

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
May 16, 1983
Senate called to order by the President.

Prayer by the Reverend Ted Evertsen of the Lutheran Church of the Resurrection of Waterville.

REVEREND EVERTSEN: Nineteen eighty-three marks the five hundredth anniversary of the birth of the reformer, Martin Luther. Many churches throughout our land and throughout the world are celebrating this event. I'd like to read for you just a short comment that Martin Luther whose impact was not only upon the church, but upon government and education and many aspects of life, what he had to say about government: He said, "Government is controlled either by a few or by many yet," he said, "and yet if God does not control it, it is not administered well either by a few or by many." In our Country, we do, on our coinage and elsewhere say, "In God we trust", and I hope that we will continue to remember that it is Him, who has given us this Country and this government that we enjoy.

Shall we pray! Almighty God, You have given us this good land as our heritage; grant that we may remember Your generosity and constantly do Your will. Bless our land with honest industry, truthful education and an honorable way of life. Save us from violence, discord and confusion, from pride and arrogance, and from every evil course of action.

Make us, who came from many nations with many different languages and cultures, a united people. Defend our liberties and graciously regard those who have been set in positions of authority among us: that they may be guided by Your spirit; may be high in purpose; wise in counsel; firm in good resolution and unwavering in duty. That there may be justice and peace in our land.

Lord, when times are prosperous, let our hearts be thankful, and in troubled times do not let our trust in You fail. For we ask this in Your Son's Name, our Lord and Saviour. Amen.

Reading of the Journal of Friday, May 13, 1983

(Off Record Remarks)

The President requested the Sergeant-at-Arms to escort the Senator from Aroostook, Senator Carpenter to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator Carpenter to the rostrum, where he served as President Pro-Tem.

The President then retired from the Senate Chamber.

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

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

(In Senate, May 9, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-197) in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-197) as Amended by House Amendment "A" (H-239) thereto in non-concurrence.)

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

Communication

The Following Communication: (H. P. 1210)

111th Maine Legislature

May 12, 1983

TO MEMBERS OF THE 111TH LEGISLATURE:
Pursuant to the provisions of Joint Rule 22,

the Legislative Council has established Friday, May 20, at 5:00 p.m. as the time that all bills must have been voted upon and reported from committee, unless specific authorization is given by the President of the Senate and the Speaker of the House.

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

Comes from the House Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

Senate Papers

BILL, "An Act Concerning Group Life Insurance for State Employees and Teachers." (Submitted by the Maine State Retirement System pursuant to Joint Rule 24) (Emergency) (S. P. 556) (Presented by Senator CLARK of Cumberland)

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Define Connection under the Liquor Laws." (S. P. 557) (Presented by Senator PRAY of Penobscot)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Bill, "An Act Concerning Volunteer Marine Patrol Officers." (Submitted by the Department of Marine Resources pursuant to Joint Rule 24) (Emergency) (S. P. 558) (Presented by Senator MINKOWSKY of Androscoggin) (Cosponsors: Representative VOSE of Eastport, Representative SCARPINO of St. George.)

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

Sent down for concurrence.

Committee Reports

House

Ought Not to Pass

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

BILL, "An Act to Clarify Proposed Constitutional and Statewide Referenda Questions which Appear on State Ballots" (H. P. 991) (L. D. 1301)

BILL, "An Act to Clarify the Wording on Questions Submitted to the Public at the Polls" (H. P. 66) (L. D. 72)

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 Relating to Attorney's Fees Under the Workers' Compensation Law" (H. P. 631) (L. D. 783)

BILL, "An Act Relating to Rehabilitation Under the Workers' Compensation Law" (H. P. 1070) (L. D. 1409)

BILL, "An Act Regarding Return to Work Under the Workers' Compensation Law" (H. P. 799) (L. D. 1039)

BILL, "An Act to Amend the University of Maine Labor Relations Act" (H. P. 558) (L. D. 709)

BILL, "An Act to Include Salaries, Pensions and Insurance for Binding Arbitration under the Municipal Public Employees Labor Relations Law" (H. P. 613) (L. D. 761)

BILL, "An Act Concerning Attorney's Fees in Workers' Compensation Cases" (H. P. 1036) (L. D. 1361)

BILL, "An Act to Protect Air Quality" (H. P. 392) (L. D. 475)

BILL, "An Act Making Authorization and Allocation Relating to Federal Block Grants for the Expenditures of State Government for the

Fiscal Year Ending June 30, 1984" (Emergency) (H. P. 516) (L. D. 641)

BILL, "An Act Concerning Workers' Compensation Cost Containment" (H. P. 444) (L. D. 537)

Ought to Pass as Amended

The Committee on Local and County Government on BILL, "An Act Relating to the Authority of the County Commissioners over the Operation of all County Offices" (H. P. 1101) (L. D. 1452) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-233)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-233)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-233) was Read and Adopted, in concurrence. The Bill, as Amended, Assigned for Second Reading later in today's session.

The Committee on Transportation on BILL, "An Act Concerning Standards for Rejection of Altered Vehicles" (H. P. 812) (L. D. 1052) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-235)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-235)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-235) was Read and Adopted, in concurrence. The Bill, as Amended, Assigned for Second Reading later in today's session.

The Committee on Energy and Natural Resources on BILL, "An Act to Establish and Amend the Air Quality Standards and Establish a Chromium Emission Standard" (H. P. 951) (L. D. 1232) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-237)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-237)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-237) 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 Health and Institutional Services on Bill, An Act to Prohibit Smoking in Indoor Public Waiting Areas (H. P. 597) (L. D. 741)

Reported that the same Ought to Pass in New Draft under new Title, BILL, "An Act to Regulate Smoking in Public Buildings" (H. P. 1203) (L. D. 1597)

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

MANNING of Portland

PINES of Limestone

CARROLL of Gray

BRODEUR of Auburn

MELENDY of Rockland

RICHARD of Madison

NELSON of Portland

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

Signed:

Senators:

CARPENTER of Aroostook

GILL of Cumberland

Representatives:

WEBSTER of Farmington

MAYBURY of Brewer

(Representative Seavey of Kennebunkport Abstained)

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

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 Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Restrict the Period of Retroactivity of Taxation Legislation to no more than One Year (H. P. 849) (L. D. 1099) Reported that the same Ought to Pass.

Signed:

Senators:

WOOD of York
TWITCHELL of Oxford

Representatives:

HIGGINS of Portland
ANDREWS of Portland
CASHMAN of Old Town
KANE of South Portland
KILCOYNE of Gardiner
MCCOLLISTER of Canton

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

Signed:

Senator:

TEAGUE of Somerset

Representatives:

DAY of Westbrook
INGRAHAM of Houlton
MASTERMAN of Milo
BROWN of Bethel

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

Which Reports were Read.

On motion by Senator Wood of York, the Majority Ought to Pass Report of the Committee was Accepted, in concurrence.

The Resolve Read Once and Assigned for Second Reading later in today's session.

Divided Report

The Majority of the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund (H. P. 1087) (L. D. 1430)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TWITCHELL of Oxford
TEAGUE of Somerset

Representatives:

HIGGINS of Portland
BROWN of Bethel
CASHMAN of Old Town
DAY of Westbrook
INGRAHAM of Houlton
KILCOYNE of Gardiner
MASTERMAN of Milo

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

Signed:

Senator:

WOOD of York

Representatives:

ANDREWS of Portland
KANE of South Portland
MCCOLLISTER of Canton

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

Which Reports were Read.

On motion by Senator Twitchell of Oxford, the Majority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

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 Abolish County Subsidies to

the Superior Court System" (S. P. 271) (L. D. 824)

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 Relating to Guidelines for Certain Police Powers" (S. P. 285) (L. D. 873)

BILL, "An Act Relating to Leases of Dwelling Units in a Multi-unit Residential Building where More than a Month's Rent is Required in Advance" (S. P. 291) (L. D. 879)

BILL, "An Act to Create a State Civil Rights Act" (S. P. 329) (L. D. 974)

Ought to Pass as Amended

Senator NAJARIAN for the Committee on Appropriations and Financial Affairs on BILL, "An Act to Increase the Fees and Expenses for Medical Examiners" (S. P. 254) (L. D. 799) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-118)

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-118) was Read and Adopted. The Bill, as amended. Assigned for Second Reading later in today's session.

Senator NAJARIAN for the Committee on Appropriations and Financial Affairs on BILL, "An Act to Reinstatement the Large Print Book Program at the Maine State Library" (S. P. 296) (L. D. 911) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-119)

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-119) was Read and Adopted. The Bill, as Amended, Assigned for Second Reading later in today's session.

Ought to Pass in New Draft Under New Title

Senator HAYES for The Joint Select Committee on Alcoholism Services on BILL, "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (S. P. 216) (L. D. 653) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1984" (Emergency) (S. P. 555) (L. D. 1614)

Which Report was Read and Accepted. 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 Labor on BILL, "An Act to Enable School Districts to Develop and Administer an Orderly Procedure for Filling Vacancies and Laying off Teachers" (S. P. 270) (L. D. 823)

Reported that the same Ought to Pass in New Draft under New Title, BILL, An Act Concerning the Negotiation of Just Cause Provision for Teachers" (S. P. 554) (L. D. 1608)

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

NORTON of Biddeford
TUTTLE of Sanford
BEAULIEU of Portland
TAMMARO of Baileyville
SWAZEY of Bucksport
GAUVREAU of Lewiston

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

WILLEY of Hampden
LEWIS of Auburn
BONNEY of Falmouth
ZIRNKILTON of Mount Desert

Which Reports were Read.

On motion by Senator Dutremble of York, the Majority Ought to Pass Report of the Committee was Accepted.

The Bill in New Draft under New Title Read Once and 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 Clarify Method of Payment of Salaries to County Commissioners" (H. P. 1109) (L. D. 1462)

BILL, "An Act to Provide a Statement of Birth Parents' Identity for Adoptees" (H. P. 1202) (L. D. 1596)

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

BILL, "An Act Relating to the Appointment of County Officials" (H. P. 1200) (L. D. 1594)

Which was Read a Second Time.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

House — as Amended

BILL, "An Act to Amend the Child and Family Services and Child Protection Act" (H. P. 827) (L. D. 1085)

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

Senate

BILL, "An Act to Protect the Public from Unsafe Pesticide Use" (S. P. 553) (L. D. 1602)

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

Sent down for concurrence.

Enactors

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

An Act to Authorize the Maine Turnpike Authority to Receive Applications and Approve Descriptive and Directional Signs on the Maine Turnpike. (H. P. 750) (L. D. 962)

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

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)

An Act Concerning Right-of-way for Emergency Vehicles. (H. P. 850) (L. D. 1100)

An Act Concerning Solids in Milk. (H. P. 1181) (L. D. 1573)

An Act Repealing the Law on the Effect of Bail Following Conviction and Commitment. (H. P. 1115) (L. D. 1473)

An Act Relating to the Licensing of Dental Radiographers. (H. P. 996) (L. D. 1329)

An Act to Amend the Protection and Advocacy Agency for the Developmentally Disabled in Maine Statutes. (H. P. 932) (L. D. 1177)

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 Amend the Adult Protective Services Act. (S. P. 536) (L. D. 1562)

On motion by Senator Brown of Washington, placed on Special Appropriations Table, pending Enactment.

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

On motion by Senator Brown of Washington, placed on the Special Appropriations Table,

pending Enactment.

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

Comes from the House, Failing of Enactment
On motion by Senator Pray of Penobscot, Tabled for 2 Legislative Days, pending Enactment.

