

# 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 12, 1983  
Senate called to order by the President.

Prayer by the Reverend Erle C. Morse of the Fellowship Baptist Church of Augusta.

REVEREND MORSE: Dear Heavenly Father, we know that history repeats itself, because there are moral laws built into the Universe in the same way as physical laws.

Thank you, Lord, we have liberty within the bounds of your laws, beyond that it becomes rough and leads to costly loss of liberty. Now, Lord, as these Men and Women are making history, give them understanding of the boundaries of Your moral and physical laws that it may be less costly for us all.

May we all this day take the advice of one out of the pages of history and remember, "it is not in man to direct his own steps, but the steps and decisions of a good man are directed by the Lord." Bless to this end we pray, in the Matchless Name of Jesus. Amen.

Reading of the Journal of yesterday.

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

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

(Recalled from the Governor's Desk pursuant to Joint Order (H. P. 1194).)

(In Senate April 22, 1983 Passed to be Enacted)

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

Comes from the House Bill and Papers Recommended to the Committee on Judiciary in non-concurrence.

On motion by Senator Pray of Penobscot, Tabled pending Further Consideration.

**Non-concurrent Matter**

BILL, "An Act to Extend Maine's Returnable Deposit Law." (S. P. 512) (L. D. 1529)

(In Senate, May 2, 1983 Passed to be Enacted.)

(Comes from the House, Failing of Passage to be Enacted in non-concurrence.)

On motion by Senator Clark of Cumberland the Senate voted to Adhere.

**Non-concurrent Matter**

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

(In Senate, May 3, 1983 Passed to be Enacted as Amended by Committee Amendment "A" (H-173).)

Comes from the House, Passed to be Enacted as Amended by House Amendment "A" (H-229) in non-concurrence.

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

**Non-concurrent Matter**

BILL, "An Act to Change the Date of the Primary Election to the First Tuesday in September." (S. P. 103) (L. D. 235)

(In Senate, May 11, 1983 Passed to be Enacted as Amended by Committee Amendment "A" (S-103).)

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted in non-concurrence.

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

Senator PEARSON: Mr. President, I move that the Senate Insist.

The PRESIDENT: The Senator from Penobscot, Senator Pearson moves that the Senate Insist.

The Chair recognizes the Senator from York,

Senator Hichens.

Senator HICHENS: I move that the Senate Recede and Concur with the House.

On motion by Senator Pearson of Penobscot, Tabled until later in today's session, pending the motion of the Senator from York, Senator Hichens.

**Non-concurrent Matter**

BILL, "An Act to Improve Access to Small Claims Court." (H. P. 480) (L. D. 577)

(In Senate, May 10, 1983 Majority Ought Not to Pass Report Read and Accepted in non-concurrence.)

Comes from the House, Passed to be Enacted as Amended by House Amendment "A" (H-227) in non-concurrence.

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

**Non-concurrent Matter**

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

(In Senate, May 10, 1983 Passed to be Enacted as Amended by Committee Amendment "A" (S-101) as Amended by Senate Amendment "A" (S-102) thereto and Senate Amendment "A" (S-108).)

(Comes from the House, Passed to be Enacted as Amended by Committee Amendment "A" (S-101) as Amended by House Amendment "A" (H-228) thereto and Senate Amendment "A" (S-108) in non-concurrence.)

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

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

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

Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Further Consideration.

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

**Communication**

The Following Communication:

**State of Maine  
House of Representatives  
Augusta 04333**

May 11, 1983

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature 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)

Representative MCGOWAN of Pittsfield  
Representative MOHOLLAND of Princeton  
Representative CAHILL of Woolwich

Sincerely,

S/EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

On motion by Senator Pearson of Penobscot, the Senate voted to remove from the Table:

Bill, "An Act to Change the Date of the Primary Election to the First Tuesday in September." (S. P. 103) (L. D. 235)

Tabled earlier in today's session on motion by Senator Pearson of Penobscot, pending motion of the Senator from York, Senator Hichens that the Senate Recede and Concur with the House.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Diamond.

