

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 23, 1983
 Senate called to order by the President.

Prayer by Father Michael McDonald of St. Joseph's Catholic Church of Gardiner.

FATHER McDONALD: Let us pray! God our Father, source of all wisdom, justice, and peace. We ask you to look kindly upon the Members of this assembly. They gather here today in Your presence as the elect of Your people, seeking to be instruments of Your wisdom, Your justice and Your peace. Grant to them the awareness to see their tasks, the courage to accept and fulfill the challenge, and the trust placed before them by Your people. Above all, bless them with the spirit of true charity that teaches all people that the real love and service of God is found in the love and service of each other.

We ask You, Father, to grant these blessings. Amen.

Reading of the Journal of Friday, May 20, 1983.

(Off Record Remarks)

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

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

(In Senate, May 16, 1983, Passed to be Engrossed as Amended by House Amendment "A" (H-209).)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-271) in non-concurrence.)

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

Non-concurrent Matter

BILL, "An Act to Require Life Preservers to be Used by Canoeists." (H. P. 1220) (L. D. 1627) (In House, May 16, 1983, Referred to the Committee on Fisheries and Wildlife.)

(In Senate, May 19, 1983, Passed to be Engrossed without reference to a Committee in non-concurrence.)

(Comes from the House, that Body Adhered.)

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

Communications

The Following Communication: (H. P. 1240)

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

May 19, 1983

John L. Martin
 Speaker of the House
 111th Legislature
 Gerard P. Conley
 President of the Senate
 111th Legislature

Dear Mr. Speaker and Mr. President:

On May 19, 1983 two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, Bills were referred to the Joint Standing Committees on May 19, 1983 as follows:

Business Legislation

Bill "An Act to Encourage Competition in Workers' Compensation Insurance Rates" (H. P. 1238) (L. D. 1647) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senators PRAY of Penobscot, CLARK of Cumberland and Representative BRANNIGAN of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Clarify the Rate Filing Procedures and Standards for Workers' Compensation Insurance" (H. P. 1239) (L. D. 1648) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senators PRAY of Penobscot, CLARK of Cumberland and Representative BRANNIGAN of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Sincerely,
 S/EDWIN H. PERT
 Clerk of the House
 S/JOY J. O'BRIEN
 Secretary of the Senate

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

Which was Read and Ordered Placed on File in concurrence.

The Following Communication: (S. P. 579)

**The Senate of Maine
 Augusta**

May 20, 1983

The Honorable Gerard P. Conley
 President of the Maine Senate
 111th Legislature
 The Honorable John L. Martin
 Speaker of the Maine House
 111th Legislature

Dear Mr. President and Mr. Speaker:

On May 20, 1983 one Bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this Bill, "An Act to Prohibit Insurers from Increasing or Adding Insurance Coverage to Existing Insurance Policies Without the Consent of the Insured" (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 578) (L. D. 1667) (Presented by Senator CLARK of Cumberland) was referred to the Joint Standing Committee on Business Legislation.

Sincerely,
 S/JOY J. O'BRIEN
 Secretary of the Senate
 S/EDWIN H. PERT
 Clerk of the House

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

The Following Communication:

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

May 20, 1983

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Regulate Smoking on Public Conveyances in the State of Maine" (H. P. 829) (L. D. 1067)

Representative REEVES of Pittston
 Representative MANNING of Portland
 Representative PINES of Limestone

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

Which was Read and Ordered Placed on File in 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 the Authority and Responsibility of School Boards in Disciplining Students" (H. P. 1184) (L. D. 1581)

BILL, "An Act Regarding Sales of Used Motor Vehicles" (H. P. 382) (L. D. 465)

BILL, "An Act Relating to Interstate Banking" (H. P. 624) (L. D. 776)

BILL, "An Act Relating to Deer Hunting" (H. P. 316) (L. D. 375)

BILL, "An Act to Equalize the Price of Junior Hunting and Trapping Licenses" (H. P. 252) (L. D. 302)

BILL, "An Act Relating to Licensing Fees for Hunting" (H. P. 315) (L. D. 374)

BILL, "An Act Relating to Coyote Control" (H. P. 1071) (L. D. 1410)

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 Insure Fairness in the Administration of the United States Social Security Act by the State Disability Determination Services" (Emergency) (H. P. 1081) (L. D. 1427)

BILL, "An Act to Require the Proceedings of Nonprofit Hospitals to be Open to the Public" (H. P. 825) (L. D. 1065)

BILL, "An Act to Provide for Compensation for Law Enforcement Officers Making Administrative Appearances in the Same Manner as Court Appearances" (H. P. 1118) (L. D. 1493)

BILL, "An Act to Provide Funds for Alternate Crop Research" (H. P. 535) (L. D. 688)

BILL, "An Act to Raise the Rate of the State-municipal Revenue Sharing Formula" (Emergency) (H. P. 28) (L. D. 33)

BILL, "An Act to Provide State Aid to Airports to Assist in the Maintenance of Airport Emergency Services" (H. P. 291) (L. D. 350)

BILL, "An Act to Authorize Full Compensation for Certain Court Appearances of Municipal Law Enforcement Officers" (H. P. 374) (L. D. 457)

BILL, "An Act to Prohibit Regional Planning Commissions from Providing any Contractual Services for Municipalities which can be Provided by the Private Sector" (H. P. 615) (L. D. 763)

BILL, "An Act to Change Public Hearing Date for Budget Estimates" (H. P. 1108) (L. D. 1461)

Change of Reference

The Committee on Education on BILL, "An Act to Identify and to Promote Excellence in Schools" (Emergency) (H. P. 1163) (L. D. 1545) Reported that the same be referred to the Committee on Appropriations and Financial Affairs.

Comes from the House with the Report Read and Accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

Which Report was Read and Accepted in concurrence, and the bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

Ought to Pass

The Committee on Local and County Government on RESOLVE, to Prohibit the Expenditure of Funds Raised for Food Stamps in Androscoggin County (Emergency) (H. P. 1138) (L. D. 1500) Reported that the same Ought to Pass.

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

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

The Committee on Transportation on BILL, "An Act to Permit the Use of State Funds for Rail Rehabilitation Projects and Townway Crossing Improvements" (H. P. 835) (L. D. 1087) Reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence. The Bill Read Once and Assigned

for Second Reading later in today's session.

The Committee on Transportation on BILL, "An Act Relating to the Replacement of Existing Buildings within 33 feet of the Center Line of a State or State Aid Highway" (H. P. 982) (L. D. 1283) Reported that the same Ought to Pass.

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

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

The Committee on Business Legislation on BILL, "An Act to Amend Provisions of the Maine Insurance Code Relating to Tender Offers and to Unfair Trade Practices" (H. P. 838) (L. D. 1088) Reported that the same Ought to Pass.

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

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

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Complete the Statewide Coordination System for Preschool Handicapped Children" (H. P. 873) (L. D. 1127) Reported that the same Ought to Pass.

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

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

The Committee on Energy and Natural Resources on BILL, "An Act to Create a Forest Resource Assessment and Marketing Program" (H. P. 1171) (L. D. 1559) Reported that the same Ought to Pass.

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

Which Report was Read.

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

Senator KANY: Mr. President, I move that this item be Tabled until later in today's session, before accepting the Committee Report.

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

Ought to Pass as Amended

The Committee on Energy and Natural Resources on BILL, "An Act to Make Allocations from the Maine Hazardous Waste Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 479) (L. D. 576) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-258)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-258)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-258) 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 Control Hazardous Air Pollutants" (H. P. 1080) (L. D. 1426) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-259)

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

ment "A" (H-259)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-259) was Read and Adopted, in concurrence. The Bill as Amended, Assigned for Second Reading later in today's session.

The Committee on Agriculture on BILL, "An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine" (H. P. 871) (L. D. 1125) Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-260)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "B" (H-260)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "B" (H-260) was Read and Adopted, in concurrence. The Bill, as Amended, Assigned for Second Reading later in today's session.

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 517) (L. D. 642) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-269)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-269)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-269) was Read and Adopted, in concurrence. The Bill, as Amended, Assigned for Second Reading later in today's session.

The Committee on Judiciary on BILL, "An Act Regarding Multiple Sentences of Imprisonment" (H. P. 483) (L. D. 580) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-265)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-265)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-265) was Read and Adopted, in concurrence. The Bill, as Amended, Assigned for Second Reading later in today's session.

The Committee on Judiciary on BILL, "An Act to Improve Remedies for Substandard Housing" (H. P. 923) (L. D. 1202) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-266)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-266)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-266) was Read and Adopted, in concurrence. The Bill, as Amended, Assigned for Second Reading later in today's session.

The Committee on Judiciary on BILL, "An Act to Amend the Foreclosure Laws" (H. P. 1153) (L. D. 1523) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-268)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-268)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee

Amendment "A" (H-268) was Read and Adopted, in concurrence. The Bill, as Amended, Assigned for Second Reading later in today's session.

The Committee on Appropriations and Financial Affairs on BILL, "An Act Relating to Administration of Appropriations and Allocations for the Maine Human Services Council" (Emergency) (H. P. 456) (L. D. 558) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-270)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-270)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-270) was Read and Adopted, in concurrence. The Bill, as Amended, Assigned for Second Reading later in today's session.