Emergency

An Act to Suspend Operation Authority on Motor Vehicles which Fail to Comply with the Gasoline Reporting Law. (H. P. 1183) (L. D. 1576)

This being emergency measure and having received the affirmative votes of 29 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.

Orders of the Day

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

Senator WOOD: Mr. President, is the Senate in possession of L. D. 1528?

The PRESIDENT PRO-TEM: The Chair would answer in the affirmative the Bill, "An Act to Require Swimming Pools to be Enclosed" (S. P. 511) (L. D. 1528) having been held at the request of the Senator.

On motion by Senator Wood of York the Senate voted to Suspend the Rules.

On motion by Senator Wood of York the Senate voted to Reconsider its action whereby L. D. 1528 was Passed to be Enacted.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Passage to be Enacted.

Orders of the Day

The President Pro-Tem laid before the Senate the Tabled for a Time Certain: 9:30 a.m. this mornings matter:

SENATE REPORTS—from the Committee on Judiciary on BILL, "An Act to Include the Term "Sexual or Affectional Orientation" in the Maine Human Rights Act" (S. P. 237) (L. D. 679)

Majority Report—Ought to Pass as Amended by Committee Amendment "A" (S-117)

Minority Report - Ought Not to Pass
Tabled—May 13, 1983 by Senator PRAY of Penobscot

Pending—Motion of Senator TRAFTON of Androscoggin to Accept Majority Report.

PRESIDENT PRO-TEM: The Chair recognizes the Senator from Androscoggin, Senator Traf-
ton.

SENATOR TRAFTON: Mr. President, I request that the Secretary Read the Committee Report.

Committee Report was Read.

On motion by Senator Trafton of Androscoggin, the Majority Ought to Pass, as amended, Report of the Committee was Accepted.

The Bill Read Once.

Committee Amendment "A" (S-117) was Read and Adopted.

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

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

SENATE REPORTS—from 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)

—Six members 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)

—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)

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

Tabled—May 12, 1983 by Senator CARPENTER of Aroostook

Pending—Acceptance of Any Report.

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: I move Report "A", the Ought to Pass Report, 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."

THE PRESIDENT PRO-TEM: The Senator from Kennebec, Senator Bustin moves that the Senate Accept the Majority Ought to Pass, in New Draft under New Title, Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I'd like to move Report "B".

The PRESIDENT PRO-TEM: The Chair would state that there's already a motion before the Body.

Senator GILL: Then I would like to ask that you would defeat the prior motion, and I'd like to speak that, please.

The PRESIDENT PRO-TEM: The Senator has the floor.

Senator GILL: Ladies and Gentlemen of the Senate, during this Legislative Session, the Health and Institutional Committee has dealt with a variety of No Smoking issues. There have been separate bills. I think there are five in all, and we have wrestled with them. We have set up a subcommittee of the Health and Institutional Committee to deal with them, and the Committee has unanimously put out some bills and other bills are Divided Reports. This one happens to be a Divided Report, with three Reports.

I'd like to say that I am opposed to the motion that was previously made because I signed the Report "B" out. All Report "B" does, if I may speak to that, is to say that a store or a restaurant will develop their own policy and therefore, post that policy. It is less restrictive than the other Report and it accomplishes, as far as I'm concerned, what we want to accomplish. We want to have people realize that smoking is a hazard to their health, but we didn't want to interject into private businesses. I think this will do it, if we just ask the businesses to develop a policy and post that policy, that's simply what we want to do.

I would ask you to vote against the pending motion so that we could Adopt Report "B".

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

Senator BUSTIN: Mr. President and Members of the Senate, the essential difference between Report "A" and Report "B" and as I think you heard from the Senator from Cumberland, Senator Gill that most of the members, and I emphasize most of the members, the members of the Health and Institutional Services Committee are for this Bill in one form or another. The essential difference is that in Report "A" we set a standard for No Smoking and to set a No Smoking area in restaurants of seatings of fifty or more.

In Report "B" we allowed them to decide whether or not they have a Smoking or No Smoking area. That moves away from what we have been trying to do for years in Maine and what we have been able to do, that is to convince restaurants that it is in the public interest and in the interest of their business to set up No Smoking areas. This would, perhaps, move them off that and push us back a bit. I

would rather see setting a standard of seating of fifty or more, so that they, at least, supply a No Smoking area.

I would appreciate your support of Committee Amendment "A".

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

Senator BALDACCI: Thank you, Mr. President and Members of the Senate, as most of you know, I am in the restaurant business, and have been in it most of my life.

The one thing that bothers me in listening to discussion is that to be in business, in the restaurant business, or any kind of business, you have to serve the public. If the public doesn't like the way you serve spaghetti, you're not going to be in business very long. If the public doesn't like the beers you have on tap, you're either going to change those beers to what the public wants, or you're going to go out of business. You know, we're serving the public, and when the public comes in and they're dissatisfied that there's smoking and they're eating. Then we're going to try to arrange seating where it's more comfortable for them, because we want to keep those people there. We're working for the public, and it's the only way we can do business. We'll do business this weekend but we've got to be open next week. It's unfortunate that there are people in State Government would want to restaurants, or any place, you're going to set aside an area. Now what happens in administrating that area, say it's a real busy night and there's a line out in the hallway, and they want to get seated and you have vacancies in a certain section am I going to tell them, the State Legislature has mandated that that section not be seated with anybody that smokes, but it's for people that don't smoke? They're out in the hallway and they want to eat. I'm going to tell them that it's the State Legislature that has mandated this, and if you want to get seating, you have to call Augusta and there's a Senator or a Representative down there that can get you a table much faster than I can.

Mr. President, I would just as soon, you know we try to work with people in this public service oriented industry, because we're all working to keep people happy, keep them in Maine, and keep them coming back to Maine. We just had graduation week at the University; we had ten thousand people come to the University of Maine at Orono for graduation from all over. We want to show them a good time, so that when their sons and daughters go back to the University of Maine, or their other children go back to the University of Maine, that they will want to enjoy coming to the greater Bangor area or the University of Maine at Orono. That's what it's all about is taking good care of people. If we get smoke in peoples' faces, and they're upset with things, we're not going to have them coming back, so good people are going to work and try to develop a policy where we are going to be able to please both parties.

Mr. President, that's why I would like to see that, you know, we defeat this Report "A".

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

Senator BUSTIN: I appreciate the comments from the Senator from Penobscot, Senator Baldacci, but his comparison of people making a choice as to whether they want good spaghetti or bad spaghetti is not valid when you're talking about whether people are making a choice as to whether they want to smell side-stream smoke from somebody else's cigarette or not. They're not making the choice of what they're going to consume. They're going to consume that and it is not going to be from a free choice.

Further than that, what this Bill does is ask the restaurants to set aside a No Smoking area: it does not designate how they do it; how many seats they give to that; how many tables they

give to that; how many rooms they give to that. If Senator Baldacci's restaurant wants to designate one table in his restaurant, then he's designated a No Smoking area. I don't think that's a horrible burden for restaurants in this State to handle.

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

Senator DANTON: Mr. President, Members of the Senate, I was in the retail business for thirty years, and I've seen a lot of changes in businesses.

Certainly, not being a smoker now, but I can remember I use to sit in this Chamber and go through five packs a day. Now I only go to places where they don't smoke, and where they have smoking sections. I have no problem finding those restaurants, today or in any other retail business. In fact, over the weekend I went into four or five restaurants. The hostess would ask, would you like a smoking or non-smoking section? It's become common practice today in the industry. I don't think we need a law to take and burden some small businessman that has, and you know every restaurant is not ideally built that you can take and put seats to one side where you can say, "No Smoking." They have some difficulty, and you as a customer if you go to that restaurant, and you find yourself being offended by someone else's smoking, you don't have to go there. I know many people that don't go to restaurants because they serve liquor. They go somewhere else. I really don't think we need these laws. I think people in business today do what they have to do to keep business coming. If they see that there's a demand for a non-smoking area, you can be sure of one thing, that retailer, whoever he or she may be, will do exactly that. They will set up a non-smoking area.

So, Mr. President, if the motion is proper, I would like to move the Indefinite Postponement of this Bill and all of its Accompanying Papers.

The PRESIDENT-PRO-TEM: The Senator from York, Senator Danton has moved that this Bill and All Accompanying Papers be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: I would hope that the Senate would vote against that motion, so that we can deal with either Committee Report "A" or Committee Report "B". I think that the Health and Institutional Services Committee has worked extremely hard on all of these no smoking bills. Most of that Committee has told you that they would like one or the other of the Reports. I really feel a little awkward standing up here now arguing for one or the other of the Reports, that doesn't put me in a strong position for Report "A".

I would hope that you would defeat the motion to Indefinitely Postpone and let's get on with the business of deciding whether we're going to Accept Report "A" or Report "B".

The PRESIDENT PRO-TEM: Is the Senate Ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by Senator Danton of York that L. D. 174 and all its Accompanying Papers be Indefinitely Postponed, 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 13 Senators having voted in the negative, the motion to Indefinitely Postpone, Prevailed.

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

Senator DANTON: Mr. President, with regard to L. D. 174, I move that the Senate Reconsider its action whereby it voted to Indefinitely Postpone and hope that you all vote against me.

The PRESIDENT PRO-TEM: The pending question before the Senate is the motion by the Senator from York, Senator Danton, that the Senate Reconsider its action whereby (L. D. 174) was Indefinitely Postponed.

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.

Sent down for concurrence.

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

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

Tabled—May 12, 1983 by Senator CARPENTER of Aroostook

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)

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

It is a vote.

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

HOUSE REPORTS—from the Committee on Judiciary on BILL, "An Act Concerning Submerged and Intertidal Lands Owned by the State" (H. P. 952) (L. D. 1233)

Majority Report — Ought Not to Pass

Minority Report — Ought to Pass

Tabled—May 13, 1983 by Senator CARPENTER of Aroostook

Pending—Motion of Senator TRAFTON of Androscoggin to Accept Majority Report.

(In House May 12, 1983 Majority Report Read and Accepted)

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

Senator TRAFTON: I request that the Secretary read the Committee Report.

The Committee Reports were Read.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, I rise today because I'm one of the cosponsors of this piece of Legislation, and in working with this piece of Legislation, I found some very interesting things.

I have had passed around to your desks the fees for submerged lands for the State, as dated 2/14/83, and the person for whom this Bill was submitted, a certain Mr. Basil Heanssler in the small town of Deer Isle pays twenty-one hundred and sixty-six dollars. Now, it's not my object, like a person who goes and objects to the assessment of his taxes to point of his neighbor and say, "look, I'm paying more than my neighbor, so therefore, bring my neighbor up." I don't think this is the object of Mr. Heanssler. Mr. Heanssler just feels that he is the only lobster pound within the State which is required to pay this assessment. You might, also, note in further reading this that his twenty-one hundred and sixty-six dollars is more than that paid by Maine Yankee; more than that paid by Bath Iron Works; in fact, one of the things that I found was that Bath Iron Works' fee has been set at one-sixth of that being paid by Mr. Heanssler. A special rate for a special corporation. This, I think, is unfair. I think, for no other reason than this, this gives me impetus with which to fight this Bill whose report came out on the downhill side and I've talked with some of the Committee Members, and I don't think that they were aware a special rate was given to Bath Iron Works, or per-

haps we might have been a more favorable Report.

I would hope, today, that we would not Accept the Majority Ought Not to Pass and that we would indeed defeat that motion and Accept the Minority Ought to Pass.

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

Senator TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, I recognize that the good Senator from Hancock, Senator Perkins has a real constituent problem, here. In fact, only one person, other than the good Senator did speak in favor of this Bill at the Committee hearing and that was Mr. Heanssler, the owner of the lobster pound.