Senator DIAMOND: Mr. President, Ladies and Gentlemen of the Senate, I'm not going through debate again, we had a good vote yesterday, it was 18 to 14, and I think that there's no need of going through that whole process again. I appreciated the vote which we had yesterday, and I would hope that we would show the other Body that we do feel that this is an important issue and we would reject the motion to Recede and Concur, and go on from there. Thank you, Mr. President.

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

Senator HICHENS: Mr. President and Members of the Senate, I was pleased with the motion made by the good Senator from Penobscot, Senator Pearson that this be Tabled until later in today's session, because I noticed the chief opponent to this Bill is not present this morning. I think that in deference to him and in hopes that he will be here a little later, that this should be Tabled until later in today's session.

On motion by Senator Dutremble of York, Retabled until later in today's session.

**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 Relating to the Applicability of State Sales Tax on Interest Paid on Rental Agreements" (H. P. 358) (L. D. 416)

BILL, "An Act to Provide a Sportsman's Income Tax Checkoff for Voluntary Support of Fish and Game Managements" (H. P. 1040) (L. D. 1365)

**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 Extend the National School Breakfast Program Availability to Maine School Children" (H. P. 607) (L. D. 755)

BILL, "An Act to Provide Private Property Tax Relief by Replacing it with Local Income Taxes" (H. P. 641) (L. D. 792)

**Ought to Pass in New Draft under New Title**

The Committee on Education on BILL "An Act to Designate the Division of Eye Care as the local Educational Agency under the Special Education Laws" (H. P. 595) (L. D. 739) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Designate the Division of Eye Care as the Agency for the Provision of Certain Services to Blind Children" (H. P. 1198) (L. D. 1589)

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

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 Public Utilities on BILL, "An Act to Establish the Position of Director of Technical Analysis within the Public Utilities Commission" (H. P. 963) (L. D. 1244)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-224)

Signed:

Senators:

KANY of Kennebec  
BALDACCI of Penobscot  
EMERSON of Penobscot

Representatives:

VOSE of Eastport  
PARADIS of Old Town  
BOST of Orono

RIDLEY of Shapleigh  
RODERICK of Oxford  
BAKER of Portland  
WEYMOUTH of West Gardiner  
MATTHEWS of Winslow  
McGOWAN of Pittsfield

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-225)

Signed:

Representative:

LEWIS of Auburn

Come from the House with the Majority Report Read and Accepted and the bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-224)

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

The Bill Read Once.

Committee Amendment "A" (H-224) was Read and Adopted, in concurrence.

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

#### Divided Report

The Majority of the Committee on Business Legislation on BILL, "An Act to Amend the Maine Consumer Credit Code" (H. P. 900) (L. D. 1179)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1191) (L. D. 1577).

Signed:

Senators:

CLARK of Cumberland  
CHARETTE of Androscoggin  
SEWALL of Lincoln

Representatives:

STEVENS of Bangor  
PERKINS of Brooksville  
MURRAY of Bangor  
MacBRIDE of Presque Isle  
BRANNIGAN of Portland  
POULIOT of Lewiston  
CONARY of Oakland  
TELOW of Lewiston

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

Signed:

Representatives:

RACINE of Biddeford  
MARTIN of Van Buren

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

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

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

#### Senate

##### Leave to Withdraw

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

BILL, "An Act to Create a Bill of Rights for Victims and Witnesses" (S. P. 528) (L. D. 1551)

##### Divided Report

Six members of the Committee on Health and Institutional Services on BILL, "An Act to Prohibit Smoking in Food Stores and Portions of Restaurants" (S. P. 68) (L. D. 174)

Reported in Report "A" that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Require Signs Relating to Smoking in Retail Food Stores and Restaurants, and to Require a No Smoking Area in Larger Restaurants" (S. P. 549) (L. D. 1591)

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

CARROLL of Gray  
BRODEUR of Auburn  
MELENDY of Rockland  
MANNING of Portland  
NELSON of Portland

Four members of the same Committee on the same subject matter Reported in Report "B" that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Require Signs Relating to Smoking in Retail Food Stores and Restaurants" (S. P. 550) (L. D. 1592)

Signed:

Senator:

GILL of Cumberland

Representatives:

PINES of Limestone  
RICHARD of Madison  
MAYBURY of Brewer

Three members of the same Committee on the same subject matter Reported in Report "C" that the same Ought Not to Pass.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

WEBSTER of Farmington  
SEAVEY of Kennebunkport

Which Reports were Read.