Ought to Pass in New Draft

The Committee on Business Legislation on BILL, "An Act to Amend the Licensing Provisions of the Maine Insurance Code and to Require Filing Fees for Fraternal Benefit Organizations" (H. P. 839) (L. D. 1089) Reported that the same Ought to Pass in New Draft under same title (H. P. 1242) (L. D. 1654)

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

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

Committee of Conference

The Committee of Conference* on the disagreeing action of the two branches of the Legislature, on BILL, "An Act to Require the Wearing of Protective Headgear by all Motorcycle, Motor Driven Cycle and Moped Riders" (H. P. 836) (L. D. 1072) have had the same under consideration and ask leave to report that the House recede from its action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Transportation; Accept the Majority "Ought to Pass" Report; Read the Bill twice; Read and adopt conference Committee Amendment "A" (H-263) submitted herewith; and pass the Bill to be Engrossed as amended by Conference Committee Amendment "A" (H-263).

That the Senate recede from passage to be Engrossed; Read and Adopt Conference Committee Amendment "A" (H-263); and pass the Bill to be Engrossed as amended by Conference Committee Amendment "A" (H-263) in concurrence.

Signed on the part of the House:

McGowan of Pittsfield
Moholland of Princeton
Cabill of Woolwich

On the part of the Senate:

Danton of York
Diamond of Cumberland
Gill of Cumberland

Comes from the House with the Conference Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Amendment "A" (H-263).

Which Report was Read and Accepted in concurrence and the Senate Receded. Conference Committee Amendment "A" Read and Adopted in concurrence. The Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" 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 Protect the Public Use and Enjoyment of Maine's Important Rivers" (S. P.

403) (L. D. 1251)

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 Amend the State Income Tax Credit for the Installation of Renewable Energy Systems" (S. P. 248) (L. D. 769)

BILL, "An Act to Provide Additional Tax Credits for Businesses Providing New Jobs in Areas of High Unemployment" (S. P. 276) (L. D. 836)

BILL, "An Act to Streamline Information Processing by Income Supplementation and Social Service Programs" (S. P. 533) (L. D. 1564)

Ought to Pass as Amended

Senator PEARSON for the Committee on Energy and Natural Resources on BILL, "An Act Concerning Inspection Registration and Abandonment of Dams" (S. P. 404) (L. D. 1252) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-137).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-137) was Read and Adopted. The Bill, as amended, Assigned for Second Reading later in today's session.

Senator TWITCHELL for the Committee on Local and County Government on BILL, "An Act to Permit the Location of Manufactured Housing on Individual House Lots" (S. P. 475) (L. D. 1441) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-138)

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-138) was Read and Adopted. The Bill, as amended, Assigned for Second Reading later in today's session.

Senator GILL for the Committee on Health and Institutional Services on BILL, "An Act to Require the Department of Human Services to Conduct Demonstrations of Adult Day Care and Other Services through Long-term Care Facilities" (S. P. 499) (L. D. 1511) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-139).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-139) was Read and Adopted. The Bill, as amended, Assigned for Second Reading later in today's session.

Senator BROWN for the Committee on Appropriations and Financial Affairs on BILL, "An Act to Create a Fund to Encourage Local Soil and Water Conservation Projects" (S. P. 197) (L. D. 619) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-140).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-140) was Read and Adopted. The Bill as Amended, Assigned for Second Reading later in today's session.

Senator BROWN for the Committee on Appropriations and Financial Affairs on BILL, "An Act to Raise Per Diem Compensation for Active Retired Justices and Judges" (S. P. 153) (L. D. 555) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-141).

Which Reported was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-141) was Read and Adopted. The Bill as Amended, Assigned for Second Reading later in today's session.

Ought to Pass in New Draft

Senator COLLINS for the Committee on Judiciary on BILL, "An Act Concerning Repres-

entation of Small Businesses Appearing in Small Claims Court" (S. P. 398) (L. D. 1215) Reported that the same Ought to Pass in New Draft under same title (S. P. 576) (L. D. 1655)

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

Ought to Pass in New Draft Under New Title

Senator TRAFTON for the Committee on Judiciary on BILL, "An Act to Amend the Act to Implement the Maine Indian Claim Settlement Act with Respect to the Houlton Band of Maliseet Indians" (S. P. 487) (L. D. 1480) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Authorize Creation of a Housing Authority of the Houlton Band of Maliseet Indians" (S. P. 577) (L. D. 1656)

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.

Enactors

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

An Act Concerning Fishways in Dams and Other Artificial Obstructions in Inland Waters (S. P. 405) (L. D. 1253)

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

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

An Act Concerning Records of Arrests of Criminal Offenders (S. P. 559) (L. D. 1616)

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

An Act to Amend the Laws Pertaining to Dissolution and Withdrawal from School Administrative Districts and Community School Districts (H. P. 1214) (L. D. 1610)

An Act to Require Review of Road Construction (H. P. 1215) (L. D. 1611)

An Act to Prevent the Closing of Fire Lookout Towers (H. P. 1217) (L. D. 1613)

An Act to Authorize Out-of-state Credit Unions to Conduct Business in this State (H. P. 1226) (L. D. 1620)

An Act to Require Certain Disclosures in Land Installment Contracts for Improved Residential Property and to Provide for Recordation of those Contracts (H. P. 1213) (L. D. 1609)

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 Increase the Fees and Expenses for Medical Examiners (S. P. 254) (L. D. 799)

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

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

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

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

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

An Act to Create a Statutory Will (H. P. 1182) (L. D. 1575)

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

Senator TRAFTON: Mr. President and Members of the Senate, in regards to L. D. 1575, "An Act to Create a Statutory Will", I've proba-

bly spent as much time, if not more time, than any Member of this Legislature working on this particular Bill trying to revise it to a state where I think it might serve the general public and encourage the general public to use wills within this State. We had considerable work done in Committee and once the Bill was reported out to the floor, additional work was done.

I'd like to thank the Representative from Augusta Representative Paradis and the Senator from Aroostook, Senator Carpenter in helping me with these Amendments. However, I have spent a good amount of time reflecting on whether or not I can support the concept of a "form will" which is completed by the checking of boxes, the initialing of boxes and signatures throughout the document. I have looked at the form time and time again to see that its three and perhaps four pages long that it will be a relatively complicated document for a person to complete accurately without any confusion. I personally am convinced that this is not the right step to take at this time in passing this Bill to Create a Statutory Will.

I recognize the sentiment in this Body and in the other Body that a Statutory Will, a "form will" is a good idea, however, I have some real concerns and I rise today to share those concerns with you, and indicate that I will not be voting in favor of L. D. 1575 to Create a Statutory Will and I request a Division on this item. Thank you.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I thank the Senator from Androscoggin, Senator Trafton for his candor; he did put some goodly amount of time into helping rewrite this Bill. I knew that he still had some concerns with it, so what has happened this morning thus far is all perfectly proper.

We had a good firm vote on this Bill the first time it went around. I think we've made it better. I would say that as far as the checking of boxes there is only one place in the entire four pages of the issue before us where you have to indicate by a check mark what it is that you want to do with your property. The rest of the thing is pretty well in fairly simple English written out. You have to fill in exactly what it is you want. It would seem to me quite similar to the way that you would indicate to an attorney or perhaps a more complicated estate just to what you wanted the attorney to do for you.

I think it's a good Bill and I would hope this morning that we would go ahead and give it its final vote its Enactment vote. I don't think there's any pretense here made by myself or anyone else on this issue that this is any kind of a panacea that's going to solve all peoples' problems regarding their estate. I think it is a form that can be used, or a will that can be used by people with simple estates who probably now would have nothing, who probably now would not be going to an attorney to draft a formal will and so I don't see this issue as being, I guess, all that threatening, and I would hope that this morning we would go ahead and give it its Final Enactment. Thank you.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Enactment of L. D. 1575, please rise in their places to be counted.

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

23 Senators having voted in the affirmative, and 7 Senators having voted in the negative, L. D. 1575 was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

1608)

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

Senator COLLINS: Mr. President, with respect to L. D. 1608, I would like to pose a question. I wonder if someone would explain what this Bill would do with respect to changing the negotiating process that now exists with respect to teacher contract?

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

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President and Members of the Senate, I don't believe that it is going to change anything. All this Bill does is changes a word in the law, the current law from "may" to "shall" and the reason that we are changing that word is because as in other Legislation, we have had problems with Legislative intent and what "may" meant. In a few cases, decided by the Maine Labor Relations Board, they have stated that "may" means that it shall be an item of negotiations. Unfortunately, a few systems have challenged that, has challenged the MLRB's decisions and have taken them to court. This word here just clarifies what the intent of the Legislature is, just means that the just cause shall be an item of negotiation. We don't feel that that's any different than what the intent of the Legislature is supposed to mean.

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

Senator COLLINS: Mr. President, it seems to me that if there really is no change this Bill would not be here. It seems to me that this is an attempt to present one side of the bargaining process, to one side of that process on a silver platter. I think it's much better that the negotiation continue to be a true negotiation.

I, therefore, would request a Division.

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

Senator DUTREMBLE: Mr. President and Members of the Senate, I can't understand Senator Collins' concern.

The reason we are changing it, I must also add, is the fact that in another section of the law a paragraph before the paragraph that this appears in, we changed the word from "may" to "shall" on seniority rights and whether or not seniority should be a mandatory item in negotiations. We felt that if we left two separate words in the law, one being "shall" and the other being "may" so close to each other that the courts would then decide, in fact, that "shall" does mean mandatory and "may" does mean permissive, and to make sure that there's no doubt at all, this is what our intentions are, and as to what the intentions of the Legislature was in the past, the reasons we are changing the word from "may" to "shall" is to make sure that it shall be a mandatory item of negotiations. As many of us believe the intent of the Legislature was and is what the MLRB has decided what it should be.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Enactment of L. D. 1608, please rise in their places to be counted.

