Inland Fisheries and Wildlife" (S. P. 357) (L. D. 1078)

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 Improve Voter Registration Access for Potential Absentee Voters. (H. P. 114) (L. D. 121)

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

(Off Record Remarks)

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Carpenter of Aroostook, Recessed until 4:30 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:

Second Readers House

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

BILL, "An Act to Clarify the Rights of Putative Fathers in Adoption Proceedings" (H. P. 866) (L. D. 1114)

BILL, "An Act Pertaining to Directions from Interstate 95 to the Maritime Provinces" (H. P. 1175) (L. D. 1563)

RESOLVE, Providing for a Study to Deter-

mine the Need for a Statewide Task Force on Arson. (Emergency) (H. P. 1173) (L. D. 1556)

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

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

House — As Amended

BILL, "An Act to Remove the Requirement that Farm Vehicles have a Fuel Use Decal" (H. P. 427) (L. D. 509)

BILL, "An Act to Clarify the Fuel Charges of Electric Utilities" (H. P. 717) (L. D. 908)

BILL, "An Act to Revise the Mexico Water District Charter" (H. P. 422) (L. D. 505)

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

BILL, "An Act to Amend the Standard Valuation Law for Life Insurance and Annuities and the Standard Nonforfeiture Law for Life Insurance" (H. P. 876) (L. D. 1130)

Which was Read a Second Time.

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

Senator DANTON: For the Committee on Bills in their Second Reading, I offer Senate Amendment "A" (S-104) to L. D. 1130 and move its Adoption.

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

Senate Amendment "A" (S-104) was Read and Adopted.

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

Sent down for concurrence.

Senate

BILL, "An Act to Make Extreme Anger or Extreme Fear Brought About by Adequate Provocation an Affirmative Defense which Reduces Murder to Manslaughter, and to Create the Crime of Intentional or Knowing Manslaughter" (S. P. 447) (L. D. 1368)

BILL, "An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration" (S. P. 539) (L. D. 1574)

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

Sent down for concurrence.

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

Papers from the House

House Papers

BILL, "An Act to Create a Forest Resource Assessment and Marketing Program" (Submitted by the Department of Conservation pursuant to Joint Rule 24) (H. P. 1171) (L. D. 1559) Reference to the Committee on Agriculture suggested.

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

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

BILL, "An Act to Address the State's Responsibility Under the Potato Industry's Long-Range Plan" (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24) (H. P. 1170) (L. D. 1558)

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

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

BILL, "An Act Concerning the Catching of Herring for Bait" (Submitted by the Department of Marine Resources pursuant to Joint Rule 24) (H. P. 1172) (L. D. 1560)

Comes from the House, referred to the Committee on Marine Resources and Ordered

Printed.

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

BILL, "An Act to Impose a Severance Tax on Wood" (H. P. 1166) (L. D. 1557)

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

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

Committee Reports Senate Divided Report

The Majority of the Committee on Transportation on BILL, "An Act to Require the Use of Seat Belts in all Motor Vehicles" (S. P. 263) (L. D. 808) Reported that the same Ought Not to Pass.

Signed:

Sensors:

DIAMOND of Cumberland
EMERSON of Penobscot

Representatives:

MOHOLLAND of Princeton
NADEAU of Lewiston
CARROLL of Limerick
STROUT of Corinth
CAHILL of Woolwich
THERIAULT of Fort Kent
MACOMBER of South Portland
REEVES of Pittston
CALLAHAN of Machanic Falls

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

Signed:

Sensor:

DANTON of York

Representative:

McPHERSON of Eliot

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

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

Senator DANTON: Mr. President, I move that the Senate reconsider its action whereby the Senate Accepted the Ought Not to Pass Report on L. D. 808.

The PRESIDENT: The Senator from York, Senator Danton, moves that the Senate reconsiders its action whereby it Accepted the Majority Ought Not to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: May I ask for a Division, please?

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: I ask for 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.

On motion by Senator Danton of York, Tabled for 1 Legislative Day, pending Reconsideration. (A Roll Call having been Ordered.)

Orders of the Day

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

Joint Resolution on Day Care. (S. P. 540)

Tabled—May 9, 1983 by Senator Pray of Penobscot.

Pending—Adoption.

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

Senator VIOLETTE: Mr. President, I offer Senate Amendment "A" (S-105) to S. P. 540 and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator Violette, offers Senate Amendment "A" (S-105) and moves its Adoption.

Senate Amendment "A" (S-105) was Read and Adopted.

Which was Adopted, as amended.

Sent down for concurrence.

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

BILL, "An Act to Clarify the Administration of the Department of Labor" (S. P. 333) (L. D. 978)

Tabled—May 9, 1983 by Senator Pray of Penobscot.

Pending—Adoption of Committee Amendment "A" (S-101).