On motion by Senator Carpenter of Aroostook, Tabled for 2 Legislative Days, pending Acceptance of any Committee Report.

#### Second Readers

##### House

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

RESOLVE, Directing the State Planning Office to Inventory Virgin Timber Stands on State Lands (H. P. 1193) (L. D. 1579)

BILL, "An Act Relating to Victims' Bill of Rights" (H. P. 1192) (L. D. 1578)

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

BILL, "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws" (Emergency) (H. P. 1177) (L. D. 1571)

Which was Read a Second Time.

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

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

Senator DUTREMBLE: Mr. President, I move that we take L. D. 235, BILL, "An Act to Change the Date of the Primary Election to the First Tuesday in September" off the Table.

(Senate At Ease)

The Senate called to Order by the President.

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

Senator HICHENS: I would ask for a Division. The PRESIDENT: A Division has been requested.

Will all those Senators in favor of L. D. 235 being removed from the Table, please rise in their places to be counted.

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

23 Senators having voted in the affirmative, and 8 Senators having voted in the negative, the motion to remove BILL, "An Act to Change the Date of the Primary Election to the First Tuesday in September" (S. P. 103) (L. D. 235) Tabled earlier in today's session, on motion by Senator Dutremble of York, pending the motion of the Senator from York, Senator Hichens, from the Table, Prevailed.

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

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, to advise those of you

who have some concern on this issue, I have talked with Senator Hayes and he is aware of the debate on this Bill has taken place at this time. Due to some other responsibilities, he will not be in today, and he clearly understands that the debate will be taking place and though his position has been expressed on the Bill. He has confidence in the political system that this point may win out, but despite that fact, the Senate must carry on.

The PRESIDENT: Is the Senate ready for the question.

The Chair will order a Division.

Will all those Senators in favor of the motion by Senator Hichens of York, to Recede and Concur with the House, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 19 Senators in the negative, the motion to Recede and Concur, Failed.

On motion by Senator Pearson of Penobscot, the Senate voted to Insist.

#### House — as Amended

BILL, "An Act to Address School Failure in Kindergarten and Early Elementary Grades" (H. P. 1066) (L. D. 1404)

BILL, "An Act to License Waste Oil Dealers and to Include Waste Oil Within Coverage of the Maine Hazardous Waste Fund" (H. P. 389) (L. D. 472)

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

#### Senate

BILL, "An Act to Prohibit Harassment of Hunters, Trappers and Fishermen" (S. P. 543) (L. D. 1586)

Which was Read a Second Time.

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

Senator USHER: Mr. President, I'm presently having an Amendment being prepared, and I'd appreciate it if someone would Table L. D. 1586 until later in today's session.

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

#### Senate — as Amended

BILL, "An Act to Change the Deadline for Holding Municipal Caucuses" (S. P. 113) (L. D. 265)

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

Sent down for concurrence.

#### Orders of the Day

On motion by Senator Diamond of Cumberland, the Senate voted to remove from the Table:

BILL, "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws." (Emergency) (H. P. 1177) (L. D. 1571)

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

Senator DIAMOND: Mr. President, I now offer Senate Amendment "A" (S-113) to L. D. 1571 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Diamond offers Senate Amendment "A" (S-113) and moves its Adoption.

Senate Amendment "A" (S-113) was Read and Adopted.

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

Sent down for concurrence.

Senator Hichens of York was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: Thank you, Mr. President. Mr. President and Members of the Se-

nate, I've been disturbed this session, because of the number of bills which have been sent to the Committee on Agriculture regarding milk throughout the State, the sales and distribution, and so forth. Following our vote last November, when the people of the State, even though by a narrow margin, voted to keep the Maine Milk Commission. We've had three or four bills which have been endorsed by the Governor, if they haven't come directly from his office, but I feel that the peak of hypocrisy was reached yesterday, in a bill which was presented to us, asking for a public advocate. I would like to share with you a portion of the report given in the Portland Maine Press Herald this morning, and then ask you to read the rest of that report. I would like to have this portion of it put on the Record.