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

24 Senators having voted in the affirmative, and 6 Senators having voted in the negative, the Bill was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Forest Practice (S. P. 525) (L. D. 1548)

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

members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

SENATE REPORTS — from the Committee on Judiciary on BILL, "An Act to Provide Equal Access to Justice" (S. P. 203) (L. D. 625)

Majority Report — Ought to Pass in New Draft under same title (S. P. 570) (L. D. 1646)

Minority Report — Ought Not to Pass Tabled—May 19, 1983 by Senator Pray of Penobscot

Pending—Motion of Senator COLLINS of Knox to accept the Majority Ought to Pass in New Draft Report.

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

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from Androscoggin Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. Will the Secretary please read the Committee Report?

The Committee Reports were Read.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. Members of the Senate, one of the reasons why there was a divided report from the Joint Standing Committee on Judiciary on L. D. 625 is that there was great concern expressed to the Committee on behalf of the Governor's Office and the Attorney General's Office to the effect of this Bill. There is a real concern as to what type of costs might be incurred, on the part of the State if this Bill were to pass.

If you look at the redraft of this Bill which is your L. D. 1646; it provides that attorney's fees, costs and expenses up to ten thousand dollars may be awarded to a party who has been involved in a civil action with the State of Maine. That means that the State of Maine, our taxpayers will perhaps be asked to pay these costs up to ten thousand dollars in a civil action. There's question as to whether or not the State does involve itself in civil actions which don't have a lot of merit the terms used in this Bill is civil action which is not substantially justified. The thrust of the Bill is that if the State brings a private party into court, on a court actions and the State's position is not substantially justified, then the State is liable for costs, including the attorney's fees.

I think in testimony that the Joint Standing Committee on Judiciary heard is that there are not many cases which it loses. There are on occasion cases which the State does lose for one reason or another but that testimony to me suggested that this is not a particular problem in the State of Maine that the State does not bring many cases when their position is not substantially justified.

So, I question the need of this Bill and I repeat that there are provisions in the court rules of civil procedure which allows, currently, and these rules are in place right now, and these rules provide that a party may recover costs, attorney's fees and expenses when the action of the other party either State or private party brings a frivolous action.

I suggest that there is little need for this Bill and in the event it were to be Enacted it could cost the State of Maine taxpayers a large amount of money in a relatively few cases. I don't suggest that the financial burden would be so strong that we should consider this is the only reason as to why you should not vote for this Bill, However, I suggest that it could pose

an additional tax burden on our taxpayers and that's why I urge you to vote against the pending motion, the motion the good Senator from Knox, Senator Collins who moved Ought to Pass, the Majority Report. I urge you to vote against that motion. Thank you.

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

Senator COLLINS: Mr. President, during last month there's been a great deal of newspaper discussion of a report issued by the President of Harvard University who was a former dean of the law school, concerning access to justice. The central theme of that report was that there's far too much law for those who can afford it and far too little for those who cannot.

This is a modest attempt to answer that justified criticism. I point out that with respect to the State's potential liability that the State being the litigating party is substantially in control of whether or not it exposes itself, the State, to financial liability in this regard.

You remember from my previous discussion that even though the State loses, the State doesn't have to pay if there is substantial merit in the State having participated in the action. I suggested that this is a mild discipline, but yet, a useful discipline in helping that person too poor to afford to resist the State's great power to have the day in court.

I hope that you will vote in favor of the pending motion.

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

Senator TRAFTON: Mr. President and Members of the Senate, it sounds very nice to label this Bill as a David and Goliath Bill; the Goliath being the State of Maine and the small businessmen being the David who comes to court trying to protect his interests.

I wanted to point out that it's very clear in the Bill that any employer of less than a hundred employees may make use of this Bill. There's no limit as to the financial resources of a private party who seeks to recover attorney's fees and costs. So that you may find a very rich substantial employer of less than a hundred employees take advantage of this provision and collecting attorney's fees, costs and expenses, so that this Bill is not simply a David and Goliath Bill.

I suggest that perhaps the provision of attorney's fees in this Bill may encourage further litigation, at least once an action is brought into court there will be extra time determining whether or not the State's case was substantially justified, that will take more time. I assure you that most private parties will try to take advantage of this way to cover their attorney's fees in an action in which the State is involved.

I urge you to vote against the pending motion. Thank you.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, in an earlier Legislative Session I was the cosponsor of a similar bill that was heard before the Committee on Judiciary, and in this One Hundred and Eleventh Session of the Maine Legislature, I'm the prime sponsor of the original version of the Bill, L. D. 625.

I agreed to sponsor this measure at the request of the representative of the National Federation of Independent Businesses, because I was convinced earlier, as in this session, that there is, in fact, justification and cause for this measure. Ten thousand dollars doesn't seem an awful lot, probably, to a large number of businesses in this State but for an equally large number of businesses a ten thousand dollars potential reimbursement for legal fees and expenses on behalf of litigation in defense of action initiated by the State, I think is just reward. I think because I had supported an earlier measure that would have reimbursed for damages. I, also, support this mea-

sure today and would urge your support of the pending motion of Acceptance of the Majority Report.

There aren't an awful lot of Maine businesses with one hundred or more employees but there are an awful lot of Maine independent businesses owned by Maine men and women who have less than one hundred employees and those independent businesses are the backbone of our Maine economy, ten thousand dollars or the potential of being reimbursed for legal expenses incurred because of the State brought action, and in this case and only this case the State loses, and the judge deems that the State was without justification and the State was without merit and the State, in fact, as I said already, loses, I think it's proper that that independent business be reimbursed for the expenses of defending that business and that action.

This Bill limits it only to civil action. It is a non-mandatory Bill, by that it is up to the discretion of the judge, and while I'm hesitant to even enter this debate because of the prestige and the respect that not only the Chair of the Joint Standing Committee on Judiciary but the Minority Floor Leader, the Senator from Knox, Senator Collins, has I would want you to know that this is not a partisan report, this is a Bill that would, in fact, provide an avenue of redress for Maine's small businesses. I think it is more than appropriate that the Committee has redrafted the Bill from its much stronger mandatory original version to its redraft as before us today.

I would urge you to support the pending motion. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins to Accept the Majority Ought to Pass, in New Draft, 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.

20 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to Accept the Majority Ought to Pass, in New Draft, Report of the Committee, Prevailed.

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

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

BILL, "An Act to Discourage Violation of Wildlife Laws" (S. P. 143) (L. D. 435)

Tabled — May 20, 1983 by Senator CARPENTER of Aroostook

Pending — Further Consideration

(In Senate May 17, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-125).)

(In House May 18, 1983 Bill and Accompanying Papers Indefinitely Postponed in non-concurrence)

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

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

BILL, "An Act to Permit Municipalities to Regulate Shellfish Harvesting Within State Park Lands" (H. P. 1037) (L. D. 1362)

Tabled—May 20, 1983 by Senator CLARK of Cumberland

Pending—Passage to be Engrossed)

(In House May 18, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-246).)

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

The President laid before the Senate the

fourth Tabled and specially assigned matter.

An Act Relating to Drinking in Public (S. P. 420) (L. DS. 1273)

Tabled—May 20, 1983 by Senator Pray of Penobscot

Pending—Motion of Senator CARPENTER of Aroostook to Reconsider Action Whereby the Senate Insisted and Asked for a Committee of Conference

(In Senate May 9, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-86) as Amended by House Amendment "A" (H-201) thereto in concurrence)

(In House May 17, 1983 Bill and Accompanying Papers Indefinitely Postponed in non-concurrence)

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, as you might remember on Friday we ran into a little bit of a parliamentary mixup here, and it is my understanding that there is a wish by the parties involved to get together and try to work out some sort of a compromise on this, but I think the only way we can get there is for us to go ahead and Enact the Bill and return it to the other Body. So therefore, I would ask that you vote for my motion to reconsider and then we'll move it along after that.

On motion by Senator Carpenter of Aroostook, the Senate voted to reconsider its action whereby the Senate Insisted and Asked for a Committee of Conference.

Which was Passed to be Enacted, in non-concurrence, and having been signed by the President.

Sent down for concurrence.

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

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

Tabled—May 20, 1983 by Senator PRAY of Penobscot.

Pending—Motion of Senator BROWN of Washington to Reconsider whereby the Bill Failed of Enactment.

(In House May 18, 1983 Passed to be Enacted)

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I would hope that we would not reconsider our action.

I have been an outdoor sportsman for more years than I like to remember. During my nine years in the Maine Legislature I have been a faithful supporter of all outdoors sportsmen. I sponsored the Moose Bill three times. My strong support for all outdoor sportsmen is quite probably why I am against this Bill. For every sportsman that this Bill covers or outdoor sportsmen we have four that it doesn't in other categories.

The people who are responsible for this Bill I'm sure have good intentions. They feel that if we ever have a problem with people harassing hunters or fishermen, we need a law to prevent such a thing. Presently, we do not have a problem. If we did, this Bill would not correct the problem, because this law, if passed, would be impossible to enforce.