Unfortunately, there are situations in State Government, particularly in the administration of some of our many bureaus that shed a poor light on State Government and some of the laws that this Legislature has enacted in the past. However, I don't think this is one of them. Let me say that this Bill, this particular Bill before you today is a special interest bill, it would provide substantial savings to Mr. Heanssler and others who are currently paying rent to the Bureau of Public Lands under the Submerged Lands Law.

As you will recall in 1975, when this Submerged Lands Law was passed, the Legislature said that because private individuals are, in fact, using State land they should pay some kind of rent, and the Bureau of Public Lands established by regulation a policy as to what those rents should be.

Currently, Mr. Heanssler pays the same rate as all other renters of submerged land, and that is, three cents per square foot, except, for one instance, Bath Iron Works, as the good Senator from Hancock, Senator Perkins indicated does pay a lesser rate, and I acknowledge that and much to their chagrin the Bureau of Public Lands acknowledged this differential rate. It was not on purpose, and I have on my desk here a file of the correspondence indicating that Bath Iron Works took advantage of a situation where a sixty-day notice was not provided by the State of Maine, Bureau of Public Lands and that sixty-day notice was necessary to change their rate to be in accordance with all the other payers of rent for submerged lands. The Bureau was very careful and assiduous in trying to point out their error and say, "yes, we missed a sixty-day deadline but are you going to take advantage of this mistake on our part? Yes, Bath Iron Works did hold to their guns and they, in fact, are paying a lesser rate, due to an error within the Bureau of Public Lands. That is the only renter, Bath Iron Works is the only renter who pays a lesser rate than Senator Perkins' constituent, Mr. Heanssler.

Let me say that the chart which was distributed to you by Senator Perkins is correct, it does come right from the records of the Bureau of Public Lands. It indicates that Mr. Heanssler pays 10% of the total revenues for submerged lands. There is a reason for this. Mr. Heanssler has, in his possession under lease, 10% of the total lands, submerged lands which the State is collecting rent on. On that basis, it's entirely fair and appropriate. He is the only lobster pound or he owns the only lobster pound which pays rent to the Bureau of Public Lands for submerged lands, because he is the only lobster pound, new lobster pound since 1975, when the Submerged Lands Bill was passed. As you will recall, when that Law was passed existing uses were grandfathered until the year of 2,005, and at that time, the law proposes that leases would be negotiated with those existing users.

Let me say that there's some other factors which were involved in this particular situation which should be brought to light. First, Mr. Heanssler's lease comes up for renewal and

renegotiation in October. At this time the Bureau of Public Lands and the Commissioner of Conservation, personally, has indicated a willingness to discuss this rate in this particular situation.

Also, for the past year, the Department of Conservation and the Bureau of Public Lands have been working to review their policy as to rate setting for rents for submerged lands. As of this summer, perhaps by the first of August, there will be a new rate policy which will be implemented. This is in time for the renegotiation of Mr. Heanssler's lease. This current study and this current review of the rate policies within the Bureau of Public Lands which lead the majority of the Committee, the Joint Standing Committee on Judiciary, to report this Bill out with the Majority Report Ought Not to Pass.

I acknowledge that the numbers on the sheet that the good Senator from Hancock, Senator Perkins distributed appear to indicate that Mr. Heanssler is unfairly treated. I ask you to consider simply the size of this lobster pound. Mr. Heanssler can proudly state that he has the largest lobster pound in the United States, perhaps the world, and that rate, his rents are calculated on his total area. I ask you to consider that when you vote on my motion which is before you today. I ask you to consider the fact that the Bureau of Public Lands is reviewing his policy and his lease is up for renegotiation in October. Thank you.

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

Senator COLLINS: Mr. President and Members of the Senate, I ask you to take a further look at this Bill on the grounds of justice and equity throughout the State.

The Senator from Androscoggin, Senator Trafton has suggested that the orientation of this Bill is primarily to help a particular constituent. My interest in this Bill relates to the entire coast of Maine and to the entire State of Maine, because, if we do not do justly as between different segments of our citizenry who are in the same position, then we get a bad name for State Government.

In 1975 when the Legislature enacted the present policy about submerged lands and tidal waters, there was incorporated in the Legislation a "grandfathering" of all those installations then in existence. This, of course means that, today, when anyone builds a new lobster pound, or a new fish weir, or a new wharf, or a new dock, or any facility that extends out into tidal waters, they're at a disadvantage as to competition with those who were there before 1975.

I think that if you look at this list, you'll realize that some entrepreneurs are at a very severe disadvantage. We have a case here where two businessmen in the State of Maine are paying 42% of all of the rentals in the State of Maine that the State collects for submerged land leases, 42%, two businessmen. All up-and-down the coast the rest of the businessmen, fishermen, buyers and sellers, operators of mariners, boats and so on they're getting, mostly, a free-ride until the year 2,005. I submit that this just isn't equity.

This little Bill is quite simple. It doesn't take away from the State all of its submerged lands by any means. It simply postpones, in effect, until the year 2,005, when all of the "grandfathering" will be over. It takes away the right of the State to charge in three areas: one is where you berth the boat next to the dock. Say you already have the dock, or wharf, or some kind of floating mechanism perhaps that area where the boat is tied up, on the present law, can be the subject of these charges by the State. But, this would say "no," no, that area remains free of these charges."

Now the second area is the fish weir's. There aren't too many of those in the westerly part of the coast, but as you go towards the east, there are still a few fish weirs which consists of pil-

ings driven into the bottom and then the use of brush and nets to guide fish into these enclosures, so that they can be dipped out with other nets and taken to the factories, mostly in the herring trade.

Fish weirs come and go. The ocean tends to destroy them, and then new ones have to be built and fish weirs are gradually declining in numbers so that we're not talking about as big an economic interest as we were perhaps twenty or thirty years ago. But, nonetheless, those fish weirs that have to be rebuilt, renewed, relocated are going to be at a competitive disadvantage, and perhaps prohibited altogether, if we don't alleviate this problem that we're discussing today.

The third area, of course is the lobster pound. Most of you have seen a lobster pound. It has to be, of course, in a cove and in an area where the tide comes and goes, usually, a small part of it is located above the low-tide mark, but some of it has to be within the area that is permanently submerged, so that there is an adequate supply of salt water.

These areas, also are an important part of our commerce in Maine. Should we, in these times, discourage commerce on the coast? Should we make it inequitable so that new entrepreneurs, or those who are enlarging or renewing, cannot really compete with their fellow citizens? I submit that that's the wrong policy. That this is a problem that affects the entire coast and not just one lobster dealer. I submit to you that the way to treat this fairly is to loosen up this lease-hold policy, so that there isn't that strict lease charging, at least, until everybody is in the same boat.

I hope that you'll vote no on the pending motion.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley, to the Rostrum where he may assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley to the Rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator Carpenter to his seat on the floor of the Senate.

The PRESIDENT: The Chair wants to commend the Senator from Aroostook, Senator Carpenter for his exceptionally fine job as Senate President Pro-Tem. (Applause the Members rising.)

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, not to overly delay the action on this particular piece of Legislation, but I felt that I should respond to some of the things that the good Senator from Androscoggin has mentioned.

One of the things that if you are aware that last week I had this piece of Legislation Tabled in the House for three days, because I thought that it was well worth a try to see if I couldn't sit down with the Department and reach some sort of an agreement on this large fee that my constituent was doing. So I indeed did spend two particular days meeting with the Commissioner and trying to see if we could reach some arrangement.

One of the offers that I said in light of the fact that indeed there was to be a review of the fees, which was to come out, supposedly, in the late summer, how about then holding off on the fees for my constituent and see what happens with those, and see if the fees, if they wouldn't be more equitable, because I find it difficult to believe that this is the only new lobster pound that has been created within the State since 1975. Their response was negative, because they did not want to abate the taxes even through October, which was at the time they were due. This led me to more consternation

because I felt, if they weren't willing to do this, then are they, indeed, dealing with a full deck.

Let's talk just a little bit about the renegotiation factor, and what will happen with regard to this and the Uniform Property Tax. If there's been any property sold within the shoreline, they will then have an assessor come and the highest property fee will be assessed to my man for his clam flats, which were the lobster pound sits. I mentioned this to the Commissioner and he said, "well, think of the people who are unable to utilize these clam flats there?" and I said, "Your precisely right, we have some people who are deprived, but I am prepared to say that there are one, one thousandth of the people deprived here, that there are on the Bath Iron Works proposal in the city of Portland. To which he had no response. Because if there are people deprived of access on these public shorelands, the people who are getting the special rates are depriving the city of Portland, because of just the population factor are being deprived a thousand to one to those in Little Deer Isle, Maine. I further believe that lobster pounds and things of this nature are rather synonymous to our coastline; and therefore, not be treated as large industries, or polluting industries, or industries which are antagonistic to our coastline I would urge your support.

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

Senator TRAFTON: Thank you, Mr. President and Members of the Senate, I think Senator Perkins indicated very clearly and very well why the State does charge rent for use of its submerged lands. He indicated that people are denied access to shoreland by this lobster pound, by fish weirs, by other structures which are located on the submerged lands. This is the reason, this denied access is the reason why the State charges this rent and there is no question that the general public is denied access in this large lobster pound area.

One further fact that may be of interest, the Bureau of Public Lands indicates that if this Bill were to pass there would be a loss of between eight thousand and ten thousand dollars, rent revenues to the Bureau from the rentals of Submerged Public Lands.

Finally, there's no question that a person, such as Mr. Heanssler does have to pay some charge. The charge could be much higher. In Massachusetts the current charge for submerged land is two dollars per square foot. Maine has one of the lowest, if not the lowest, per square foot rental charge for its submerged lands, as I indicated, three cents per square foot is the charge.

As to the good Senator from Knox, Senator Collins comments as to some of the inequities between those who pay no rental fee because they were existing users as of 1975, there's no question that there are inequities. But hopefully, some of these inequities will be addressed; number one, in the review that will be finalized later this summer. In the Joint Standing Committee on Judiciary there are several members who have already indicated that they will be bringing a bill to address this particular inequity, the question as to why should users prior to 1975 pay no tax, or no rental fee, when users after 1975 must pay some rental fee? So that, I can assure you that this will be addressed the next regular session.

I ask you to consider, again, the fact that the Bath Iron Works lower rate was by error an acknowledged error, well documented and not the intentional lowering to give Bath Iron Works any kind of undue advantage.

I urge you to Accept the Majority Ought Not to Pass Report of this Bill. Thank you.

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

Senator BROWN: Mr. President, I would like to pose a question if I may to someone, perhaps on the Committee. It has been stated that since 1975 there has been only one new lobster

pound, and I think that there must be in the neighborhood of forty weirs along the coast area in Washington County and many of those have been built since '75. I don't see any of those listed on this sheet, am I incorrect that they should not be?

The PRESIDENT: The Senator from Washington, Senator Brown, 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, Members of the Senate to answer the good Senator from Washington, Senator Brown's question my understanding is that they should be listed on that and perhaps he should go home and take your boat out to those weirs and illuminate them as to what the law requires.

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 the Senator from Androscoggin, Senator Trafton that the Senate Accept 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.

5 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion to Accept the Majority Ought Not to Pass Report, Failed.

The Minority Ought to Pass Report was Accepted, in non-concurrence.