"The Brennan administration Wednesday asked to be assigned the role of consumer advocate before the Maine Milk Commission, only to be grilled by lawmakers on why the Governor has left half of the "public" seats on the commission vacant for months.

"I don't have an answer for you," said Richard S. Davies, an aide to Governor Joseph E. Brennan, in response to questions by Agriculture Committee member Representative Weston R. Sherburne of Dexter.

The Milk Commission has four appointed members, who by law cannot be connected to the dairy industry, and Agricultural Commissioner Stewart N. Smith as an ex-officio, fifth member.

But only two of those "public" seats are currently filled — one by Linda Bright and the other by Chairman Ricky Brunette, whose term technically expired last September but who continues to serve.

One of the vacancies is 16 months old, created by the January 1982 resignation of James Doyle. The fourth seat has been left unfilled for three months, since the last incumbent moved outside the state.

Brennan, a longtime critic of the Milk Commission, was a leading advocate of last November's referendum drive to strip the panel of its power to set minimum wholesale and retail prices. Proponents said the proposal would mean lower milk prices, opponents said it would drive Maine farmers out of business. It was narrowly defeated.

The subject of Wednesday's hearing was an administration bill to extend the Public Advocate's domain into the Milk Commission, but a substantial amount of time was spent on Brennan's failure to keep the commission up to full strength.

"I think that's terrible," said Rep. Stephanie Locke from Sebec, told commissioner Smith after he testified for the bill. I mean, since last year!

Ms. Locke said she found it hard to believe the administration was sincere in its concern for the milk-drinking public, both during the referendum and in introducing the Advocacy Bill, since no one took the time to appoint anyone to fill the commission vacancies.

She went on to say that the Committee will need to be convinced that the bill is really in the public's interest, and not in somebody else's interest.

Sherburne, a dairy farmer, noted that consumers rarely attend the Milk Commission's monthly meetings and wondered aloud at one point whether Brennan is making a big issue out of something that is of relatively little concern to the public." End of the newspaper article.

I would recommend this morning that the Governor comply with the law before he starts putting other laws into our books to further undermine the Maine Milk Commission.

Senator Wood of York was granted unanimous consent to address the Senate, On the Record.

Senator WOOD: Mr. President, I would just like the Record to show that all of those bills

that have been put in to change, to deal with the issue of milk have not been put in at the request of the Governor. I would point out that during the debate on the milk issue last fall, even the proponents of the Maine Milk Commission, and I remember a press release that Mr. Longley put out said that there were problems with the Maine Milk Commission and that those problems should be addressed and he was hopeful that once we had gotten over the vote that those problems would be addressed in a meaningful way by the Legislature. So, no one was under any illusion when they voted last fall, that they were voting for something that would be set in concrete.

I would point out that some of those proponents, such as Save Maine Farms, the gentleman that was very influential in Save Maine Farms came in with the Milk Pooling Bill. So it would be foolhardy to argue that these are attempts to undermine the Commission they're simply attempts to respond to some problems with both sides we've seen all along.

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

BILL, "An Act Concerning Public Easements for Access to Harvested Lands and Cemeteries" (S. P. 326) (L. D. 971)

Tabled—May 10, 1983 by Senator CARPENTER of Aroostook

Pending—Enactment

(In House May 5, 1983, Passed to be Enacted)

On motion by Senator Pray of Penobscot, Retabled.

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

Joint Order relative to Amending the Joint Rules by adding a new Joint Rule 36-A. (H. P. 1190)

Tabled—May 10, 1983 by Senator PRAY of Penobscot

Pending—Passage

(In House May 10, 1983 Read and Passed)

On motion by Senator Pray of Penobscot, Retabled.

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

BILL, "An Act Relating to Training Penobscot Law Enforcement Officers." (S. P. 81) (L. D. 192)

Tabled—May 11, 1983 by Senator CARPENTER of Aroostook

Pending—Further Consideration

(In Senate March 29, 1983 Passed to be Engrossed)

(In House May 10, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-219) in non-concurrence)

On motion by Senator Pray of Penobscot, Retabled.

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

BILL, "An Act to Establish New Selection Procedures for the Maine Indian Tribal-State Commission Chairmanship." (S. P. 342) (L. D. 1016)

Tabled—May 11, 1983 by Senator CARPENTER of Aroostook

Pending—Further Consideration.