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

Senator PRAY: Mr. President, I offer Senate Amendment "A" (S-102) to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "A" to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate: The purpose of this Amendment is to provide the Commissioner of Labor with the necessary authorities to Administer the Bureau of Employment Security and the Unemployment Insurance Laws of this State. This Amendment would require that the Unemployment Insurance Commission obtain consent from the Commissioner of the Bureau of Labor prior to promulgating rules and regulations. It, also, provides that any suits against the Unemployment Security Commission that the Commissioner of the Bureau of Labor would represent them. The Unemployment Insurance Commission comes under the auspices of that Department and that Commissioner.

Senate Amendment "A" to Committee Amendment "A" was Adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was Adopted.

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

(Off Record Remarks)

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

SENATE REPORT—from the Committee on Energy and Natural Resources on BILL, "An Act Relating to Authority of the Land Use Regulation Commission Over Organized Municipalities" (S. P. 302) (L. D. 916)

Majority Report Ought Not to Pass.

Minority Report Ought to Pass.

Tabled—May 9, 1983 by Senator Pray of Penobscot.

Pending—Acceptance of Either Report.

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

Senator KANY: Thank you, Mr. President. I move Acceptance of the Majority Ought Not to Pass Report.

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

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I would hope that you did not Accept the Majority Ought Not to Pass Report.

When the Land Use Regulation Commission was created, back in, I think 1969, plantations, unorganized townships, and plantations were put under the jurisdiction of LURC. LURC's duties were to extend principal sound planning, zoning and subdivision controls to the unorganized and deorganized townships of the State.

Recently, several towns have organized, and plantations, many plantations have adopted land use standards, land use plans and ordinances. This Bill would once they adopt sound land use standards would allow them out from under the jurisdiction of LURC and it would be treating them as other towns are treated. In fact, in many towns that are not under LURC do not have good land use plans. I think this town, the Capitol, is one of them.

I don't have any intent of allowing towns out unless they do adopt a plan that's satisfactory to LURC, once they do, I think they should be able to do so.

I hope you would not Adopt this, and I ask for 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 PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President and Men and women of the Senate, The argument on the other side of this Bill is very short, and I think, very clear.

What this Bill intends to do is, or what the position of the Ought Not to Pass, Majority position has is, that people who get out, towns who get out of the jurisdiction of the Land Use Regulation Commission would have to wait four years.

This Bill would change that and what we intend to do is to prevent towns or unorganized territory from getting out of LURC just for the purpose of changing their zoning so that it would be less than desirable from the State's point of view.

There are always communities, we have had an experience over the last ten or fifteen years of towns, plantations, that have organized in order to get out of the Forestry District. We have fear that a number of areas in the State may simply adopt sufficient regulations to organize, get out of LURC and then revert to a chaotic situation in which there is virtually no zoning.

Now the good Senator from Aroostook, Senator McBreairty, has suggested to you that there are towns in this State that have no zoning. I suspect that that is true. He cited as an example the city of Augusta. I think that if you were to ask those people who have lived in Augusta all their lives, if they had a chance to do it over again, they probably would have had more adequate zoning and wish that they had in the past.

We are trying to keep an orderly process going so that towns won't, plantations won't simply organize in order to allow anything to happen—the wildest dreams one might think of.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, there are a couple of things wrong with the way that this is being handled presently. The Land Use Regulation Commission statute when it was passed said, "the Commissioner of Conservation shall prepare a biannual budget and shall submit it to the Legislature a request for appropriations sufficient to carry out its assigned task."

Now this was done for ten years, several years ago when the cost component was passed they switched their budget to the property tax in the unorganized territory and continued to service the plantations and the towns that organized after 1971.

So there are real problems, I think, constitutionally with the funding of these services that is being provided these people. That is one problem.

The other problem is that the town organizes, their organized, they're people, they belong to the State of Maine, they are just as capable of looking after themselves as any other town. Under the law the way it is now, LURC can hold a public hearing in Bangor and rezone all of Alagash and the people can hold town meetings and they can scream, they can claw, they can do anything that they want and they have to accept those regulations.

Now, if you want that for your town let's amend it and put these regulations on any town, all towns that do not have any zoning, I'll buy that if you want mine under it, let's put yours under it. It would be the same thing. Thank you.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Kany that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

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

ROLL CALL

YEA—Bustin, Carpenter, Charette, Clark, Diamond, Dow, Dutremble, Erwin, Hayes, Kany, Najarian, Pearson, Trafton, Wood, The President Gerard P. Conley.

NAY—Collins, Danton, Emerson, Gill, Hichens, McBrearty, Minkowsky, Perkins, Pray, Redmond, Sewall, Shute, Teague, Twitchell, Usher, Violette.

ABSENT—Baldacci, Brown.

A Roll Call was had.

15 Senators having voted in the affirmative and 16 Senators in the negative, with 2 Senators being absent, the motion to Accept the Majority Ought Not to Pass Report, Failed.