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

The President laid before the Senate the fourth tabled and specially assigned matter:

SENATE REPORTS—from the Committee on Transportation on BILL, "An Act to Require Annual Automobile Inspections" (S. P. 23) (L. D. 24)

Majority Report: Ought Not to Pass

Minority Report: Ought to Pass in New Draft under New Title, BILL, "An Act to Provide for Annual Motor Vehicle Inspections" (S. P. 551) (L. D. 1601)

Tabled—May 13, 1983 by Senator PRAY of Penobscot

Pending—Motion of Senator CARPENTER of Aroostook to Accept Majority Report

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

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

The PRESIDENT: The Chair would state that there is already a motion before the Senate to Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President, first I would request a Roll Call on this vote and encourage the Senate to vote against the Majority Ought Not to Pass and in favor of the Ought to Pass, as amended, Report of the Committee.

When I first came down to Augusta I only sponsored one bill of my own other than a department bill for the Committee, and that bill was to change the semi-annual inspections to once a year because in my area and my experience it is more of a nuisance than anything else.

It doesn't require safety more than anything else. When you go into a gas station, as some good Senators that signed the opposition of the way that I would have had them sign, had an experience recently, you go in they ask you to turn your headlights on, your brake lights, you check your horn and they give you an inspection sticker.

Now that is our safety program. The issue here is not safety and more safety by having it twice a year. The issue is the tremendous inconvenience to law abiding citizens in the

State of Maine to have it changed from twice a year to once a year.

There has been a lot written on this subject and there was an editorial in my hometown in the paper, the Bangor Daily News awhile ago in regards to annual automobile inspections, and I am quoting and they can say it much better than I can, "but because of the destructive forces of climate and road salt Maine has traditionally supported two types of automobiles, one is showroom new, unblemished and in immaculate mechanical condition. The second is aging, rusting, and decrepit. The process of decay from the former to the latter can be remarkably brief. Changes are sometimes subtle and appearances offer no indication of actual road worthiness. The ostensible of the inspection program is to sift through these costly oxidizing vehicles to separate the safe from the treacherous in reality through the program is a semi-annual headache, an inconvenience to both the driver of a new car and the owner of the bale-wired pop-riveted hulk. The program is supported by another myth that inspections make for safer roads. The truth is no one knows what impact an inspection program has on safety."

According to the news there are twelve states that have better, lower highway fatality rates than Maine, and in those twelve states: three have annual inspections, three have semi-annual inspections, three don't require annual inspections they have random inspect, and three have no inspection laws at all. So the correlation between safety and inspections hasn't been proven unless someone is going to present some information today that could turn that around.

"If there is any common finding in these studies, that have been done on this matter, it is that scheduled inspections don't appear to reduce accidents. In fact scheduled inspections could actually encourage drivers of unsafe vehicles to remain on the road putting off a necessary repair until sticker time."

An alternative is the random inspection program in which drivers know that they could be pulled over at anytime for an impromptu checkup. The theory here is that it is the threat of the inspection that will force drivers to keep their autos road-worthy at all times.

This would seem to be a sensible approach but it wasn't approved by the Transportation Committee.

What I am asking the Senate to do is that whether the State is left with a semi-annual or an annual program in the absence of any compelling evidence that it go to a once a year program.

I think, Mr. President, I would just like to see us accept that.

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 Senator 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 Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President thank you. Mr. President, Men and Women of the Senate, I don't think that I have ever spoken on an issue which has come from that august Body the Joint Standing on Transportation, but I would lend perhaps another hue to the debate this morning in that those of you who have been around before and perhaps those of you who are now not blushing freshmen but experienced Legislators are aware of one piece of legislation which this Legislature has passed in years gone by and that major piece of legislation is the Used Car Information Law which was passed by earlier Legislature's dealing

with the used car sales and the business practices involved therein across our State.

Maine is the only State that doesn't include used cars in the warranty of merchantability and the only guaranty that we give potential purchasers of used cars is that, in fact, that that car is designed for the use for which it is intended, it doesn't preclude used cars from being sold "as is," but indeed the only guarantee of any road-worthiness is the State Inspection Sticker. If the annual inspection sticker program were to prevail and we would, in fact, as a result of that remove the biannual inspection program we would be, in fact, nullifying the effect of the Used Car Information Act because one sticker annually would have a serious deleterious affect on the Used Car Information Law. By that I mean for example, a car would pass inspection in January it might in fact be sold as a used car in whatever state it is in (meaning condition that it is in) in the following December, in fact, it is not road-worthy. It could have some serious impact not only on the Used Car Information Law which would literally for practical purposes go down the drain and which has provided, at least, some degree of security for Maine purchases.

It would have, I would submit, some severe impact, also, on the maintenance of safety standards not only for those vehicles, but for the drivers who will be driving them. I would urge that we would accept the pending motion this morning. Thank you, Mr. President.

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

Senator KANY: Mr. President, first of all I would like to pose a question to Senator Clark the Chairperson of the Business Legislation Committee, and then wish to speak to the motion before us, and that is are not new inspection stickers required at the time of sale of a used car?

The PRESIDENT: The Senator from Kennebec, Senator Kany has posed a question through the Chair to the Senator from Cumberland, Senator Clark who may respond if she so desires.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, in an attempt to answer or respond to the question of the good Senator from Kennebec, Mr. President and Members of the Senate, my understanding of the current law is that if the vehicle possess a valid inspection sticker that is sufficient to meet the letter of the law.

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

Senator KANY: Mr. President and Members of the Senate, I would hope that if the Legislature believes that our laws regarding used car sales are not stringent enough or not ideal that indeed they would change those laws.

I rise today in support of the Bill before you and in opposition to the motion to defeat the Bill, the Majority Report from the Committee on Transportation and I would like to tell you why.

There are many reasons: number one is that we passed often legislation here believing that it is necessary to do so for the health and safety of the citizens of Maine. Indeed we did that earlier this year on a transportation bill which would require child restraint for very young children. I believe that most of us supported that because it did seem necessary, with evidence before us. I know that I went along with that, but often times there are regulations that are simply not necessary and at that the evidence doesn't support the continued need for that particular regulation and this is just one such item.

There are only two states in the entire Nation that require twice a year inspections of motor vehicles and Maine is one of those and the other is New Hampshire. States have been trending away from that as they see that the data simply doesn't support that extra regula-

tion to be put upon their citizens.

So if you are riding down the road on I-95 and you believe that inspections are absolutely necessary to assure that those other vehicles are safe, I would hope that you would avoid any road in the State of Maine that has vehicles other than from the State of Maine or New Hampshire, because they simply are just not getting those inspections. Many states indeed are moving away from all inspections they are moving toward a spot inspections by their law enforcement officers finding that people then would be continuously ready to assure that their automobiles are indeed safe. By the way our Maine law authorizes our State Police to stop any vehicle for just that purpose to make certain that it is in decent condition.

So I urge you to remove unnecessary regulation. Allow the people of Maine not to have to go through this particular thing if it isn't necessary and it is really all that this seeks.

The public hearing on this Bill occurred in January and at that time there was a lot of support throughout the State for moving to an annual inspection, in fact most of the comment was, perhaps we don't need any inspections at all, so at least go along this moderate suggestion of moving from a single inspection a year, to annual inspections.

It was interesting at the public hearing to hear the American Automobile Associations comments and data, they had looked through a number of studies and one was the public policy research of Washington, D.C. talking about vehicle safety inspection systems and how effective. That study in 1980 concluded that when other factors are taken into account, states which employ mandatory periodic inspection program do not have lower accident rates than those states without such a requirement. Those periodic inspections do not appear to reduce accidents.

Secondly, twice yearly inspections do not appear to be any more effective than yearly inspections in reducing highway accidents. By the way the American Automobile Association concludes that there is no conclusive evidence that semi-annual motor vehicle inspections are any more effective than annual inspections. I could go on and on and on, but basically evidence simply doesn't support the need to keep the twice a year inspections. I hope that you go along with the people in Maine who seem to indicate to most of us that they wish to do away with that second inspection.

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

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, I'll be brief this morning, and only wish to say that I support the concept of this Bill, but there maybe some problems, or problems of how it is going to operate. Nonetheless when I get around my district and I talk to the inspectors, the gas station operators, and ask them, and when I have my own car inspected the operators of those filling stations always tell me the same thing and that's until we change the system that we have in this State and change the fee structure that we have in this State, that that semi-annual inspection is never going to amount to anything, because right now it doesn't amount to anything, right now we really don't have any inspection.

You go into a gas station and filling station, and you know these people are only going to be frank with you they can spend their time, at their filling station they are not going to spend a half hour checking out your car for two dollars when they can have some other vehicles in there getting, making a substantial amount more per hour. As it is now if you just go in there they are just fulfilling the letter of the law, they don't want semi-annual inspections by and large, that at least is what the inspectors in my area tell me, they would rather have annual inspections with a higher fee and then they will do the job that is necessary insofar as

giving the vehicle the appropriate amount of time to review it and to look into the vehicle. So really I think just ourselves in our own everyday life when we go to have our own cars inspected I think that we are well aware of the way the system operates with respect to inspections in Maine.

I know that I am very much in favor of inspections, but quite frankly I think that annual inspections make a lot more sense and increasing the rate, in order to justify these inspection stations taking their time to inspect these cars and to do an adequate job of it. I would hope that we would vote against the motion, which as I understand it is to accept the Majority Ought Not to Pass and that you would vote instead for the Minority Ought to Pass Report. Thank you.

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

Senator DANTON: Mr. President and Members of the Senate, this Bill, in some sense I would imagine is another highway safety measure. Just last night on the news they announced that last year, only and this was the way that it was stated, "only forty-four thousand people were killed on our highways in this country" there was a slight reduction due to the recession, people didn't have the money to travel as much, other than that it would be slightly over fifty thousand.

Inspections, perhaps, in some areas aren't conducted the way that they should be, perhaps even in my area. Maybe that is a good reason that we shouldn't do away with inspections.

If an automobile is unsafe it should be inspected. If it isn't inspected, how are we going to know that it is unsafe?

I really haven't had anyone complaining to me that twice a year is too much. Oh I think that it's a nice political thing if we want to talk a little bit of politics. You know if you look at the Bill it is just one paragraph scratch out two and have one inspection a year. You know it is a nice thing come a few months from now we can go back home to our constituents and tell them, Oh listen, here is what I did for you!

Let's be a little practical here. As I talked to my used car dealers, contrary to what the good Senator from Aroostook County has to say, they want twice a year inspections. Used car dealers, can you imagine a used car dealer telling me that he would like to have twice a year inspections? Stop and think of the junks that they could get out on the highway, bonded-up all over the rust with a nice little paint here, and piece of chrome there. Have that junk on the highway and they are going to give you a guarantee six months or the length of the driveway in the garage and that is about the size of it.

Can you imagine, what it would be like on our roads if we didn't have someone, someone regardless of who that person may be to check cars? Just last week in the Portland Press Herald they had a picture, I guess that the press thought that it was something cute, I don't know what they thought. It was, I believe, a '49 or '51 chevrolet and it was elevated and to get in it the guy has a step ladder. Now can you imagine that? That is an automobile that we would allow on the highways providing, providing we didn't have inspections. You know they get those cars off if they don't meet the requirements. How about the other type of an automobile that you see the rear end is jacked up about sixteen feet from the pavement? You know the next thing you'll see is the front end jacked up and then they really won't know where they are going. You know inspections I am sure can be a pain in the neck and there has been more than one time that I have gone more than the thirty day grace period, in fact, in the past I have gone sixty and ninety days. I just have been lucky that I haven't got caught. In fact one of the first bills that I introduced was to have a grace period for expired registrations, I didn't know that it was on the books,

anyway.

All during the campaign I had expired my registration by about ninety days, I am sure that would have made some nice headlines, 'Senate Candidate Driving Around in an Unregistered Car.'