(In Senate May 2, 1983 Passed to be Engrossed as Amended by Committee Amendment (S-76).)

(In House May 4, 1983 Passed to be Engrossed as Amended by Committee Amendment (S-76) and House Amendment "A" (H-220) in non-concurrence.)

On motion by Senator Pray of Penobscot, Retabled.

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

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

1539)

Tabled—May 10, 1983 by Senator PRAY of Penobscot

Pending—Further Consideration.

(In Senate May 3, 1983, Passed to be Engrossed)

(In House May 9, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-209) in non-concurrence)

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

On motion by Senator Trafton of Androscoggin the Senate voted to remove from the Table:

BILL, "An Act to Improve Access to Small Claims Court." (H. P. 480) (L. D. 577)

Tabled earlier in today's session, on motion by Senator Carpenter of Aroostook, pending Further Consideration.

(Senate at Ease)

The Senate called to order by the President.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton. Senator TRAFTON: Mr. President, in reference to L. D. 577 I move that the Senate Adhere.

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

Senator PRAY: Mr. President a Parliamentary Inquiry? L. D. 577 I believe was Tabled by the Senator from Aroostook, Senator Carpenter, would it not require him to remove it from the Table?

The PRESIDENT: The Chair would answer in the affirmative. The Chair was in error to allow the Senator from Androscoggin, Senator Trafton to remove this from the table.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: To further inquire would that thus then have that Bill still on the table?

The PRESIDENT: I would say that the way to get out of this predicament is to have someone table it until later in today's session.

On motion by Senator Carpenter of Aroostook Retabled until later in today's session.

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

BILL, "An Act to Prohibit Harassment of Hunters, Trappers and Fishermen" (S. P. 543) (L. D. 1586) Tabled earlier in today's session on motion by Senator Carpenter of Aroostook, pending Passage to be Engrossed.

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

Senator USHER: I offer Senate Amendment "A" to L. D. 1586 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Usher offers Senate Amendment "A" to L. D. 1586 and moves its Adoption.

Senate Amendment "A" (S-114) Read.

The PRESIDENT: The Senator has the floor.

Senator USHER: Mr. President, Ladies and Gentlemen of the Senate, let me explain we just took out the damage section of the Bill, and another comment is that we worked very hard in Committee on this Legislation with the Attorney General's Office, we did add in property owners' rights which would be included and the damages will be included under the general law.

Senate Amendment "A" was Adopted.

Which was Passed to be Engrossed, as amended.

Sent down for concurrence.

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

Senator Hichens of York was granted unanimous consent to address the Senate, Off the Record.

Senator Baldacci of Penobscot was granted unanimous consent to address the Senate, Off the Record.

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

(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'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 Amend the Unfair Trade Practices Law." (H. P. 570) (L. D. 718)

(In House, May 9, 1983 Minority Ought to Pass in New Draft Report (H. P. 1178) (L. D. 1567) Read and Accepted and the New Draft Passed to be Engrossed.)

(In Senate, May 11, 1983 Bill and Accompanying Papers Indefinitely Postponed in Non-concurrence.)

(Comes from the House, that Body Adhered.)

On motion by Senator Charette of Androscoggin, Tabled for 1 Legislative Day, pending Further Consideration.

**Non-concurrent Matter**

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)

(In Senate May 3, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-82)

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-82) and House Amendment "A" (H-234) in non-concurrence.)

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House?

It is a vote.

**Order**

**Joint Resolution**

On motion by Senator NAJARIAN of Cumberland, under suspension of the rules, the following Joint Resolution (S. P. 552) (Sponsored by: Senator CONLEY of Cumberland) (Cosponsors: Senator GILL of Cumberland and Senator NAJARIAN of Cumberland)  
JOINT RESOLUTION IN RECOGNITION OF

**THE GRIBBIN FAMILY**

WHEREAS, "A boy is a magical creature - you can lock out of your workshop, but you can't lock him out of your heart;" and

WHEREAS, the Portland Boys' Club has no locks and its doors have been opened to countless numbers of disadvantaged boys and girls since 1901; and

WHEREAS, the Gribbin family has actively participated as members of this special organization since its founding; and

WHEREAS, in turn, each of the Gribbin children have, in adult life, continued to develop and carry on the club's important work; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 111th Maine Legislature, now assembled in the First Regular Session, take this opportunity to join the family and friends of Philip P., Robert A., George H., Watson P., Elizabeth M. and Peter E. Gribbin on their special night to recognize each of them for their many years of inspiring work with the Portland Boys' Club and to pay this tribute to the Gribbin family members who have done so much for those who have so little; and be it further

RESOLVED: That the Gribbin family name be spread upon our journals in lasting testimony to their many years of outstanding service and achievement.