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

Senator PRAY: I move that this L. D. be Tabled for 1 Legislative Day.

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

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 916 for 1 Legislative Day, please rise in their places to be counted.

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

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion to Table for 1 Legislative Day, pending Acceptance of the Minority Ought to Pass Report, Prevailed.

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

Paper from the House Non-concurrent Matter

BILL, "An Act Relating to Drinking in Public" (S. P. 420) (L. D. 1273)

In Senate May 4, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-86).

Comes from the House Passed to be Engrossed as Amended by Committee Amendment "A" (S-86) as amended by House Amendment "A" (H-201) thereto in non-concurrence.

The PRESIDENT: Is it now the pleasure of

the Senate to Recede and Concur with the House?

It is a vote.

House Papers

BILL, "An Act to Clarify the Authority and Responsibility of School Boards in Disciplining Students" (H. P. 1184)

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

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

BILL, "An Act to Permit Appointment of a Register of Deeds and Provide Civil Service Standards for the Register of Deeds and the County Treasurer" (H. P. 1185)

Reference to the Committee on Local and County Government suggested.

Comes from the House Indefinitely Postponed.

The PRESIDENT: Is it now the pleasure of the Senate that H. P. 1185 be Indefinitely Postponed in concurrence?

It is a vote.

BILL, "An Act to Establish Time Limits for the Eminent Domain Procedures for Sanitary and Sewer Districts" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1186)

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

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

BILL, "An Act Relating to Major Policy-Influencing Positions in Various State Agencies" (Submitted by the Department of Personnel pursuant to Joint Rule 24) (H. P. 1187)

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

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

Senate Papers

BILL, "An Act Affecting the Organization of the Department of Business Regulation" (Submitted by the Department of Business Regulation pursuant to Joint Rule 24) (S. P. 541) (Presented by Senator Clark of Cumberland) (Cosponsors: Senator Brown of Washington and Representative TELOW of Lewiston)

Which was referred to the Committee on Business Legislation 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 Concerning the Use of Sludge for Agricultural Purposes" (H. P. 1007) (L. D. 1332)

RESOLVE, Authorizing the State to Convey its Interest in the Public Lots in the Town of Great Pond to the Inhabitants of Great Pond. (H. P. 994) (L. D. 1304)

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 Improve Motor Vehicles Laws Regarding Pedestrian Safety" (H. P. 784) (L. D. 1013)

BILL, "An Act to Establish the Maine Natural

Death Act" (H. P. 924) (L. D. 1203)

BILL, "An Act to Establish Standards of Conduct for Employees of the Maine Guarantee Authority" (H. P. 1004) (L. D. 1312)

BILL, "An Act Relating to Motor Vehicle Violations within the Penobscot Nation" (H. P. 221) (L. D. 269)

BILL, "An Act Relating to Motor Vehicle Violations" (H. P. 222) (L. D. 270)

Ought to Pass as Amended

The Committee on Judiciary on BILL, "An Act to Amend Certain Provisions of the Laws Defining Sex Offenses" (H. P. 864) (L. D. 1113) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-204).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-204).

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-204) was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Education on BILL, "An Act to Amend the Protection and Advocacy Agency for the Developmentally Disabled in Maine Statutes" (H. P. 932) (L. D. 1177) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-203).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-203).

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-203) was Read and Adopted in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on BILL, "An Act Relating to the Licensing of Dental Radiographers" (H. P. 996) (L. D. 1329) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-200).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-200).

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-200) was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Legal Affairs on BILL, "An Act to Amend the Law Governing Traveling Shows" (H. P. 1051) (L. D. 1395) Reported that the same Ought to Pass in New Draft under same title (H. P. 1179) (L. D. 1569).

Comes from the House, the Report Read and Accepted and the Bill, in 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.

Enactors

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

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)

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

An Act to Amend the Laws Governing the Administration of Medications in Group Home Intermediate Care Facilities for the Mentally Retarded. (S. P. 466) (L. D. 1420)

An Act Concerning Transient Sellers who Offer Merchandise as Free of Charge. (S. P. 508) (L. D. 1522)

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

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

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

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

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

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

An Act to Allow Domestic Mutual Assessment Companies to Appoint Agents. (H. P. 899) (L. D. 1178)

An Act to Authorize Coverage of Medical Supplies Under the Low Cost Drugs for the Elderly Program. (H. P. 997) (L. D. 1330)

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

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)

An Act to Clarify Legislative Intent Concerning Funding of the Maine State Retirement System. (H. P. 1155) (L. D. 1525)

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

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

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

An Act to Require Swimming Pools to be Enclosed. (S. P. 511) (L. D. 1528)

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

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

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)

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

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

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

Emergency

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)

Emergency

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. (H. P. 515) (L. D. 640)

Emergency

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

Emergency

An Act to Improve the Price and Availability

of Radio Paging Services. (H. P. 894) (L. D. 1159)

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

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