I asked the people who are lobbying for this Bill to give me an example of hunter harassment in Maine. The best they could come up with was that a woman had fired a gun to scare away game. I think this woman was on her own land and this Bill wouldn't touch her. If I understand correctly, this woman was on her own land and this Bill wouldn't touch her at all.

Maine is a unique place; outdoor sportsmen have nearly free use of million of acres of private and public land. Let's not pass a Bill that could create a problem between a sportsman who wishes to hunt with a gun and

one who wishes to hunt with a camera. If we don't have a problem let's not create one. Let's picture someone hunting on private land and without permission trying to take someone to court for scaring away game that he might not have got anyway. Someone who might have been out there to try to get a picture of the same animal.

So, therefore, I would hope that you would not reconsider and let this Bill die as it should. Thank you.

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

Senator BROWN: Thank you, Mr. President, and Ladies and Gentlemen, I think the other day we probably moved a bit hasty when we moved Indefinite Postponement of this issue.

I'm not a hunter, I'm not a trapper and sometimes my bias shows through when we deal with issues that surround hunting, trapping and fishing.

This particular issue had a 12-1 report out of the Fisheries and Wildlife Committee, it's received adequate attention. There are organized groups that are ready, especially, this year with the moose season coming on again, to demonstrate that we do not want a moose season in this State, and I'm sure we'll have more this year perhaps, than we've had in the past. So, it could very well be a problem this year.

Again, I'm not particularly favorable to most of the bills or laws that would give more of anything to hunters, but in this particular issue that's before us, I think that we should go ahead and pass this Bill. I see nothing wrong with it. It's a two year sunset provision on it; its been amended in a fashion that takes most of the contrariness out of it that some of us felt and I'd like for us to seriously examine within those biases that exist with all of us, any reasons why we shouldn't go ahead and pass this Bill at this time. So, I urge you reconsideration.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, for many, many years hunters have had free use of nearly twenty million acres of public and private land. They have gone on to private land without even asking permission, on millions of acres. In my area they go on with four-wheel drive pickups. In the fall when it's wet they rut up the fields and there's never been a bill in here yet to prevent hunters from harassing landowners, because most landowners are sportsmen and they're willing to put up with a certain amount of abuse of their land to give sportsmen free access. Now, because we might, we might next year have somebody try to scare a moose that somebody is trying to shoot we're in here with a bill. We might! My grandson had a moose permit last year and he chose grampie to hunt with him, and I spent the whole week in the woods, and I didn't see anybody, not one person harassing hunters. I don't believe we'll see anybody harassing hunters this year. This hunting is scattered over several million acres of land. In order to harass hunters you'd have to have a complete army to do it.

Now, let's not pass a Bill like this that could encourage somebody to take someone with a camera to court that might have scared an animal. There's nothing sure that he will get it any way, if the animal is not scared. He might miss it. This Bill originally said if you scared the animal you had to pay for the fellows license, you had to pay his transportation to the hunting spot and the whole works. The original bill said that it would prevent anybody from going on private land without a permit. Now the hunter goes on private land without written permission.

If we're going to protect people here let's amend the Bill and treat the hunter the same as we are the harasser here, that that they all have to have a permit to go on private land, because, if we continue to come in here with bills like this, pretty quick the hunter is going to

have to have permission to go on land. If he is going to start trying to regulate other people that enjoy this land, he may be regulated himself. Thank you.

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

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, as the Senator from Penobscot and an individual who enjoys the fall activities of a deer hunt, I should share a few things with members of the Committee.

First of all, I'm rather confused by the comments of the Senator from Aroostook, Senator McBreairsty, in his concern about this Bill that we're now considering. Many of his remarks are very correct when he talks about the vastness of Maine's wilderness and numbers of acres of land that are open for everybody to hunt and fish on. Most of those are up in our country in the northern part of the State that is owned by one or two landowners. I would suspect that there would be a greater problem in the lower part of the State where there is more population and less land that is available to a sportsman to utilize.

I think that we should concentrate basically on what the Enactor is here today, what we have before us at this time, which I think is an improved Bill. I, myself, opposed the original Bill and the Senator from Cumberland, Senator Usher put an Amendment on there to take care of some of the problems that I had with the Bill.

Let's talk in reality about what we are actually addressing with this Bill. We're not talking about some nature lover, some photographer, somebody like that that may go out and scare a deer, or scare some other type of wildlife away from somebody who has purchased a license from the State and had been sanctioned the right to go out and to take game that we have enacted laws setting the regulations of how to do so.

What we're talking about is somebody who willfully interferes and that is the whole question of why we do have courts, and I'm sure that we have game wardens who would interpret that word "willfully" interfering a little bit different than somebody just out there taking a camera with some, taking some snapshots while somebody else had a rifle and was trying to capture a deer, for an example. I don't think that that would be the definition or be the interpretation by either the game warden or any other law enforcement officer let alone the judge. We're talking about somebody who goes out there with the intentions, perhaps using a canned air horn those of you who do some boating, or a fly, I've seen those types of apparatuses. There have been examples where those have been used. I think that's exactly what we're talking about in this Legislation that is not reactionary to a problem, but one in which is being intended, in advance to prevent the problem, and I think that's good Legislation.

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

Senator USHER: Thank you, Mr. President, Mr. President and Members of the Senate, this Bill was aimed at preventing harassment of hunters, trappers or fishermen in the State.

We've discussed different issues of preventive measures in this session, whether it was motorcycle helmets, whether it was the child-safety seat, and I think we should continue. I think we should continue to prevent anything that's going to happen. There are organized groups, such as the Mr. Greenpiece group, a very strong anti-hunting group and during the discussion in the Committee we viewed a film from another State where Mr. Greenpiece is taking action and gone in to a camping area and surrounded hand-in-hand to try to prevent these hunters who were going out on horseback, leaving their camp and they did prevent them. The hunters were very, very

concerned; they didn't take any moves; they didn't dare to take any moves and it was a very, very strong film that we did view.

I don't think the Maine hunters, well most of you know what you all represent, very strong minded Maine sportsmen, and they don't want to lose any of their freedoms. I think if that ever happened in this State that you would see other things happen, and I think that we should prevent anything before it does happen. This is why we strongly with a 12-1 report passed this out.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate, if this ever does happen in Maine I probably be one of the first ones that would support it, but it hasn't happened in Maine, and I don't believe it's about to happen.

Some of these people that's been described here have organized to prevent the seal hunt that's done all in one particular area. Somebody said that most of the land that we hunt is up in northern Maine in my area; there's a land that was free. If we divide the State in half, half of it is unorganized and half is organized. If you divide the unorganized in half, half of it is owned by big companies and half is owned by people like in here today. The other half of the State is nearly as heavily forested as the unorganized half.

Today, as far as I know, probably 97% of that has been open and free to hunters without any harassment or any problems whatsoever, and I'd like to keep it that way.

This Bill says that no person may willfully disturb or attempt to disturb a wild animal, wild bird or fish with the intent to interfere with the hunting, fishing or trapping of them. Now willfully, how do we prove that it was willfully or unwillingly done, if it's up in the woods somewhere, a hundred miles from nowhere? Now once the two people, if there was two involved or more, left that spot, got out of the woods and went to court it would be some hard to prove where they were and who was harassing whom. Thank you.

I'd like a Roll Call on this when it is voted.

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 Washington, Senator Brown that the Senate reconsider its action whereby L. D. 1586, Failed of Enactment.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Carpenter, Charette, Danton, Diamond, Dow, Dutremble, Erwin, Kany, Pearson, Perkins, Pray, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood.

NAY—Bustin, Clark, Collins, Emerson, Gill, Hayes, Hichens, McBreairsty, Najarian, The President Gerard P. Conley.

ABSENT—Minkowsky, Redmond.

A Roll Call was had.

21 Senators having voted in the affirmative and 10 Senators in the negative, with 2 Senators being absent, the motion to Reconsider, Prevailed.

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

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

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

Tabled—May 20, 1983 by Senator CARPENTER of Aroostook

Pending—Passage to be Engrossed (In House May 12, 1983 Majority Ought Not to Pass Report Read and Accepted)

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

Senator TRFTON: Mr. President and Members of the Senate, I move the Indefinite Postponement of this Tabled item, "An Act Concerning Submerged and Intertidal Lands Owned by the State" (H. P. 952) (L. D. 1233).

We've had two sessions of debate here in the Senate on this Bill. I will not go into depth as to my objections, but suffices to say that this a Bill which affects three renters of submerged lands that currently there is a study being done by the Bureau of Public Lands to address some of the inequities within the rental program as it now exists and particular lease that is involved in the Hancock County area and this is the lease that has raised the principle concern about this Bill from the good Senator from Hancock, Senator Perkins that will be renegotiated as to the rental amount in October. So I see no need for this Bill, and I request a Roll Call, and I urge you to vote for the Indefinite Postponement of this item. Thank you.

The PRESIDENT: The Chair would state the motion to Indefinitely Postpone is not in order. The last motion before the Senate on this Bill was to Indefinitely Postpone which Failed. The motion to Reconsider would be in order for one of those who voted on the Prevailing side or Engrossment of the Bill.

Is the Senate ready for the question? The question before the Senate is the Engrossment of L. D. 1233.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, I think the good Senator from Androscoggin has certainly portrayed one side of the issue with regard to my constituent who is affected and who is now paying more than 10% of all the monies collected for submerged lands. I would only say that this piece of Legislation would, in the fall, be superseded by pieces of Legislation submitted by the Performance and Audit Review.