The good Senator from Penobscot, who I am sure after this debate I'll be looking for another coffee drinking partner, made a nice case for me, he said, people let unnecessary repairs go now until they go for inspection. Now isn't that the truth? Isn't that really and truly the truth? If we knew that we didn't have somewhere to go who would check that direction light bulb that is blown out?

I'll admit immediately that all stations don't give you the best possible inspection but they give you something. It is better than nothing. I'll tell you we've got a system that is working pretty good and there is an old Maine saying, "if it ain't broke don't fix it." Let's not tamper with it.

The good Senator from Kennebec, Senator Kany told me that she supported, or told us that she supported the Child Restraint Seat. Do I have to tell you about automobiles that are being kept longer now because people do not have the money to trade as often as they did, all rusted up. Now we pass that Child Restraint Law, what are we going to buckle those seats onto? A rusted out floor because no one has checked it to see if it is any good? How about the fuming exhaust system? Now we have that little child in the back seat strapped down with the fumes coming through, no one has checked it and believe me if they are all mechanics like most of us are in here, that poor kid would really take a good long sleep with no fault of its own.

You know it may sound humorous, but it is true. Now sure maybe the price should go up. But what does this Bill do? Instead of giving you two inspections a year for six dollars, they tell you come in once a year and we'll give you the same lousy inspection for five bucks. That is such a bad deal for the guy in the inspection business.

Members of the Senate I'll tell you I can look at this as a practical matter, and I can look at it as a political matter, the practical matter is let's leave it alone. Two inspections aren't bad, Maine is unique. We have a different type of climate here, our cars get rusted out and I would hope that you would support me and accept the Majority Ought to Pass Report.

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

Senator BALDACCIO: Mr. President and Members of the Senate, the good Senator from York has pointed out what a simple document this is and how politically inspired it may assume to be. I would like to point out to the good Senator from York, that it does more than just change from two inspections to one. It goes back to the statement of fact, the purpose here is that it changes the inspections and the fee increases from three to five dollars, to make it a little bit better from those people to put it up on a lift and look and see damages as the good Senator from Aroostook, pointed out that needed to be done. It, also, changes the law on the fenders of vehicles to completely cover the vehicle to cover vehicle tires to prevent vehicles from throwing stones to the rear, a minimum size for tires for farm vehicles, better standard for tire tread to ensure motor vehicle safety.

Mr. President and Members of the Senate, the issue here is not safety as the good Senator from York points out with motorcycle helmets, with seat belts, he points out with Child Restraint Seats. He's been pointing that out all session, but in this particular case it isn't safety that is being insured it is a nuisance. If there is a problem with the inspection program which I am sure that most of us can identify with, and we now have a law that says that the State Police may pick up a vehicle if they notice things

that are wrong with it and they give them a warning that sends fear into their hearts, and local police in my town do the same thing. The random inspection maybe better, I would appreciate an opportunity from the good Senator from York, and the good Senator from Aroostook, and the good Senator from Cumberland and the good Senator from Kennebec an opportunity to sit down and amend this somewhat to make it a better position.

It is not politically inspired, the fact of the matter is, it is a nuisance not only to myself to the other four or five thousand people in the State of Maine that have to go through this charade. They may not get something fixed for six months or nine months or a year because their inspection sticker hasn't expired yet, but you let the State Police go by that vehicle, or your town police go by that vehicle and they'll take the license away from the inspection station that gave it to them.

I just think, Mr. President, that I would appreciate an opportunity to be able to sit down and go over this with people who are concerned about it. Because I don't think the issue of safety has been presented by the good Senator from York. I haven't heard about any of these problems that we have to have these twice a year inspections. So I would appreciate that opportunity. Thank you.

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

Senator DIAMOND. Thank you, Mr. President. Men and Women of the Senate I was not going to rise because obviously the good Senator from York can deal with this issue better, but as a member of the Transportation and the point that the gentlemen from Penobscot, Senator Baldacci just brought out had to be pointed out to the Members of the Senate. Safety was the issue before our Committee. It was time and time again. Those who supported the Bill and those who opposed it. In fact those people who wanted this Bill passed said that in response to a question, what about school buses shall they be annual inspections? Oh no school buses have to be every six months. Why? Because children who are riding on these buses have to be safe.

Now if that is an issue as it truly was, safety. That school children riding buses have to be inspected, those buses have to be inspected, those buses have to be inspected then, do we want to have our school children who we say have to be on buses who are semi-annually inspected to have cars approaching them passing them that are not safe. Safety was clearly the issue Mr. President and Members of the Senate. Clearly, time and time again and that point on buses clearly illustrated that. Thank you very much.

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

Senator KANY: Mr. President and Members of the Senate, I would like to point out that the Bill, itself, which is a new draft from the minority members of the Transportation Committee L. D. 1601 and there were a number of inaccuracies consequently from Senator Danton who was addressing the original bill.

First of all the school buses would continue to have inspections twice a year just because that seemed to please some of the members of the Transportation Committee. They seemed to want that, and the Bill, itself, also calls for when you would have that annual inspection for a more stringent inspection. More stringent. In other words you would be required to have safer tires, and there are a couple of other elements within it that would require a more stringent inspection. I would like to point that out to you, but it does move to annual inspections for all other vehicles, other than the school buses.

It does require a five dollar fee so that the inspection stations would give a more thorough look than they have been, which often as everyone acknowledges, is an extremely cursory

glance.

I would like to, once again, state that if you want safety probably what you want to do is encourage your State Police to just stop vehicles from time to time along the road and then you also could be stopping out-of-state vehicles which are not having any inspections at all. I mentioned to you, two particular studies and the American Automobile Association conclusions, and I would like to just give you Colorado's experience with motor vehicle and inspections. It just says that there's no further evidence from their experience that one system is more effective than the other. As they changed that their accident rate actually changed according, not at all to their inspection system, and in 1980, Colorado abolished its annual inspection system, went to none at all, and substituted a random checking system. In 1981, its fatality rate went to a low three per one hundred million miles of travel and so on.

Once again, the annual and the biannual inspections do not seem to have a correlation at all with accidents. That being the case, why not remove an unnecessary regulation which is an annoyance to many Maine people?

Senator Danton, also, said that some of his motor vehicle inspection stations, some that he had heard from, and there have been some vocal ones, were opposed to moving to the annual inspections, while others have not been opposed to it.

I'd like to ask, I mean really, who are we doing this for, who do we make our laws, or keep our laws for? Is it for some annual, inspection station or is it for the people of Maine?

I urge you to vote against the motion before us which is the Majority Ought Not to Pass Report and then pass this Bill.

The President. Is the Senate ready for the question?

The pending question before the Senate is on the motion by the Senator from Aroostook, Senator Carpenter 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—Brown, Charette, Clark, Collins, Danton, Diamond, Emerson, Gill, Pearson, Pray, Trafton, Twitchell, Usher, Wood, The President-Gerard P. Conley.

NAY—Baldacci, Bustin, Carpenter, Dow, Dutremble, Erwin, Hayes, Hichens, Kany, McBreairty, Minkowsky, Perkins, Sewall, Shute, Teague, Violette.

ABSENT—Najarian, Redmond.

Senator Pray of Penobscot was granted permission to change his vote from Yea to Nay.

A Roll Call was had.

14 Senators having voted in the affirmative and 17 Senators in the negative, with 2 Senators being absent, the motion to Accept the Majority Ought Not to Pass Report of the Committee, Failed.

The Minority Ought to Pass, Report of the Committee was Accepted.

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

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

Order

Joint Order

On motion by Senator PEARSON of Penobscot, the following Joint Order: (S. P. 560)

ORDERED, the House concurring, that Bill, "AN ACT Regulating the Activities of Political Action Committees," H. P. 306, L. D. 365, be recalled from the Engrossing Department to the Senate.

Which was Read and Passed.

Sent down forthwith for concurrence.

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

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.

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

BILL, "An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities" (H. P. 1048) (L. D. 1392)

Tabled—May 13, 1983 by Senator CARPENTER of Aroostook

Pending—Passage to be Engrossed.

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

Senator PRAY: Mr. President I present Senate Amendment "A" under filing number S-120 and move its Adoption.

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

Senate Amendment "A" (S-120) was Read.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate this amendment is basically a technical amendment which clarifies the language to assure that each municipality doesn't have to establish within its municipal boundaries a facility for the disposal of waste, only that as long as it provides some facility for waste it could be outside of the community, outside of the municipal boundaries and this amendment guarantees that.

Senate Amendment "A" was Adopted.

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

Sent down for concurrence.

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

BILL, "An Act to Amend the Unfair Trade Practices Law" (H. P. 570) (L. D. 718)

Tabled—May 13, 1983 by Senator PRAY of Penobscot

Pending—Further Consideration.

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

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

(In House May 13, 1983 that Body Adhered.)

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

Senator CHARETTE: Mr. President, I move that the Senate Adhere.

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: I would move that the Senate would Recede and Concur.

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

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: I would ask for a Roll Call, please.

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

Will all those Senators in favor of ordering a

Roll Call, please rise and remain standing until counted.

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

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

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEA—Bustin, Carpenter, Clark, Dutremble, Hayes, Kany, Najarian, Pray, Violette, The President—Gerard P. Conley.

NAY—Baldacci, Brown, Charette, Collins, Danton, Diamond, Dow, Emerson, Erwin, Hichens, McBreairty, Minkowsky, Pearson, Perkins, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Wood.

ABSENT—Gill, Redmond.

A Roll Call was had.

10 Senators having voted in the affirmative and 21 Senators in the negative, with 2 Senators being absent, the motion to Recede and Concur with the House, Failed.

On motion by Senator Charette of Androscoggin the Senate voted to Adhere.

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 Relating to Emergency Planning for the Area Around Nuclear Power Plants." (S. P. 547) (L. D. 1598)

(In Senate May 11, 1983, Referred to the Committee on Energy and Natural Resources.) (Comes from the House, Referred to the Committee on Public Utilities in non-concurrence.)

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

Senate Papers

BILL, "An Act to Effect Changes in the Statutes of Various Occupational and Professional Licensing Boards." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24) (S. P. 562) (Presented by Senator SEWALL of Lincoln) (Cosponsors: Representative D. CARROLL of Gray and Representative VOSE of Eastport)

Which was referred to the Committee on Business Legislation and Ordered Printed. Sent down for concurrence.

Enactors

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

An Act Relating to Attendants for Power Boilers. (H. P. 1180) (L. D. 1572)

An Act to Revise the Statutes Relating to Radiation Control. (S. P. 395) (L. D. 1195)

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 Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration. (S. P. 539) (L. D. 1574)

On motion by Senator Violette of Aroostook the Senate voted to Suspend the Rules.

On motion by Senator Violette of Aroostook the Senate voted to Reconsider its action whereby L. D. 1574 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator VIOLETTE: Mr. President, I present Senate Amendment "A" to L. D. 1574 under filing number S-121 and move its Adoption.

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

Senate Amendment "A" (S-121) was Read and Adopted.

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

Sent down for concurrence.