Which was Read and Adopted.  
Sent down for concurrence.

**Committee Reports**

**House**

**Ought Not to Pass**

The following Ought Not to Pass report shall be placed in the legislative files pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Establish a State Board of Prison Terms and Supervised Release" (H. P. 1033) (L. D. 1358)

**Divided Report**

The Majority of the Committee on Energy and Natural Resources on BILL, "An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities" (H. P. 1048) (L. D. 1392)

Reported that the same Ought to Pass.

Signed:

Senators:

KANY of Kennebec  
McBREAIRTY of Aroostook  
PEARSON of Penobscot

Representatives:

HALL of Sangerville  
JACQUES of Waterville  
MICHAEL of Auburn  
MICHAUD of E. Millinocket  
RIDLEY of Shapleigh  
McGOWAN of Pittsfield  
MITCHELL of Freeport

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

Signed:

Representatives:

DEXTER of Kingfield  
KIESMAN of Fryeburg  
BROWN of Livermore Falls

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

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

The Bill Read Once and Tomorrow Assigned for Second Reading.

**Senate**

**Leave to Withdraw**

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

BILL, "An Act to Provide Municipal Authority Over Siting Radioactive Waste Facilities" (S. P. 377) (L. D. 1162)

**Ought to Pass as Amended**

Senator VIOLETTE for the Committee on State Government on BILL, "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-116).

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-116) 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 Designate the Division of Eye Care as the Agency for the Provision of Certain Services to Blind Children" (H. P. 1198) (L. D. 1589)

BILL, "An Act to Amend the Maine Consumer Credit Code" (H. P. 1191) (L. D. 1577)

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

**House — as Amended**

BILL, "An Act to Establish the Position of Director of Technical Analysis within the Public Utilities Commission" (H. P. 963) (L. D. 1244)

Which was 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 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)

An Act to Limit the Storage of Spent Fuel at Nuclear Reactor Facilities. (H. P. 314) (L. D. 373)

An Act to Amend the Composition of the Board of Pesticides Control. (H. P. 709) (L. D. 900)

An Act to Amend the Used Car Information Law. (H. P. 754) (L. D. 985)

An Act to Clarify the Adoption Assistance Law. (H. P. 795) (L. D. 1035).

An Act to Amend the Adult Protective Services Act. (H. P. 826) (L. D. 1084).

An Act to Amend Certain Motor Vehicle Title Laws of the State. (H. P. 895) (L. D. 1160)

An Act to Clarify the Timing of Fuel Adjustment Clause Cases before the Public Utilities Commission. (H. P. 962) (L. D. 1243)

An Act to Clarify Sanctions for Repeated Violation of the Labor Laws of Maine. (H. P. 1050) (L. D. 1394)

An Act Relating to School Boards. (H. P. 1096) (L. D. 1444)

An Act Relating to Boards of Voter Registration. (H. P. 1146) (L. D. 1509)

An Act to Provide for Registration of All-terrain Vehicles. (H. P. 1169) (L. D. 1544)

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 Relating to the Appointment of a Policy Review Board for the Governor Baxter School for the Deaf. (H. P. 1168) (L. D. 1543).

This being an emergency measure and having received the affirmative votes of 28 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**

An Act to Reform the Workers' Compensation System (H. P. 1019) (L. D. 1322)

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

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

**Committee Reports**

**Senate**

**Leave to Withdraw**

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

to Joint Rule 15:

BILL, "An Act to Adopt the Multistate Tax Compact" (S. P. 313) (L. D. 927)

BILL, "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1983-84" (S. P. 192) (L. D. 615)

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

#### Communications

The Following Communication:

#### Committee on Marine Resources

May 12, 1983

The Honorable Gerard P. Conley  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Marine Resources has had under consideration the nomination of William A. Knight, Jr., of Belfast for reappointment to the Marine Resources Advisory Council.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 2  
Representatives 10

NAYS: 0

ABSENT: 1 (Senator Dutremble of York)

Twelve members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the nomination of William A. Knight, Jr., to the Marine Resources Advisory Council be confirmed.