I know of no better insurance than to see that this Department who can only find one lobster pound within the State which is infringing on the submerged lands and no better insurance to find than a Department will address uniformly submerged lands than to pass this piece of Legislation and then be assured that in the fall the Committee on Audit and Program Reviews piece of Legislation will address this and will have addressed this so that when it comes out it will be a more equitable piece of enforcement.

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

Senator COLLINS: Mr. President, I recognize what both of the two previous speakers have said about the fact that further work is being done on this whole problem. If we examine the Bill, we'll see that this has application to the entire coast of Maine and my concern is not only for three or four specific inequities which have been very graphically discussed here, but for the general broad scale equity that exists where 95% of the owners along the coast that are engaged in commercial pursuits, particularly, but even with respect to a personal dock

or a personal boat on an entirely recreational basis as well, 95% are grandfathered and pay nothing. Probably less than 5% are now having to pay, just for the berthing space where you put your boat next to the dock. That's what the State is foisting upon of the Maine public. Lobster pounds are only two or three situations in the whole State, but when you come to a place to tie up your boat next to the wharf or the dock, and the State is going to come in and charge you rental space for it because the dock was built since 1975, but the other 95% of the coast, they can come in and tie up their boat next to the dock and not have to pay anything. This is the basic inequity and injustice that stirs me greatly. When we face this issue squarely the first time, twenty-five Senators agreed with the position with the Senator from Hancock and myself and five did not.

I hope that you'll remember this basic coastal inequity and vote in favor of Engrossing this Bill.

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

Senator BROWN: Thank you, Mr. President. Mr. President, Ladies and Gentlemen, the inequity that's been pointed out here that the good Senator from Knox, Senator Collins pointed out was the one that was very forcefully made by the good Senator from Hancock, Senator Perkins regarding Bath Iron Works. It was a mistake that was made within the Department concerning that lease. As we stated last week, Bath Iron Works, in this instance, in my own terminology was so cheap that they couldn't go ahead and pay and got off on a technical amendment because the Department did not respond in due time. Consequently, a wrong was created. On a technical amendment they were able to get by without paying a lease.

Now, what we're asking here, in this Bill, is to allow another individual, because of the previous wrong committed to get out of paying the lease arrangement on the same argument. The two wrongs, Ladies and Gentlemen still don't make a right. A mistake was made because of the lack of timely notice regarding Bath Iron Works, by doing the same thing here, we're not going to create the situation that was created with that mistake.

I urge that you go ahead and side with the good Senator from Andorscoggin, Senator Trafton. Thank you, Mr. President.

(Off Record Remarks)

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

Senator TRAFTON: Mr. President and Members of the Senate, I like to thank the President for clearing up a Parliamentary question. The motion before the Body right now is that of Engrossment and I would urge you not to vote for the Engrossment of this Bill.

The principal concern that we should have here today is, how are we protecting the public rights? The Submerged Lands Law, as it is on our books today, essentially says that when a person prevents public access to a part of the shoreland, he must pay a rental fee. This Bill would reduce that rental fee, encourage more owners or more persons to prevent public access to shorelands. I feel that we should support the current status of our Submerged Lands Law and vote against the Engrossment of this Bill. Thank you.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, we've gone over the access things and I think I pointed out in some previous debate that if you're talking about access then you should, indeed, be talking about who was disenfranchised and how many and whether the particular piece that is being taxed is synonymous with the coastline or whether it is foreign to the coastline.

With reference to the good Senator from Washington's point on a mistake, I guess I could accept part, except it is my understanding that there are two mistakes. The first mistake was that Bath Iron Works in Bath pays one cent per square foot; my constituent pays three. The second mistake is that Bath Iron Works in Portland pays a half cent per square foot. So, there are two mistakes. I guess my Bill would be an errors' Bill, then. It would maybe help correct these mistakes.

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

Senator McBREAITY: Mr. President, Honorable Members of the Senate, seven of my nine years here I have served on Energy and Natural Resources. For that seven years I've been concerned with the leeway that we have given the Bureau of Public Lands. We have turned over four hundred thousand acres of public lands to the Bureau to charge whatever fees they wish; spend the money which ever way they wish, and my concern has been that they have continually increased the prices, not only on submerged land but on inlands, camp fees have gone from fifty dollars to two hundred and forty on a quarter of an acre.

Now, while the Bureau of Public Lands has been increasing their fees on public lands, they've been zoning private land for recreational use only. They've zoned hundreds of thousands of acres of private land for recreation without any financial considerations at all. If the private land owners ever determine that they're going to go and with the same example that the public lands are setting it will cost the people in the State of Maine millions of dollars to use this private land for recreation.

I would hope that if we're going to let public lands own peoples' private lands for free use that we would maybe help hold down the prices that they can charge on the public lands. Thank you.

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

Senator KANY: Mr. President, may I ask for a Roll Call.

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

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

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

The 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 Secretary will call the Roll.

ROLL CALL

YEA—Clark, Collins, Emerson, Erwin, Gill, Hichens, McBreaity, Perkins, Sewall, Shute, Teague, Twitchell.

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

ABSENT—Minkowsky, Redmond.

A Roll Call was had.

12 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators being absent, Passage to be Engrossed, Failed.

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

Senator WOOD: Mr. President, is the Senate in possession of L. D. 1577?

The PRESIDENT: The Chair would answer in the affirmative the Bill, "An Act to Amend the Maine Consumer Credit Code (H. P. 1191) (L.

D. 1577) having been held at the request of a Senator.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, having voted on the prevailing side, I would now move that we Reconsider our actions whereby we Enacted this Bill.

The PRESIDENT: The Senator from York, Senator Wood moves that the Senate Reconsider its action whereby, (L. D. 1577) was Passed to be Enacted.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I would encourage the Senate to vote against the Reconsideration motion.

(Off Record Remarks)

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 York, Senator Wood that the Senate Reconsider its action whereby L. D. 1577 was Passed to be Enacted, please rise in their places to be counted.

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

12 Senators having voted in the affirmative.

The PRESIDENT: The vote has been given, once the vote is given I am sorry it can't be interrupted.

12 Senators having voted in the affirmative and 17 Senators having voted in the negative the motion to Reconsider, Failed.

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

Senator DIAMOND: Point of Parliamentary Inquiry.

The PRESIDENT: The Senator may state his inquiry.

Senator DIAMOND: If the President has not announced the vote, is it then not correct to request a Roll Call?

The PRESIDENT: The Chair would respond by saying, "once any portion of the vote is announced, any portion of the vote is announced, there is no motion that the Chair can entertain other than to complete announcing what the vote is.

The Chair recognizes the Senator.

Senator DIAMOND: In all due respect, Mr. President, and I would wonder in the past that the precedent means anything. That this Body has allowed for a Roll Call to be requested as long as the President had not made the final announcement of the total number of the votes taken.

The PRESIDENT: Again, the Chair would respond by stating that once any portion of the vote is announced, had the Senator wanted a Roll Call, he could have arisen when those who had voted for Reconsideration, he could have arisen at that moment and asked the Chair for a Roll Call, and a Roll Call would have been placed through the Senate.

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

On motion by Senator Carpenter of Aroostook, Recessed until 4 o'clock this afternoon.

Recess

After Recess

The Senate called to Order by the President.

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

Second Readers
House

The Committee on Bills in the Second Read-

ing reported the following:

RESOLVE, to Prohibit the Expenditures of Funds Raised for Food Stamps in Androscoggin County (Emergency) (H. P. 1138) (L. D. 1500)

BILL, "An Act to Permit the Use of State Funds for Rail Rehabilitation Projects and Townway Crossing Improvements" (H. P. 835) (L. D. 1087)

BILL, "An Act Relating to the Replacement of Existing Buildings within 33 feet of the Center Line of a State or State Aid Highway" (H. P. 982) (L. D. 1283)

BILL, "An Act to Amend Provisions of the Maine Insurance Code Relating to Tender Offers and to Unfair Trade Practices" (H. P. 838) (L. D. 1088)

BILL, "An Act to Complete the Statewide Coordination System for Preschool Handicapped Children" (H. P. 873) (L. D. 1127)

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

BILL, "An Act to Amend the Licensing Provisions of the Maine Insurance Code and to Require Filing Fees for Fraternal Benefit Organizations" (H. P. 1242) (L. D. 1654)

Which was Read a Second Time.

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

Senator **DANTON**: Mr. President, for the Committee on Bills in their Second Reading I have an amendment to offer but I don't have it so I would like this Tabled until later in today's session.

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

House — as Amended

BILL, "An Act to Make Allocations from the Maine Hazardous Waste Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 479) (L. D. 576)

BILL, "An Act to Control Hazardous Air Pollutants" (H. P. 1080) (L. D. 1426)

BILL, "An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine" (H. P. 871) (L. D. 1125)

BILL, "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 517) (L. D. 642)

BILL, "An Act Regarding Multiple Sentences of Imprisonment" (H. P. 483) (L. D. 580)

BILL, "An Act to Improve Remedies for Substandard Housing" (H. P. 923) (L. D. 1202)

BILL, "An Act Relating to Administration of Appropriations and Allocations for the Maine Human Services Council" (Emergency) (H. P. 456) (L. D. 558)

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

BILL, "An Act to Amend the Foreclosure Laws" (H. P. 1153) (L. D. 1523)

Which was Read a Second Time.