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

**Committee Reports
House**

Ought Not to Pass

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

BILL, "An Act to Abolish County Subsidies to the Superior Court System" (H. P. 752) (L. D. 983)

BILL, "An Act Relating to the Establishment of Clear Title to Real Estate" (H. P. 986) (L. D. 1291)

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 a 30-Mile Evacuation Area around Nuclear Power Plants" (H. P. 737) (L. D. 946)

BILL, "An Act to Permit Producers of Perishable Products to Ship on Seasonally Closed Ways" (H. P. 1112) (L. D. 1470)

BILL, "An Act to Provide a Trade-in Credit for the Sales Tax on Campers" (H. P. 463) (L. D. 565)

BILL, "An Act to Allow a Refund of Sales Tax on Depreciable Machinery and Equipment used in Aquaculture" (H. P. 593) (L. D. 737)

BILL, "An Act to Provide for a Local Excise Tax on Watercraft" (H. P. 678) (L. D. 861)

BILL, "An Act to Establish a Limitation of 7 Years to Redeem Property taken by a Municipality for Taxes" (H. P. 718) (L. D. 909)

BILL, "An Act to Clarify Citizen Standing in Environmental Litigation" (H. P. 733) (L. D. 942)

BILL, "An Act Concerning the Exclusion of Children in Apartment Buildings" (H. P. 760) (L. D. 991)

Ought to Pass as Amended

The Committee on Election Laws on BILL, "An Act to Amend the Election Laws" (H. P. 950) (L. D. 1231) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-238).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-238).

Which Report was Read and Accepted, in concurrence.

The Bill Read Once. Committee Amendment "A" (H-238) was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Transportation on BILL, "An Act Relating to Registration and Inspection of Motor Trucks used for Fishing" (H. P. 434) (L. D. 516) Reported that the same Ought to Pass in New Draft under same title (H. P. 1205) (L. D. 1600)

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

Which Report was Read and Accepted, in concurrence.

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

Ought to Pass in New Draft Under New Title

The Committee on Agriculture on BILL, "An Act to Establish Mandatory Minimum Fines on Agricultural or Forestry Products Theft" (H. P. 531) (L. D. 684) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Related to Unauthorized Taking of Agricultural Products" (H. P. 1209) (L. D. 1603)

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 Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act Concerning the Admissibility in Criminal Proceedings of Statements by Minors Describing Sexual Contact" (H. P. 481) (L. D. 578) Reported that the same Ought to Pass in New Draft under same title (H. P. 1201) (L. D. 1595)

Signed:

Senators:

TRAFTON of Androscoggin
COLLINS of Knox
VIOLETTE of Aroostook

Representatives:

FOSTER of Ellsworth
SOULE of Westport
HAYDEN of Durham
BENOIT of South Portland
DRINKWATER of Belfast
LIVESAY of Brunswick
HOBBINS of Saco

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

Signed:

Representatives:

JOYCE of Portland
REEVES of Newport
CARRIER of Westbrook

Comes 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 Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Health and Institutional Services on BILL, "An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity" (H. P. 609) (L. D. 757)

Reported that the same Ought to Pass.

Signed:

Senators:

CARPENTER of Aroostook
BUSTIN of Kennebec
GILL of Cumberland

Representatives:

CARROLL of Gray
PINES of Limestone
BRODEUR of Auburn
NELSON of Portland
RICHARD of Madison
MELENDY of Rockland
MAYBURY of Brewer
MANNING of Portland

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

Signed:

Representatives:

SEAVEY of Kennebunkport
WEBSTER of Farmington

Comes from the House with the Bill and Accompanying Papers Recommended to the Committee on Health and Institutional Services.

Which Reports were Read and the Bill Recommended to the Committee on Health and

Institutional Services, in concurrence.

**Senate
Divided Report**

The Majority of the Committee on Judiciary on BILL, "An Act Concerning Records of Arrests of Criminal Offenders" (S. P. 289) (L. D. 877)

Reported that the same Ought to Pass in New Draft under same title (S. P. 559) (L. D. 1616)

Signed:

Senators:

COLLINS of Knox
VIOLETTE of Aroostook
TRAFTON of Androscoggin

Representatives:

FOSTER of Ellsworth
LIVESAY of Brunswick
JOYCE of Portland
HOBBS of Saco
HAYDEN of Durham
CARRIER of Westbrook

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

Signed:

Representatives:

REEVES of Newport
DRINKWATER of Belfast
BENOIT of Portland
SOULE of Westport

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

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

Divided Report

The Majority of the Committee on Energy and Natural Resources on BILL, "An Act Concerning the Size of Exempt Lots Under the Subdivision Laws" (S. P. 462) (L. D. 1411)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-122)

Signed:

Representatives:

McGOWAN of Pittsfield
KIESMAN of Fryeburg
MICHAEL of Auburn
HALL of Sangerville
MICHAUD of E. Millinocket
BROWN of Livermore Falls
DEXTER of Kingfield
RIDLEY of Shapleigh
JACQUES of Waterville

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

Signed:

Senators:

McBREAIRTY of Aroostook
KANY of Kennebec
PEARSON of Penobscot

Representative:

MITCHELL of Freeport

Which Reports were Read.

On motion by Senator Kany of Kennebec, the Minority Ought Not to Pass Report was Accepted.

Sent down for concurrence.

**Second Readers
House**

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Restrict the Period of Retroactivity of Taxation Legislation to no more than One Year (H. P. 849) (L. D. 1099)

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

BILL, "An Act Concerning Submerged and Intertidal Lands Owned by the State" (H. P. 952) (L. D. 1233)

Which was Read a Second Time.

On motion by Senator Pray of Penobscot,

Tabled for 1 Legislative Day, pending Passage to be Engrossed.

House — as Amended

Bill, An Act Relating to the Authority of the County Commissioners over the Operation of all County Offices (H. P. 1101) (L. D. 1452)

Bill, An Act Concerning Standards for Rejection of Altered Vehicles (H. P. 812) (L. D. 1052)

BILL, "An Act to Establish and Amend the Air Quality Standards and Establish a Chromium Emission Standard" (H. P. 951) (L. D. 1232)

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

Senate

BILL, "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1984" (Emergency) (S. P. 555) (L. D. 1614)

BILL, "An Act Concerning the Negotiation of Just Cause Provisions for Teachers" (S. P. 554) (L. D. 1608)

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

Sent down for concurrence.

BILL, "An Act to Provide for Annual Motor Vehicle Inspections" (Emergency) (S. P. 551) (L. D. 1601)

Which was Read a Second Time.

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

Senator DIAMOND: Thank you, Mr. President and Ladies and Gentlemen of the Senate, I set this aside knowing full well that the good Senator from Penobscot, Senator Baldacci had an amendment planned and I hadn't had a chance to talk with him and I want to make sure that he had a chance to do that, if not we can debate it.

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

Senator BALDACC: Mr. President and Members of the Senate, and the Honorable Senator from Cumberland, Senator Diamond, I not only had one amendment but I have three amendments that I tried to work with different members of this Senate on and couldn't come to any resolution. I was told that it sounds more palatable, but I am still going to vote the way that I voted before, it might sound better to the others.

So I rather than rush these through and haven't had much time to go over the rest of the membership of the Senate we're decided that if it did pass in the Senate and went to the House that we would be able to work with the House and propose particular amendments to the Bill.

They actually concern themselves with a transition period of hooking up registration with the inspection itself. Five years old or younger vehicles wouldn't be required to have a twice a year inspection. Then another one which would allow the affective date of June 1, 1984. These were the amendments that were discussed and we couldn't come to an agreement on. Thank you, Mr. President.

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

Senator DIAMOND: Mr. President and Ladies and Gentlemen of the Senate, it is not my desire to have this passed on I think that we had a very close vote this morning and some of the amendments that Senator Baldacci from Penobscot has talked about have been the very bills that we heard before our Committee this year and rejected as a Committee. I applaud him for efforts of trying to find a compromise, but I think that there are none, and I would hope that we would not pass this. Mr. President, I would 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 pending question before the Senate is Passage to be Engrossed.

A Yes vote will be in favor of Engrossment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, Members of the Senate during the debate this morning I thought that it was only fair that if the good Senator from Penobscot did have something that would make this Bill a better bill that he should have the opportunity to offer those amendments. Obviously after getting the amendments together it was just impossible to make a bad bill any better than it was.

I think that inspecting cars twice a year really is good for the State of Maine. I know that as we look out there we can perhaps say well at least we cut a little bit of red-tape for the citizens of Maine. Let's not give an opportunity to get a bunch of cars that shouldn't be on the highway, on the highways, we should get them off.

Now the debate this morning pointed out a lot of instances that I found in my travels around my county and I am sure that you other Senators have seen the same thing. You know automobiles that are jacked up way out of proportion in the rear end, automobiles jacked up now in the front end, automobiles that are eight, or nine, or ten feet high and you need a step ladder to get into. Is this what you want in the State of Maine? I don't think that you really do.

Now we have heard a lot of remarks about Mississippi, Colorado, California, that's fine maybe those things can work in those States, we are talking about the State of Maine we have rough winters, we use a lot of sand, salt, our cars rust, we have a lot more problems in the State of Maine.

We have a good system, I think that we should leave it alone. I sincerely believe that.

Now if we were talking if it is good enough to have only one inspection I only tell those that support one inspection, why have any at all? I think that that is the proper amendment on this bill to do away with the amendments in total.

Let's not kid ourselves if a car is bad one inspection will only make it worse, at least if it is bad knowing that you're going to have to get your car inspected you are going to take and get it repaired and it will be safer on the highway. The theme of this Legislature has been, I think, from the beginning trying to provide highway safety. I think that this is a good Bill and will provide that.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I believe that this Bill is a good compromise between people who feel that the inspections that we have, have no value and the people who want two inspections.

I represent a lot of farmers in my area, some of them have six, eight, ten vehicles that they use maybe two weeks in the spring and maybe three in the fall, and they are subject now to two inspections on those vehicles, and some of those vehicles don't travel more than a thousand miles or two thousand miles per year. This would relieve them of one inspection.

I am sure that many of us have had the experience, many of us, of going to a filling station asking to have our vehicle inspected, they ask is the vehicle okay? You say Yes. They make out a sticker and stick it on the windshield and

you give them three dollars and go on your way. That happens many many times. You can always find one somewhere that will inspect a vehicle with a broken window or something of this sort.

I have a nephew who is a policeman in a state that doesn't have any inspection at all, and I have discussed this several times with him, and he feels that in their state that their are better off without it.

So if we have one we are at least compromising, and I would hope that you would pass this Bill. Thank you.

The PRESIDENT: Is the Senate ready for the question?

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

ROLL CALL

YEA—Baldacci, Bustin, Carpenter, Charrette, Dutremble, Erwin, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Perkins, Pray, Sewall, Shute, Teague, Violette.

NAY—Brown, Clark, Collins, Danton, Diamond, Dow, Emerson, Gill, Pearson, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Redmond.

A Roll Call was had.

18 Senators having voted in the affirmative and 14 Senators in the negative, with 1 Senator being absent, the Bill was Passed to be Engrossed.

Sent down for concurrence.

The President requested the Sergeant-at-Arms to escort the Senator from Knox, Senator Collins to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins to the rostrum where he served as President Pro-Tem.

The President then retired from the Senate Chamber.

Senate — as Amended

BILL, "An Act to Increase the Fees and Expenses for Medical Examiners" (S. P. 254) (L. D. 799)

BILL, "An Act to Reinstate the Large Print Book Program at the Maine State Library" (S. P. 296) (L. D. 911)

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

Sent down for concurrence.

BILL, "An Act to Include the Term "Sexual or Affective Orientation" in the Maine Human Rights Act" (S. P. 237) (L. D. 679)

Which was Read a Second Time.

On motion by Senator Danton of York the Senate voted to Reconsider its action whereby Committee Amendment "A" was Adopted.

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

Senator DANTON: Mr. President, for the Committee on Bills in their Second Reading, I offer Senate Amendment "A" to Committee Amendment "A" to L. D. 679 (S-123) and move its Adoption.

The PRESIDENT PRO-TEM: The Senator from York, Senator Danton offers Senate Amendment "A" (S-123) to L. D. 679 and moves its Adoption.

Senate Amendment "A" (S-123) to Committee Amendment "A" was Read and Adopted.