Sincerely,  
S/CARROLL E. MINKOWSKY  
Senate Chairman  
S/NAT CROWLEY, SR.  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Marine Resources has recommended that the nomination of William A. Knight, Jr. be confirmed.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—None.

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

ABSENT—Bustin, Dutremble, Hayes.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted.

The nomination of William A. Knight, Jr. is confirmed.

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

#### Committee Reports Senate

#### Ought Not to Pass

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

BILL, "An Act to Establish a Supreme Judicial Court and Superior Court Capital Fund" (S. P. 155) (L. D. 556)

#### Orders of the Day

The President laid before the Senate:

BILL, "An Act to Improve Access to Small Claims Court" (H. P. 480) (L. D. 577)

Tabled—May 12, 1983 by Senator CARPENTER of Aroostook

Pending—Further Consideration.

(In House May 3, 1983 Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed)

(In Senate May 10, 1983 Majority Ought Not to Pass Report Read and Accepted in non-concurrence)

(In House May 11, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-227) in non-concurrence)

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

Senator TRAFTON: Mr. President, I move that we Adhere.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves that the Senate Adhere.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I would move that we Recede and Concur.

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, first, Mr. President, I would request a Division, when the vote is taken.

Secondly, Ladies and Gentlemen of the Senate, I would hope that the Senate would Adhere to the position which it took the last time it debated this bill when the good Chairman of the Judiciary Committee explained, I think, very adequately as to why quite frankly, there's been shown no need and the additional burden that this program, so to speak, would place on the court system.

So, I would hope that when the vote is taken that you would vote against the motion to Recede and Concur. Thank you.

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

Senator WOOD: Mr. President, Men and Women of the Senate, I would point out that I think the debate has changed since the last time we acted upon this because there has been an additional change to the Bill, a sunset put on of two years it seems that although this might have been tried, and in the court that it was tried in maybe: it was not an appropriate thing, maybe there wasn't a cry for it, maybe there wasn't a need for it, but maybe in other courts this one hour a month, in the evening, seems to be a reasonable approach to try. It might work out well in York County, it might not work out well in Aroostook County, but if we have a two-year sunset than by that time, we will know where the problem areas are. It seems to me that one court system does not make for a good experiment. I think that it has to be tried in other parts of the State. I come from an area where many people have to work all day long. They work in the mills, if they want to pursue this, they have to take some time off and it would seem to me that one hour a month is not an excessive amount of time. It's an experiment. At the end of two-years, we will know better, but one court system does not an experiment make.

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

Senator TRAFTON: Mr. President and

Members of the Senate, I will briefly repeat my principal argument against this Bill, because I think it is an important one especially, in light of recent financial information which we, as Legislators, have received and which should be published in this week's papers. As you know the State is not in as good a financial position as we have been in the past. The Judiciary and Judicial System within the State has in the last biennium had a 1.1 million dollar shortfall. This Bill puts an additional burden on the Judiciary. As I indicated when we last debated this Bill, there will be additional costs in terms of transportation, cleaning the courthouses, for meals, for the judge that has to spend extra time in the particular town that may not be his hometown. I suggest that these extra costs are not costs that we can afford and not costs that the Judiciary can afford right now.

The Supplemental Appropriations, as I indicated for this past biennium were 1.1 million dollars. At the time this request was made before the Committee on Finance and Appropriations, there was a suggestion that unless the budget was raised substantially that there would be additional requests for shortfalls in the next biennium. The Judicial System is an expensive one, and one that cannot be overloaded with extra costs.

I encourage you to vote against the motion to Recede and Concur. I point out that there are many portions of our government which are not accessible to the general public that we, as a Legislature do not meet at night and on weekends, either in Committee or in General Session to provide access to our constituents, although we would like to it cannot be done. The concept has merit but the practical problems and the costs of the concept outweigh its merits. So I suggest and urge you to vote against the motion to Recede and Concur. Thank you.