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

Senate

BILL, "An Act Concerning Representation of Small Businesses Appearing in Small Claims Court" (S. P. 576) (L. D. 1655)

BILL, "An Act to Authorize Creation of a Housing Authority of the Houlton Band of Maliseet Indians" (S. P. 577) (L. D. 1656)

BILL, "An Act to Provide Equal Access to Justice" (S. P. 570) (L. D. 1646)

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

Sent down for concurrence.

Senate — as Amended

BILL, "An Act Concerning Inspection Registration and Abandonment of Dams" (S. P. 404) (L. D. 1252)

BILL, "An Act to Require the Department of Human Services to Conduct Demonstrations of Adult Day Care and Other Services through Long-term Care Facilities" (S. P. 499) (L. D. 1511)

BILL, "An Act to Create a Fund to Encourage Local Soil and Water Conservation Projects" (S. P. 197) (L. D. 619)

BILL, "An Act to Raise Per Diem Compensation for Active Retired Justices and Judges" (S. P. 153) (L. D. 555)

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

Sent down for concurrence.

BILL, "An Act to Permit the Location of Manufactured Housing on Individual House Lots" (S. P. 475) (L. D. 1441)

Which was Read a Second Time.

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

Senator **DANTON**: Mr. President, for the Committee on Bills in their Second Reading I have an amendment to offer but it isn't ready and I would like to have someone table this until later in today's session.

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

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

Papers from the House Non-concurrent Matter

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

(In Senate May 12, 1983, Passed to be Engrossed as Amended by House Amendment "A" (H-227) in concurrence.)

(In House May 17, 1983, Passed to be Enacted.)

(In Senate May 18, 1983, Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-227) and House Amendment "B" (H-273) in non-concurrence.)

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

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

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON**: Mr. President, Members of the Senate, L. D. 577 on supplement number 2, which we are now discussing is the same Bill that we have debated on two previous occasions in this Body. This is the Act to Improve Access to Small Claims Court, I think that we have had sufficient discussion on this Bill, however there was an amendment which was added to the Bill since we have seen it last and this amendment, to me, doesn't change the nature of my objections. The amendment provides that Small Claims Court may be open for one hour on Saturdays as an alternative to one hour in the evenings to provide assessability. I think that the same arguments which apply to night court apply to Saturday court. We are talking about additional travel time for judges, additional costs in terms of opening up the court houses, closing the court houses, bring other employees in to clean up the courts after these after hour sessions for Small Claims Court.

As has been indicated in prior debate the court now has the power to provide after hour sessions. The Chief Judge of the District Court may open the district court and this has been

tried this experiment has not been successful. I would suggest that a more appropriate approach to this particular problem would be for a particular area through its Legislative representation to write the Chief Judge of the District Court requesting that a night court or a Saturday court be tried for a limited period of time to address a particular local problem. But to Enact this Bill on a statewide bases requiring all Small Claims Courts to be open during either night time or Saturday is inappropriate and I urge you to vote against the pending motion which is to Recede and Concur, which would be to support this Bill. Thank you.

The **PRESIDENT**: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Wood.

Senator **WOOD**: Mr. President, Men and Women of the Senate I will be brief because we have debated this before, I would point out that in today's calendar in the supplement this afternoon we had two Bills concerning representation on Small Claims Courts, we had a bill on providing equal access to our court system. We voted in favor of both of those sort of opening the system, making it more favorable and fair to the business community. It would seem to be appropriate that we also make it fair and more easily assessable for those people who have to work for a living during the day. This seems like a very modest first step. Often times we know that courts might have the power to do this if they choose but they have not chosen to do it and it seems appropriate that we now send them a little stronger message to say that please for one night a month do this thing.

I would seem to me that I would hope that we could Recede and Concur and Enact this Bill knowing that it will go through the Appropriations process and rise and fall on its merits.

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

Senator **VIOLETTE**: Mr. President and Ladies and Gentlemen of the Senate, we debated this Bill at length last week with the first House Amendment. There is now a second House Amendment which has been attached to this Bill. I don't think that in any way that it changes the substance of this Bill. I think that this is just an additional way of bringing this matter up for us once again for another vote.

We voted against this matter the last time that it was before the Senate and I would hope that you would vote against the motion to Recede and Concur. It is basically the same bill that was before you last week. We discussed the merits of that Bill at that time, the Senate saw fit to vote against the measure and I would hope that you would do so again today. So when you do vote I urge you to vote No on the motion to Recede and Concur. Thank you.

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

Senator **KANY**: Thank you, Mr. President and Members of the Senate I just wanted to point out to you that the Bill now reads that it would require at least one hour on either a Saturday morning or an evening, just once a month in each Small Claims Court throughout the state and I would hope that you vote in favor of the motion before you, to Recede and Concur to assure the people of Maine that perhaps their government might be responsive to them and might not make them get out of work in order to appear before this so-called people's court.

I would ask that when the vote is taken it be taken with the Yeas and Nays.

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 York, Senator Wood 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—Baldacci, Bustin, Carpenter, Diamond, Dow, Erwin, Hayes, Kany, McBreairty, Najarian, Pearson, Pray, Shute, Twitchell, Wood. The President Gerard P. Conley.

NAY—Brown, Charette, Clark, Collins, Danton, Dutremble, Emerson, Gill, Perkins, Sewall, Trafton, Usher, Violette.

ABSENT—Hichens, Minkowsky, Redmond, Teague.

A Roll Call was had.

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

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

Senator KANY: Mr. President, with regard to L. D. 577, I move that the Senate Reconsider its action whereby it voted to Recede and Concur with the House and hope that you all vote against me.

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

Will all those Senators in favor of the motion to Recede and Concur, please say "Yes".

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

A Viva Voce Vote being had

The motion to Reconsider, Failed.

Non-concurrent Matter

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

(In House May 12, 1983 Passed to be Engrossed.)

(In Senate May 20, 1983, Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.)

(Comes from the House, that Body having Insisted and Asked for a Committee of Conference.)

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

Senator CARPENTER: I move the Senate Adhere.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter moves that the Senate Adhere.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Knox, Senator Collins moves that the Senate Insist and Join in a Committee of Conference.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins that the Senate Insist and Join in a Committee of Conference, please rise in their places to be counted.

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

9 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to Insist and Join in a Committee of Conference, Failed.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

It is a vote.

Non-concurrent Matter

BILL, "An Act Concerning the Admissibility in Criminal Proceedings of Statements by Minors Describing Sexual Contact." (H. P. 1201) (L. D. 1595)

(In Senate May 17, 1983, Passed to be Engrossed in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-278) in non-concurrence.)

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

It is a vote.

Non-concurrent Matter

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

(In Senate May 12, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-113).)

(Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-113) and House Amendment "A" (H-256) in non-concurrence.)

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Further Consideration.

Recalled from the Governor's Desk

An Act to Revise the Composition of the Marine Resources Advisory Council. (H. P. 1038) (L. D. 1363) (Re-called pursuant to Joint Order H. P. 1224)

(In House, May 9, 1983 Passed to be Enacted.)

(In Senate May 9, 1983 Passed to be Enacted.)

(Comes from the House, that Body having voted to Return the Bill and Accompanying Papers to the Governor's Desk for his consideration)

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

It is a vote.

Communications

The Following Communication: (H. P. 1254)

State of Maine

House of Representatives

Augusta 04333

May 20, 1983

John L. Martin

Speaker of the House

111th Legislature

Gerard P. Conley

President of the Senate

111th Legislature

Dear Mr. Speaker and Mr. President:

On May 20, 1983 three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, Bills were referred to the Joint Standing Committees on May 20, 1983 as follows:

Health and Institutional Services

RESOLVE, to Establish a Maine Commission to Examine the Availability, Quality and Delivery of Mental Health Services for Children (Emergency) (H. P. 1251) (L. D. 1664) (Presented by Representative BENOIT of South Portland) (Cosponsors: Senator CONLEY of Cumberland, Speaker MARTIN of Eagle Lake and Representative DAVIS of Monmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Local and County Government

Bill "An Act Relating to the Date of Apportionment County Taxes" (H. P. 1252) (L. D. 1665) (Presented by Representative McHENRY of Madawaska) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Public Utilities

Bill "An Act to Permit Expedited Processing of Petitions for A Certificate of Public Convenience and Necessity" (Emergency) (H. P. 1253) (L. D. 1666) (Presented by Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Sincerely,

S/EDWIN H. PERT

Clerk of the House

S/JOY J. O'BRIEN

Secretary of the Senate

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

Which was Read and Ordered Placed on File, in concurrence.

(Off Record Remarks)

The Following Communication:

State of Maine

One Hundred and Eleventh Legislature

Committee on Marine Resources

May 23, 1983

The Honorable Gerard P. Conley

President of the Senate

State House

Augusta, Maine

Dear President Conley:

The Committee on Marine Resources is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received	40
Unanimous reports	34
Leave to Withdraw	16
Ought not to pass	0
Ought to pass	7
Ought to pass as Amended	5
Ought to pass in New Draft	6
Divided Reports	5
Carryover	1

Respectfully submitted,

S/CARROLL E. MINKOWSKY

Senate Chairman

Which was Read and Ordered Placed on File.