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

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, this Bill is a Bill that has been before this Body for several years now. I was delighted to be sitting in the Assistant Majority Floor Leader's seat this morning to see all the Members of this Body allow this Bill to be given its First Reading and I don't think it

hurt anyone one bit, because this Bill doesn't do anything. It does absolutely nothing, but gives the same rights to the gay community of this State that's enjoyed by each and everyone of us in this Chamber today.

It's clearly and descriptively a Bill that does away with discrimination with respect to housing, employment and credit. It does absolutely nothing to promote homosexuality. I know this Bill would have gone under the hammer again this afternoon if I had not risen to speak on this Bill, but, I'm going to give you all a chance to express your views to vote the way you want to vote, and not just let this thing go down to the other Body, and let it meet whatever fate it's going to meet.

I stood in this Chamber, and in the other Chamber years ago, when we passed the Maine Human Rights Act. When we said we couldn't discriminate on creed, on religion, on color, on sex, every other thing we could think of that everybody should enjoy the same luxuries that this Constitution allegedly provided for all citizens that: we should be able to worship the way that we want, we should be able to join organizations that we want, but we found that wasn't the case. We found out that blacks, for example, were not allowed to join, the so-called, "animal kingdom groups" the Elks, the Moose, and so forth. The Maine Human Rights Act took care of that.

I was a member of the Portland City Council I remember several years ago, and that's one of the reasons I speak here today, because I can't remain silent. I recall one of the most prominent clubs that we have in the city of Portland, discriminated against those who were of the Jewish faith. Those of the Jewish faith were not allowed membership, they were allowed to come in as guests. They couldn't pay, or they couldn't purchase their membership like everyone else did. It was amazing to me when their application for a liquor license came before the Portland City Council and the City Council denied that application based on discrimination of the Maine Human Rights Act. The shocking thing was that the membership of that club had voted and it took two-thirds vote to overturn any of their bylaws. They voted two-thirds before the Council met that night; two-thirds not to change their bylaws, not in favor of reversing them. The Council denied the application. You know, within two weeks time, the Executive Board met and they, also, had it within their bylaws that the Executive Board could meet and change any bylaws with a simple majority. It was done overnight. The amazing thing to me was that two weeks later, just two weeks later, when one of our prominent fraternal groups came in, wanted their application approved, and I got up and moved it to be tabled, because it discriminated against blacks. It wasn't the membership of that group whose fault it was, it was the preamble that was written into that organization back in the early eighteen hundreds, and little did they have control over that preamble. You know the amazing thing was the Council voted seven to two to grant their application, because nobody cared about blacks, what the heck they're just a small group. The funny thing was, it went almost all the way to the United States Supreme Court. In fact, it went to the Court of the Attorney General Jim Erwin in those days, and the court ruled that we're right. We were right. So they had to get an exemption from the Grant Lodge that allowed them to comply with Maine Law.

I think that's exactly what we're talking about here today. Any type of discrimination or bias, whatsoever, that is harbored by any of us is wrong and we all know it. Each of us know it. I've said that, as a kid my parents brought me up, and there's still some virtues that I thought were pretty good, in fact, I use to learn them in Baltimore Catachism, number two. They taught me against bias, against bigotry, against prejudice. I was fortunate, I guess, that

those things rubbed in on me. I always felt that those were the same virtues that I tried to instill within the twelve children that I have raised.

I think one of the things that I remember most was a few years ago, I was in a meeting and someone told the following story: This young father was sitting around with his five-year-old child on a Sunday morning, as he did every Sunday morning, sort of a time of leisure for him, and he had the New York Times in front of him. He was trying to read the paper and his five-year-old son or six-year-old, sort of continued to be around him and prevent him from enjoying the few moments he had to get through this voluminous newspaper. All of a sudden he spotted the pictorial section within the Times and he sort of glanced through it, and he remembered seeing in the centerfold a big picture of a globe. The globe of the world, and he thought very rapidly and he took that out of the New York Times and he tore it up into as many pieces as he could and he carried it off into a corner and he said to his son, "I'm going to lay this out on the floor for you," and he says, "when you get that puzzle put back together again," he says, "come over and let me know."

The father sat in the chair for a little while, started to pick up the paper and getting into it again and all of a sudden his son tapped him on his knee. He says, looked at him bewilderingly, and he said "what is it, son?" "Dad" he says, "I've got the puzzle altogether." His father couldn't believe it, he was amazed. He got up and sure enough he went to the corner where he had it laid out. Sure enough every piece was perfect, matched, fitted just as it was before he tore it up. He looked at his son, he said, "my lord" he says, "how in God's name were you able to put that together, so quickly?" The son looked at his father and he said, "dad," he says, "I found out," he says, "on the back of that atlas" he says, "there was a picture of a man and I found out that when I made the man right, I made the world right." The only way we're going to make this State right is to eliminate any type of bias, any type of discrimination that we have.

Mr. President, when the vote is taken on the Engrossment of this Bill, I request it to be taken by the Yeas and Nays.

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

Senator HAYES: Members of the Maine State Senate, the present Bill, L.D. 679 which would deny discrimination on the basis of a sexual preference under the Maine Human Rights Act, has resulted in heated debates, session after session. I frankly find it difficult to understand why any specific group, women, blacks, Indians, Chinese, gays, straights, the young or the old should be denied their human rights. Unfortunately, there are both personal and social fears of homosexuality concerns of our own sexual identity and spectors of socially taboo behavior.

The Bill before us does not require that homosexuality be condoned, but simply states one's sexual preference shall not be used as a basis of discrimination. In fact, the content of this Bill is much less troublesome than the twisted values of those who oppose it.

Last week the Members of the Maine State Senate received from Reverend Herman "Buddy" Frankland a letter attacking degenerates, deviates, perverts and others, castigating the immoral drags of society who support the

Human Rights Campaign Fund, degrading the Committee process that gave this Bill careful review and debasing the political party system, and the good people who have chosen to serve this State in the Legislature. This letter from Reverend Frankland is a vehicle of hatred not understanding, intolerance rather than reason, and the debasement not the enrichment of the values we espoused as members of a free society.

As many of you, I have received a number of letters from voters opposing L.D. 679 and these letters reflect clearly the discriminatory behavior that this Bill would seek to legally rectify.

For instance and I quote, "I feel passage of this Bill should be voted against, because these people should not be allowed in positions that influence our children." Also, "landlords should be allowed to choose whether to allow a person who practices in wrongful activities to be a tenant or not." Still another, "I oppose, because no citizen would be permitted to keep homosexuals out of his apartment house, out of his business, or out of his children's school." And finally, "I'd like to explain my opposition to Bill L.D. 679, the lesbian-homosexual Bill. "I think the implications are obvious. One very important being, we would have no control over who teaches in our schools." The underlined themes of these letters reflect economic and social discrimination. The landlord would discriminate against the tenant because of personal sexual preference. The citizen would drive a teacher from the classroom regardless of performance, and the employer who would deny employment opportunities regardless of how well the job was being done. How unfortunate it is we should try to imprint our personal affectional values on those of our fellow citizens. How debasing to see the obvious results of such prejudice.

The demagoguery of Jim Jones, Jerry Falwell, Buddy Frankland and Elmer Gantry do not enhance the clear message of Judeo-Christian faith, that of love, compassion and concern for the weak, the needy and the less fortunate. In my estimation, there are few things more contradictory, self-serving or simplistic than referencing hate and intolerance in the Holy Bible.

The narrow vision of the Moral Majority, the intolerance and prejudice advocated by Reverend Frankland does a disservice to each and everyone of us, whether it is directed to homosexuals, women, Catholics, welfare recipients, Jews, Legislators, blacks or Indians. Those who oppose the Human Rights of others degrade the humanity in all of us. Many people live by building and enriching lives of others; however, a few wax fat by preying upon the fears, prejudice, and weakness of others. Reverend Frankland's bigotry and intolerance, playing upon the weakness of others, represents a vehicle for the forces of darkness: not light, preying upon the lost souls of our society.

Although it probably is not politically advantageous to vote for the inclusion of sexual preference in the Maine Human Rights Act, it does represent a clear action on behalf of a Legislature that does not support legal discrimination against any human being.

I strongly urge that the Maine Senate support L.D. 679. Thank you.

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

Senator HICHENS: Mr President, Members of the Senate, believe it or not, I did not have any intention of speaking on this bill today but after it went through its First Reading this morning with the committee amendment, I was approached by fellow senators asking why I did not object.

Again, believe it or not, I did not debate this issue when it was before the Senate two years ago. Nor did I have to. The Senate in its wisdom defeated the bill without my getting vocally involved. I had hoped that we would repeat that

vote again this session and the hope still prevails. But with the insistence of some of my colleagues that we force the issue, on this Second reading, I rise to my feet to oppose the motion before us. In this bill we are being asked to place under the statutes of this state a standard which deals with behavior. Contrary to what the Senator from Cumberland has stated it has nothing to do with race, color, creed, sex or natural origin. The good Senator from Cumberland stated that it does absolutely nothing. If that's the case, why are we voting on it today?

I cannot judge my fellow man. His or her life style is their own business as long as it doesn't interfere with my living habits, nor those of my neighbor, or those of my family. But I feel that passage of L.D. 679 will be interpreted by the general public that the Legislature is favoring homosexual activity. This will not be the case but we have to take that into consideration when we vote on this matter. We're asking the Human Rights Commission to become the group in the state to carry the ball for enforcing the rights of a behavioral minority.

Homosexuality is wrong according to God's word in the Holy Bible, and I can give you several references from this book if you so desire to read them. To pass this bill will be telling the people of Maine, including our children, that even though it is morally wrong, we accept the fact that these people should have all the rights of people who are trying to live moral lives and by granting these rights we put our stamp or approval on their life style.

I think this is wrong, wrong. It's difficult enough in this day in which we live to make our children understand what they should do and what they shouldn't do to live clean moral lives and become assets to the community in which they live. Many of them live by example. What kind of examples do we give them when we pass laws such as this one before you this afternoon?

I could go on and on presenting arguments against passage of this bill but I'm sure that others will address the issue this afternoon and I know that you all have received letters and calls in opposition to L.D. 679.

Again, I ask you to seriously consider the ramifications if this bill becomes law. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I've also, been here as long as this Bill has been before us and I have continued to vote against this type of Legislation. It's not because I have any hangups with people who have a preference of sexual activities or desires.

It's based primarily on that in my own Christian faith I was taught to believe that this was not the proper life-style. That our purpose in life, basically, was to love and respect our fellow man and women, and I think to fulfill one of the objects of life of reproducing our own kind.

A strong conviction that something must be done is apparent of many bad measures. In my personal, humble feelings this afternoon, this particular Bill fits that category. There shall be no one law or bill that will end discrimination in this City, in this County, in this State, or this Nation.

The analogy, I think, I'd like to use this afternoon in reference to this particular piece of legislation is an attempt to use a sledge hammer to kill a housefly, in swinging it it certainly is going to break the furniture, but you're going to miss the housefly.

I listened very attentively to the remarks made by a very respected friend of mind over the past seventeen years, our President, Member of the Senate, and I'm sure he feels he's justified, and I'm sure he respects my point of view that I feel justified in my position.

Also, I would like to bring out one point

which was not really relevant to this particular Bill, but to something that's very close to my heart. I happen to be one of those members belonging to an "animal kingdom group," known as the Lewiston Lodge of Elks. I've been in it twenty-seven years, and the one precept that we teach and we respect, is brotherly love; but times have changed, the socio-economic times have changed tremendously, and I think like any organization, we made adjustments with the changing times.