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

Senator KANY: Mr. President, thank you. Mr. President and Members of the Senate, I would like to ask for a Roll Call, first of all, and secondly, to respond to the Judiciary Committee Chairman's remarks.

First of all, I believe, that we as Legislators are spending a good deal of our evenings and our weekends meeting with our constituents, and that is perhaps one thing that we hear so often from them is that bureaucracy or government is a cold, unbending, inflexible body and not interested in serving the people, it's people, the government's people, at the peoples' convenience.

I would urge you to pass this Bill, which as Senator Wood indicated is really just a two-year project to see if, indeed, there is a call and if it would definitely be worth the peoples' time and effort to have that just one hour, once a month for the Small Claims Court.

The Small Claims Court was designed just so that people could use it, an inexpensive means without hiring a lawyer, but indeed, if during the day if you're working in an office or a plant, unless you're taking the time off, you have to hire a lawyer to represent you. I do hope that we do go along with this, so that that person not have to take time off in order to make use of the Small Claims Court.

The Chief Judge of the District Court, by the way, has the authority now by statute to have flexible hours, but the Chief Judges have not really chosen to do so and consequently, the Chief Judge of the District Court could have a District Court open at 10 a.m. one day; and therefore, use that hour for that once a month in the evening and therefore, could cut down on any additional expense.

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

Senator BALDACCI: Mr. President, I'd like to pose a question through the Chair to anyone who would care to answer it.

This Bill deals with Small Claims Court and

your talking about people who have to be at work, that can't be at court during the day. What about all those parking tickets and speed violations and all those other kinds of cases that are heard at District Court where a lot of people I know are? They need that kind of access to the courts, and they aren't open at those times. I would just like to question this.

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate, to respond to the good Senator of Penobscot, Senator Baldacci's question, I think he correctly pointed out another example where our governmental services are not for reason of costs, open after hours. There are additional expenses placed on our own government, our own taxpayers by extending these services into unusual hours. I think the point is well made that why should we choose one section of our Judiciary System and make that portion opened to after hours access, when all of the rest of the Judicial System is not open. Thank you.

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

Senator WOOD: Mr. President, Men and Women of the Senate, I would point out that over the years that the Judiciary System in this State has not been held in highest regard from the electorate; we only have to witness the defeat at the polls of the bond issue for the courts. I think that's a reflection that the public has of the courts' system and the distance that they hold in that court system. I think that if the court system became a little more responsive, bond issues would be a little easier to pass, and I think that this Bill might go lessening that attitude toward the court.

I would, also, point that the argument because we can't benefit all, we shouldn't benefit any, I think it's a rather specious argument. I would hope that we would not argue that because we cannot allow people with parking tickets go to court, we are going to deny it to other people. Those arguments are fairly specious, I think.

I would, also, point out that if there is an appropriations to this, that it will go on to the Table and be ranked along with the other priorities we have at this session. At this point in time, I don't know what all those other bills are on the Appropriations Table, and at this point and time, I feel that this at least warrants being put on the Table so that it can rise or fall with the merits of the other bills.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from York, Senator Wood, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Carpenter, Diamond, Dow, Erwin, Kany, McBreairty, Minkowsky, Najarian, Pearson, Pray, Redmond, Shute, Twitchell, Usher, Wood, The President Gerard P. Conley.

NAY—Baldacci, Brown, Charette, Clark, Collins, Danton, Emerson, Gill, Hichens, Se-

wall, Teague, Trafton, Violette.

ABSENT—Bustin, Dutremble, Hayes, Perkins.

A Roll Call was had.

16 Senators having voted in the affirmative and 13 Senators in the negative, with 4 Senators being absent, the motion to Recede and Concur with the House, Prevailed.

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

Senator KANY: Mr. President, I would move Reconsideration and hope that you all vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Kany that the Senate Reconsider its action whereby it Receded and Concurred with the House.

Will all those Senators in favor of Reconsideration please say "Yes".

Will all those Senators opposed, please say "No."

A Viva Voce Vote being had,

The motion to Reconsider failed.

On motion by Senator Carpenter of Aroostook Adjourned until 12 o'clock noon tomorrow.