The Following Communication:

State of Maine

House of Representatives

Augusta 04333

May 23, 1983

Honorable Joy J. O'Brien

Secretary of the Senate

111th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that Senators shall Serve Four-Year Terms Commencing in 1986 (S. P. 62) (L. D. 168)

Sincerely,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Enactors

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

An Act to Create the Nuclear Activity Consent Law. (S. P. 564) (L. D. 1631)

(See Action Later Today)

An Act to Standardize the Disciplinary Proceedings of Health Profession Licensing Boards. (S. P. 561) (L. D. 1618)

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

An Act to Amend the Interception of Wire and Oral Communications Law. (H. P. 845) (L. D. 1095)

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 Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

RESOLVE, Authorizing the Department of Educational and Cultural Services to Conduct a Study of Self-insurance of Public School Properties. (H. P. 1223) (L. D. 1619)

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

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

BILL, "An Act to Prohibit Advertising for Political Candidates on Radio and Television" (H. P. 121) (L. D. 129)

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 Promote Consistency in the Funding Authority Granted to the Department of Mental Health and Mental Retardation" (H. P. 756) (L. D. 987)

BILL, "An Act to Require any Applicant for Guaranteed Loans from the Maine Guarantee Authority to Issue Insured Industrial Development Bonds Prior to Acceptance of any Loan Moneys that have been Guaranteed by the Maine Guarantee Authority" (H. P. 1120) (L. D. 1477)

BILL, "An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity" (H. P. 609) (L. D. 757)

BILL, "An Act Relating to Transfer Review" (H. P. 793) (L. D. 1033)

BILL, "An Act to Permit Municipalities to Levy a Sales Tax on Amusement and Entertainment Charges" (H. P. 354) (L. D. 412)

BILL, "An Act to Prohibit State Mandates and Tax Shifts" (H. P. 375) (L. D. 458)

BILL, "An Act to Establish a Meals and Lodging Tax" (H. P. 432) (L. D. 514)

BILL, "An Act to Make the Maine Income Tax More Progressive" (H. P. 495) (L. D. 592)

BILL, "An Act to Reform the Maine Corporate Income Tax Law" (H. P. 941) (L. D. 1224)

BILL, "An Act to Allow Municipalities the Option of Charging Reasonable Service Fees on Certain Tax Exempt Property" (H. P. 964) (L. D. 1245)

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

Senator PRAY: Mr. President, I move Reconsideration whereby An Act to Create the Nuclear Activity Consent Law S. P. 564, L. D. 1631 was Passed to be Enacted.

The PRESIDENT: The Senator from Penobscot, Senator Pray moves Reconsideration whereby L. D. 1631 was Passed to be Enacted.

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

Ought to Pass — as Amended

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Authorize the Department of Environmental Protection to Continue to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management" (H. P. 1114) (L. D. 1472) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-276).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-276)

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-276) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1472 be given its Second Reading by title only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Provide Continued Funding for the Determination of Ground Water Quality in the State's Sand and Gravel Aquifers" (H. P. 1113) (L. D. 1471) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-277)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-277)

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-277) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1471 be given its Second Reading by title only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

The Committee on Education on BILL, "An Act to Revise the Truancy Laws" (H. P. 877) (L. D. 1131) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-213)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-213) and House Amendment "C" (H-264).

Which Report was Read.

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

Senator PEARSON: Mr. President, I would appreciate it if somebody would Table this for 1 Legislative Day. I apologize to the Chairman on Education, I didn't know it was coming up so quick, I have an amendment that I am going to try to offer to it.

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

The Committee on Judiciary on BILL, "An Act to Amend Various Provisions of the Maine Criminal Code" (H. P. 1035) (L. D. 1360) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-275)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-275).

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" (H-275) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1360 be given its Second Reading by title only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Ought to Pass in New Draft

The Committee on Judiciary on BILL, "An Act to Ban Metal-Piercing Ammunition" (H. P. 957) (L. D. 1238) Reported that the same Ought to Pass in New Draft under same title (H. P. 1245) (L. D. 1659)

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.

The Committee on Election Laws on Bill, An Act Concerning Explanations for Referenda Questions which Appear on a Ballot (H. P. 819) (L. D. 1059) Reported that the same Ought to Pass in New Draft under same title (H. P. 1250) (L. D. 1663)

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.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1663 be given its Second Reading by title only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in concurrence.

The Committee on Health and Institutional Services on BILL, "An Act to Require Interdepartmental Coordination of Social Services Planning" (H. P. 955) (L. D. 1236) Reported that the same Ought to Pass in New Draft under same title (H. P. 1255) (L. D. 1668)

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.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1668 be given its Second Reading by title only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed in concurrence.

(Off Record Remarks)

Ought to Pass in New Draft Under New Title

The Committee on Judiciary on BILL, "An Act to Make Joint Custody the First Order of Preference in Child Custody Cases" (H. P. 397) (L. D. 480) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide that Joint Custody be Awarded when the Parents Agree to it in Child Custody Cases" (H. P. 1243) (L. D. 1657)

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

Which Report was Read and Accepted, in concurrence.

The Bill, in New Draft under New Title Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1657 be given its Second Reading by title only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in concurrence.

The Committee on Judiciary on BILL, "An Act to Prohibit Parents from Interfering with the Parental Rights of the Other Parent" (H. P. 1117) (L. D. 1475) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Establishing a Commission to

Study the Issue of the Custody of Children in Domestic Relations Cases" (Emergency) (H. P. 1244) (L. D. 1658)

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

Which Report was Read and Accepted, in concurrence.

The Bill, in New Draft under New Title, Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1658 be given its Second Reading by title only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in concurrence.

The Committee on Energy and Natural Resources on BILL, "An Act Concerning the Agricultural Usage of Tannery Sludge" (H. P. 596) (L. D. 740) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Concerning the Agricultural Use of Sludge" (Emergency) (H. P. 1248) (L. D. 1662)

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

Which Report was Read and Accepted, in concurrence.

The Bill, in New Draft under New Title, Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1662 be given its Second Reading by title only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in concurrence.

Divided Report

The Majority of the Committee on Education on BILL, "An Act to Provide Compensation for Denial of Educational Opportunity" (H. P. 649) (L. D. 826)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
CLARK of Cumberland

Representatives:

SOUCY of Kittery
BROWN of Gorham
MURPHY of Kennebunk
SMALL of Bath
THOMPSON of South Portland
BOTT of Orono

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide Compensatory Special Education for Exceptional Students Who have not Received an Equal Educational Opportunity" (H. P. 1247) (L. D. 1661)

Signed:

Senator:

HAYES of Penobscot

Representatives:

CROUSE of Washburn
MATTHEWS of Caribou
RANDALL of East Machais
LOCKE of Sebec

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

Which Reports were Read.

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

Senator HAYES: Mr. President, I would move the Minority Ought to Pass Report, with a New Draft, "An Act to Provide Compensatory Special Education for Exceptional Students Who have not Received an Equal Educational Opportunity".

The PRESIDENT: The Senator from Penobscot, Senator Hayes moves that the Senate Accept the Minority Ought to Pass, in New Draft

under New Title, Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President, Mr. President, Men and Women of the Senate, it seems that I've not only been labeled as the Champion of Maine Banks, but now I'm that person who would deny youngsters in our State who have been denied Equal Educational Opportunity a chance to achieve their equality, educationally speaking.

L. D. 826 in its original form received my more enthusiastic support than the New Draft which is reported out of the Committee, under L. D. 1661.

My problem with the New Draft and the Minority Report from the Committee on Education is the open-endedness of it. In fact, there is no sunset in that the opportunity to seek additional educational training at the expense, particularly, of local school units is soft, meaning as a practicing classroom teacher, I find, today, almost an unfair segment of our professional services expensive, extensive support system for a special education student. I, as any educator or Maine citizen have no problem with this; but, with all of those specialists, and all of that attention, and all of the residential treatment centers, and all of the in-service training, and all of those supplementary services already in place, it seems to me, particularly, inappropriate that we would continue that under the guise of denial of educational opportunity.

It sort of one of those personal agenda items with me. I'm fully supportive of all of this professional attention and this great mass financial support, for indeed, those who qualify as exceptional or special students do need this kind of support system, and far be it from me to deny them that opportunity. This goes beyond the realm of what currently is in place today. Anyone who is familiar with the local school system and a local school unit, is fully aware of the expansive, staff, teachers, supplies, support system, PET's, occupational therapists, speech therapists, medical professionals and so on, which support education for Maine's exceptional students. What this does, in fact, is place an open-ended, never-ending financial question mark and/or burden on our local school units. We all recognize that that has some ramification on State funding; whereas, State and the Federal Government contribute in large measure to the support and the educational opportunities which are afforded, our exceptional children.

It is in that light that I signed the Majority Ought Not to Pass Report, not that I am non-supportive as reflected in the Minority Report, but there was one segment of the Minority Report or the original Bill that I was even more supportive of and that was a direct result of my role as a member of the Advisory Committee on the future of Baxter School. That would have provided for those students for 1977 until 1985 with a sunset provision an opportunity to redress what they alleged to have been a denial of educational opportunity. That segment of the original Bill was not incorporated into the Redraft and while I readily admit some responsibility for that omission, for I was not with the Committee on Education when they were working on this issue, but rather in the corner room in the basement of the State House, as usual, I found it necessary, as a result of that to support the Majority Ought Not to Pass Report. With those sentiments in mind, I would ask that you would not support the pending motion of Acceptance of the Minority Report Ought to Pass, in New Draft. Thank you, Mr. President.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, I'd like to pose a question to the Gentlelady from Cumberland, Mrs. Clark, and that is, I'm a little puzzled exactly

what this does. Am I to understand that this says, those students who were exceptional students who did not receive an education that an exceptional student does now receive will be able to have that given to them even though they've gone beyond the normal school age?