In reading the President's rebuttal that appeared in the Bangor Daily news, I found of interest the last particular paragraph. I'd like to quote from it: "It is time we opened our hearts and minds recognize the humiliation and unjust treatment. So blatantly evidenced in last week's Bangor Daily News to which our gay citizens had been subjected for so long. Toleration is good for all or it's good for none, after all, we're all God's children." The last sentence, to me, is of significant value. Yes, we are all God's children, but even God, as I was brought up in my Catholic faith, has categories and the three categories that I have been taught in my Religious belief was when we died we either enter the Kingdom of Heaven, if we were not that good on earth, will enter into purgatory and if we were not good at all, we would go straight to hell, and I say this sincerely.

I have known and have friends who are gay, who are lesbians and in discussing this matter with them, they're not the enchanted of having a statutory law that will change their particular posture in life. They feel that they are the same as you and I. We live under a multitude of laws in the State and Nation, and we adjust accordingly.

It's not in the best interest of society, and society, today, is extremely complexed to have special treatment for alledged special problems. We have many laws on the books that address many situations whether they are for alcoholics, for the mentally ill, for the handicap; but when you are dealing with a fact of such as this, I think that it is personal. I don't really believe the greatest majority of those people, in the State of Maine who work and are very highly productive people and are respected, are going to be discriminated against by their fellowman or by their employer, even if this particular Bill is passed or it is not. It's strictly a freedom of choice decision depending upon what the situation or what the circumstances are. Thank you very much, Mr. President.

The PRESIDENT Pro-Tem: A Roll Call has been ordered.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I would request permission to pair my vote with Senator Sewall, if Senator Sewall were here she would be voting Nay, and I would be voting Yea.

The PRESIDENT: The Senator from Cumberland, Senator Gill, requests Leave of the Senate to pair her vote with the gentelady from Lincoln, Senator Sewall. If she were here, she would be voting Nay and the Senator from Cumberland, Senator Gill would be voting Yea.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is Engrossment of L.D. 679.

A Yes vote will be in favor of Passage to be Engrossed.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Charette, Clark, Collins, Danton, Diamond, Dow, Hayes, Kany, McBreaury, Najarian, Trafton, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Carpenter, Dutremble, Emerson, Erwin, Hichens, Minkowsky, Pearson, Perkins, Pray, Shute, Teague, Twitchell.

ABSENT—Redmond.
 PAIRED—Gill-Sewall.
 A Roll Call was had.

18 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators Pairing their votes, and 1 Senator being absent, the motion that L.D. 679 be Passed to be Engrossed, Prevailed.

Sent down for concurrence.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley to the Rostrum where he may resume his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley to the Rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins to his seat on the floor of the Senate.

The PRESIDENT: The Chair wishes to commend the Senator from Knox, Senator Collins for his outstanding job as President Pro-Tem. (Applause the Members rising)

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

Paper from the House Joint Order

The Following Joint Order: (H. P. 1224)

ORDERED, the Senate concurring, that An Act to Revise the Composition of the Marine Resources Advisory Council (H. P. 1038) (L. D. 1363) be recalled from the Governor's desk to the House.

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Under Suspension of the Rules, on motion by Senator Pray of Penobscot, there being no objections, all items previously acted upon were sent forthwith.

Orders of the Day

The President laid before the Senate:

HOUSE REPORTS—from the Committee on Health and Institutional Services on BILL, "An Act to Prohibit Smoking in Indoor Public Waiting Areas" (H. P. 741) (L. D. 597)

Majority Report—Ought to Pass in New Draft under New Title, BILL, "An Act to Regulate Smoking in Public Buildings" (H. P. 1203) (L. D. 1597)

Minority Report—Ought Not to Pass.

Tabled—May 16, 1983 by Senator PRAY of Penobscot

Pending—Acceptance of Either Report.

(In House May 12, 1983 Majority Report Read and Accepted.)

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

Senator GILL: Mr. President, I would like to move the Minority Report Ought Not to Pass.

The PRESIDENT: The Senator from Cumberland, Senator Gill moves that the Senate Accept the Minority Report Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would hope that you would defeat that motion and accept the Majority Ought to Pass Report. The report is there before you in today's journal and it will tell you who was on each side of that report.

All this Bill does is allow, or asks, for no smoking areas in waiting areas, for instance if you have been in a public meeting, or you've been in a public building and there's a recess and that room is closed and you need to be able to go out and get a breath of fresh air, whatever it is that you need to do. When the hall is en-

gulfed with smoke it is rather difficult to be able to catch a pure breath of air.

All that we are saying is would you please make an area where I can go out and have a clean breath of air while I am waiting for the meeting to begin again. That is all that this Bill is about. I would hope that you defeat the motion.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, if you look at LD 1597 which is the New Draft of this Bill, it doesn't ask for anything, it tells you specifically where you can and can't smoke. "Smoking is prohibited in publicly owned buildings, publicly leased buildings, except as follows, you may smoke in a designated smoking area." I would ask you to visualize what the third floor of the State is going to look like. Is the hallway a designated smoking area? If so are we going to have one sign on this end of the hall and another on the other end of the hall? Who owns the building? Who controls the building? Different agencies control the second floor, as opposed to the third floor, as opposed to the first floor, as opposed to each one of the committee rooms, as opposed to the waiting areas outside of the committee rooms.

I sincerely, honestly tried to put together language that would make this Bill work, something to the effect that the building could be declared a smoking area, that the entrance "this is a smoking building, you can smoke in the common areas of the building" I couldn't come up with any language that would make it work.

I would point out to you that it does fly in the face of legislation that we passed just two years ago. Public meetings where it was a unanimous consent things, this would say that even if it was unanimous in the particular hallway, if every member of the Legislature said, Yes, or to take it back if the members of the Legislative Council who I guess control the access and use of these hallways, if they all were unanimous they would allow smoking in the public areas of this building you'd still have to designate which areas were smoking and which areas were non smoking.

It's in my opinion a poorly drafted, or impossible to draft Bill, one that is going to be impossible to enforce. If you need to enforce it anyway, because there is no penalty for violating it, we are back into that situation again.

I would hope that we would not accept the Ought to Pass Report of this Bill. Thank you.

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

Senator BUSTIN: It is unfortunate that the only lawyer that we have on that Committee finds it difficult to draft a Bill, the other Committee members didn't seem to have quite that much difficulty.

I call your attention to the statement of fact, if you haven't already read that, it says, "this new draft requires designation of areas of publicly owned buildings, or publicly leased buildings, as either smoking or no smoking areas." The designation is a flexible one since the areas could change on different occasions. But areas where smoking is prohibited by other statutes can't be designated as smoking areas. Visible clear signs must be posted identifying the areas.

Now in regard to the third floor it seems to be a relatively simple thing all you have to do is designate one area for smoking for instance and that could be the rotunda area the other two ends of the hall would be for no smoking. Then I wouldn't have to go into the middle of the building and smell all that smoke. Now I was in a workshop for four days, these last four days, it would seem to be relatively simple was take a hallway it happened to be an "L" shaped hallway, and you knew that when you walked down the long of the "L" that you weren't going to smell smoke and you could huddle there

and take a little bit of a break, but if you went around the corner to the small part of the "L" you knew you were going to run into a bank of smoke. So those who did not want to run into that bank didn't go around there. It isn't a hard thing to visualize it is a very easy thing to visualize.

When the vote is taken Mr. President, I request the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, Members of the Senate, you know, pretty soon, pretty soon Mr. President and Members of the Senate, it will be illegal to have a pack of butts on you.

Mr. President and Members of the Senate, really I can sympathize with the good Senator from Kennebec, Senator Bustin, she really has a desire, an honest desire, to clean up the State House. She is concerned about the bank of smoke that she might come into.

I think maybe we should amend this Bill to read that who ever serves in the Maine Legislature that we should issue them a gas mask. But how is this going to be enforced, supposing now, Mr. President, I am serious and I would like to have the good Senator get up and give me an explanation if she could on this. Supposing now that by some change I started smoking again and I went off into that areas where you're not supposed to smoke, now what happens in that particular case who's going to come and tell me not to smoke there? These are the things or is the good Senator going to take it upon herself to police these areas?

You know, Mr. President sometimes we like to take and come out with all these laws. I can remember years ago we use to smoke in here there were plenty of smokers, I bet that there are three or four smokers in here and when they want to smoke they just step outside and they have one. Now where would that designated area be, it's bad enough now when the President of the Senate has to look for the smokers now when he wants a Roll Call or a Division.

You've got to be careful about these laws. I sincerely understand that the good Senator has honorable intentions in trying to do something as far as smoke and clean air, but I do not think that this is really the way to go and I am not going to support this legislation.

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

Senator BUSTIN: Thank you, Mr. President and Men and Women of the Senate, I would like to answer the good Senator from York, Senator Danton and I suggest that I certainly am not going to go around policing anybody who is smoking or not smoking. I suspect that if he were a smoker, if he went back to smoking, that he would do the same thing that most smokers do when they see a no smoking sign and they would probably feel uncomfortable when they suddenly realized that they had lit up in a no smoking area and those no smoking areas keep in mind can be changed at will. Nobody is going to come out and tap you on the shoulder, nobody is going to take your butt away from you, nobody is going to do any of that stuff.

All this Bill is making a statement it is making statement to do exactly those things that I heard Senator Danton say in this Chamber all this session, and that is taking care of the people of the State of Maine. Be concerned about their health and particularly be concerned about the health of those people who don't smoke so that they don't get the disastrous affects of side-stream smoking.

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

Senator GILL: Mr. President, the Legislators both the Senators and the Representatives that serve on the Health and Institutional Committee have been dealing with quite a few smoking bills this session. If we could have

written language where we could monitor a bill of this kind, then I think that we would have done it and it would have been a unanimous report out of Committee.

I think that the fault comes when there are no penalties where it is hard to monitor. We have passed legislation in the past where the Legislature is involved, the University of Maine, the Maine Maritime Academy, counties are involved, towns, school districts, and we talk about control and local control in this Body quite often, and if we went ahead and passed this it would do away with what we have done in the past. We have allowed local authorities to set up their own local control in the smoking area. I think what we have now, they are doing a good job, municipalities, city councils, county commissioners have adopted policies. There is no need at this point for the State to mandate something that is already being done.

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

Senator CHARETTE: Thank you, Mr. President, Women and Men of the Senate, I agree and concur with my good friend Senator Gill from Cumberland, as a past county commissioner and one of those who did set up rules governing the Androscoggin County Building, we did pass rules that there would be no smoking in our public hearings as much as there would be no smoking in the Registrar of Probate and the Registrar of Deeds Office and for many good reasons, based on the fact that records of the county were kept in those offices and we disallowed smoking in those offices.

As my good friend Senator Gill has pointed out this option is there available for local municipalities, counties, and they in turn can mandate or pass rules to govern the smoking areas of their buildings. This Bill here will do no good and I would hope that we vote on the pending motion of Ought Not to Pass. Thank you.

The PRESIDENT: Is the Senate ready for the question?

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

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

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

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Gill to Accept the Minority Ought to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chambers.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Carpenter, Charette, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Gill, McBreairey, Minkowsky, Najarian, Perkins, Pray, Shute, Trafton, Usher, Violette, The President-Gerard P. Conley

NAY—Brown, Bustin, Clark, Erwin, Hayes, Hichens, Kany, Pearson, Teague, Twitchell, Wood.

ABSENT—Redmond, Sewall.

A Roll Call was had.

20 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators being absent, the motion to Accept the Minority Ought Not to Pass Report of the Committee, in non-concurrence, Prevailed.

Sent down for concurrence.

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

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