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: I would attempt to answer the question even though I wasn't listening, Mr. President and Members of the Senate, perhaps as closely as I might have, and that is my understanding is that the question that Senator Pearson of the County of Penobscot asked is answered in the affirmative.

It, also, provides if one looks at the wording in the Bill some subjective evaluation. There are those who currently have access to special education programs in their local school units or area school units and should they allege that they have not been given an appropriate educational opportunity equal to whatever standard is used as a standard, then in fact, they would have redress under this Redraft to suggest that they were deprived of equal educational opportunity and away we go, ad infinitum. Thank you, Mr. President.

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

Senator HAYES: I'll speak only briefly to this Bill. The good Senator from Cumberland, Senator Clark has indicated that this Bill does relate to the Baxter State School and it does. It is at that school that the evidence of lack of appropriate educational opportunities is most clear.

What this Bill tries to do is to provide an opportunity for people who are exceptional students. This means students who have handicaps to have an opportunity to bring their case before the proper hearing officers in that they might have compensatory educational services provided. That is if inappropriate educational opportunities are provided between the ages of five and twenty, they would now be able to make a case for some equal opportunities to be provided by that school district.

I would point out to you that this is one of the bills handicapped people in Maine consider to be a top priority. It is, in fact, one of the only Bills that they have introduced in this session. It does have certain limitations, in that, it does not have retroactivity. According to State Law, since 1977, the State does require that exceptional children who qualify for inappropriate educational opportunities to be given an equal kind of educational opportunity at this point of time. It thus, would make it possible for students or people who exceed the age of twenty, to now require that they receive those educational opportunities from the school unit. Thank you.

The PRESIDENT: Is the Senate ready for the question? The Chair will order a Division.

Will all those Senators in favor of the motion made by the Senator from Penobscot, Senator Hayes to Accept the Minority Ought to Pass, in New Draft under New Title, 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.

10 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass, in New Draft under New Title, Report of the Committee, Failed.

The Majority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

Divided Report

The Majority of the Committee on Education on BILL, "An Act to Insure State Enforcement

of Equal Opportunity in State-supported Educational Programs" (H. P. 841) (L. D. 1091)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1241) (L. D. 1653)

Signed:

Senators:

CLARK of Cumberland
HAYES of Penobscot

Representatives:

MURPHY of Kennebunk
BOTT of Orono
SMALL of Bath
RANDALL of East Machias
LOCKE of Sebec
THOMPSON of South Portland
CROUSE of Washburn

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

Signed:

Senator:

HICHENS of York

Representatives:

MATTHEWS of Caribou
SOUCY of Kittery
BROWN of Gorham

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 Relating to Prison Visits" (H. P. 699) (L. D. 888)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-261)

Signed:

Senators:

BUSTIN of Kennebec
GILL of Cumberland
CARPENTER of Aroostook

Representatives:

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

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

Signed:

Representative:

WEBSTER of Farmington

Comes from the House with the Majority Report Read and Accepted and the Bill Passed to be Engrossed, as Amended by Committee Amendment "A" (H-261)

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

The Bill Read Once.

Committee Amendment "A" (H-261) was Read and Adopted, in concurrence.

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

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act to Protect Employees from Reprisal who Report or Refuse to Commit Illegal Acts" (H. P. 592) (L. D. 736)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-274)

Signed:

Senators:

TRAFTON of Androscoggin

VIOLETTE of Aroostook
COLLINS of Knox

Representatives:

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

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
CARRIER of Westbrook

Comes from the House with the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-274)

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

The Bill Read Once.

Committee Amendment "A" (H-274) was Read and Adopted, in concurrence.

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

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act to Revise Certain Sections of the Probate Code" (H. P. 936) (L. D. 1219)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1256) (L. D. 1669)

Signed:

Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

Representatives:

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

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

Signed:

Representatives:

FOSTER of Ellsworth
REEVES of Newport
CARRIER of Westbrook

Comes from the House with 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 Labor on BILL, "An Act Relating to Attorneys' Fees Under the Workers' Compensation Law" (H. P. 1107) (L. D. 1460)

Reported that the same Ought Not to Pass

Signed:

Senators:

HAYES of Penobscot
DUTREMBLE of York

Representatives:

NORTON of Biddeford
WILLEY of Hampden
SWAZEY of Bucksport
TAMMARO of Baileyville
TUTTLE of Sanford
ZIRNKILTON of Mount Desert
BEAULIEU of Portland
BONNEY of Falmouth

The Minority of the same Committee on the

same subject matter Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-272)

Signed:

Senator:

SEWALL of Lincoln

Representatives:

LEWIS of Auburn

(Representative GAUVREAU of Lewiston Abstained)

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

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

Divided Report

The Majority of the Committee on Labor on BILL, "An Act Providing Collective Bargaining Rights to Judicial Employees" (H. P. 333) (L. D. 392)

Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Authorize the Supreme Judicial Court to Provide for Collective Bargaining for Judicial Department Employees" (H. P. 1246) (L. D. 1660)

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

WILLEY of Hampden
ZIRNKILTON of Mount Desert
GAUVREAU of Lewiston
NORTON of Biddeford
TUTTLE of Sanford
BEAULIEU of Portland
SWAZEY of Bucksport
TAMMARO of Baileyville

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

BONNEY of Falmouth
LEWIS of Auburn

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 under New Title, Report of the Committee was Accepted, in concurrence.

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

Senate

Ought to Pass as Amended

Senator BUSTIN for the Committee on Health and Institutional Services on BILL, "An Act to Establish a Program for Therapeutic Use of Marijuana" (S. P. 351) (L. D. 1025) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-143)

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-143) was Read and Adopted.

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

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

Papers from the House Non-concurrent Matter

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

(In the House May 17, 1983 Indefinitely Postponed.)

(In the Senate May 23, 1983 Passed to be Enacted in non-concurrence.)

(Comes from the House, that Body Insisted and Asked for a Committee of Conference.)

On motion by Senator Charette of Androscoggin, the Senate voted to Insist and Join in a Committee of Conference with the House.

Orders of the Day

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

HOUSE REPORT — from the Committee on Energy and Natural Resources on BILL, "An Act to Create a Forest Resource Assessment and Marketing Program" (H. P. 1171) (L. D. 1559) Reported that the same Ought to Pass.

Tabled—May 23, 1983 by Senator PRAY of Penobscot

Pending—Acceptance of Committee Report (In House May 20, 1983 Bill Passed to be Engrossed.)

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

The Bill Read Once and Tomorrow Assigned for Second Reading.

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

BILL, "An Act to Permit Municipalities to Regulate Shellfish Harvesting Within State Park Lands" (H. P. 1037) (L. D. 1362)

Tabled—May 23, 1983 by Senator CARPENTER of Aroostook

Pending—Passage to be Engrossed (In House May 18, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-246)

On motion by Senator Clark of Cumberland the Senate voted to Suspend its Rules.

On further motion by the same Senator the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A"

The PRESIDENT: The Senator has the floor. Senator CLARK: Thank you, Mr. President. I hope that I do this right, this time.

I offer Senate Amendment "A" (S-142) to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Clark offers Senate Amendment "A" (S-142) to Committee Amendment "A" and moves its Adoption.

The Senator has the floor. Senator CLARK: Mr. President, this Amendment to Committee Amendment "A" simply acts as an emergency preamble to the Bill which is explained in the Statement of Fact. I speak only briefly so that you won't think that I'm intruding on the purview of the Committee on Second Readings. In fact, that the emergency preamble were not added to the Bill the intent of the Bill would not even be effective until after the busy shellfish harvest season would have past. Thank you, Mr. President.

Senate Amendment "A" (S-142) to Committee Amendment "A" was Read and Adopted.

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

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

The President laid before the Senate:

BILL, "An Act to Amend the Licensing Provisions of the Maine Insurance Code and to Require Filing Fees for Fraternal Benefit Organizations" (H. P. 1242) (L. D. 1654) Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Passage to be Engrossed.

The PRESIDENT: 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" (S-145) to L. D. 1654 and move its Adoption.

The PRESIDENT: The Senator from York, Senator Danton, offers Senate Amendment "A" (S-145) and moves its Adoption.

Senate Amendment "A" (S-145) was Read and Adopted.

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

Sent down for concurrence.

The President laid before the Senate:

BILL, "An Act Permit the Location of Manufactured Housing on Individual House Lots" (S. P. 475) (L. D. 1441) Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Passage to be Engrossed.

The PRESIDENT: 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" (S-144) to L. D. 1441 and move its Adoption.

The PRESIDENT: The Senator from York, Senator Danton offers Senate Amendment "A" (S-144) and moves its Adoption.

Senate Amendment "A" (S-144) was Read.

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

Senator TRAFTON: A point of inquiry, you refer to this Bill as the Act to Amend the Foreclosure Laws, I think that may be a different title.

The PRESIDENT: The Chair is in error, Senate Amendment "A" to BILL, "An Act to Permit the Location of Manufactured Housing on Individual House Lots." S. P. 475 L. D. 1441

Senate Amendment "A" was Adopted.

The Bill was Passed to be Engrossed, as amended.

Sent down for concurrence.

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