

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 31, 1983
Senate called to order by the President.

Prayer by Reverend Ross Pelton of South Gardiner Baptist Church of Gardiner.

REVEREND PELTON: Thank you. I was wondering if I might just read a few words to you this morning. Would any one mind that? From the book of Romans: Chapter 13 of Romans: "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God.

Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of power? Do that which is good, and thou shalt have praise of the same.

For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain; for he is the minister of God, a revenger to execute wrath upon him that doeth evil." I do not know many of you folks here know the Lord Jesus Christ personal, but even if you do or if you don't you are placed here by God. And the decisions you make for the State of Maine, God has allowed you to make these decisions. We have a lot of decisions before us: homosexuality, divorce, drugs, drink, disobedience, and these all lead to the ditch I figure, as a Pastor. Sin always leads to the ditch.

Well it's time we as a State, its time we as a nation got back to the things of God. God is still in control, he's still on the throne, and he's placed you, all you folks, in place of honor and power for him. God has ordained you as ministers, to do his bidding. Thank you.

Our dear heavenly father we thank you for each man and each woman who bow before thee in thou presence today, and we thank You for this great opportunity that we have to come here and pray for these dear folks. We ask Father that you might speak to their hearts that you might help them to realize that sin is sin and they ought to make decisions in their actions and their way for the State of Maine and for the Nation that would please God because they are placed here as ministers of God. We thank you Father for each one of them and you told us in your world that we ought to pray for them and uphold them in their decisions in their trials, and tribulations. We ask Father this day that you might bless each one here, that you might give them strength and wisdom, and honor to make the right choice that it would be pleasing to God as they vote and as they cast their ballots. We just asked, again, Father bless each one give us power, give us strength to things right and pleasing for God. For we ask in Jesus name and for his sake. Amen. Thank you.

Reading of the Journal of Friday, May 27, 1983.

(Off Record Remarks)

Papers From the House Non-concurrent Matter

BILL, "An Act to Revise Certain Sections of the Probate Code." (H. P. 1256) (L. D. 1669)
(In Senate May 24, 1983 Passed to be Engrossed.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-303) in non-concurrence.)

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

It is a vote.

On motion by Senator Danton of York, Out of Order and Under Suspension of the Rules,

the Senate voted to consider the following:

Emergency

An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983. (H. P. 810) (L. D. 1050)

Comes from the House, Failing of Enactment.

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

Senator DANTON: Mr. President, Members of the Senate just a brief explanation. This Bill is an emergency measure that Failed of Enactment in the other Body, and it's the block grant for our local cities and towns, and I think we should move along with this bill, because a lot of cities and towns are committed and we've committed to them and they're waiting for this money and we should move it along to see if it will receive passage. Thank you.

This being an emergency measure and having received the votes of 31 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted in non-concurrence, and having been signed by the President.

Sent down forthwith for concurrence.

Communication

The following Communication:

Committee on Legal Affairs

May 27, 1983

The Honorable Gerard P. Conley

President of the Senate

State House

Augusta, Maine

Dear President Conley:

The Committee on Legal Affairs 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—64

Unanimous reports—56

Leave to Withdraw—13

Ought Not to Pass—10

Ought to Pass—7

Ought to Pass as Amended—16

Ought to Pass New Draft—8

Referred to Another

Committee—2

Divided Reports—8

Respectfully submitted,
S/RICHARD R. CHARETTE
Senate Chairman

Which was Read and Ordered Placed on File.

(Off Record Remarks)

Order

Joint Resolution

On motion of Senator PRAY of Penobscot, the following Joint Resolution (S. P. 588) (Co-sponsors: Senator COLLINS of Knox, Representative E. MITCHELL of Vassalboro and Representative L. HIGGINS of Scarborough)

Joint Resolution in Honor of Ronald H. Lord, Legislative Finance Officer State of Maine

WHEREAS, "governments, like clocks, go from the motion men give them. . ."; and

WHEREAS, Ronald H. Lord, of Hallowell, has been an intricate part of the state financial movement for the past 28 years; and

WHEREAS, during that time, he has faithfully discharged his duties and responsibilities in a cheerful, cooperative and professional manner; and

WHEREAS, the fiscal affairs of the Legislature have been in exceptionally good hands during Ron's long and dedicated tenure as the Legislative Finance Officer; now, therefore, be it

RESOLVED: That, We, the Members of the Senate and House of Representatives of the First Regular Session of the 111th Legislature of the great and sovereign State of Maine, now assembled, pause in our duties to pay this tribute to Ronald H. Lord, our trusted Legislative Finance Officer, upon his retirement from the

service of this State and express to him on behalf of the Legislature and the people of the State of Maine a full measure of appreciation for his many years of devoted service; and be it further

RESOLVED: As a signal mark of our affection for Ron and his lovely wife, Carolyn, that a suitable copy of this Joint Resolution be prepared and presented with warmest wishes for continued success in the future.

Which was Read.

The PRESIDENT: The Chair at this time is obviously extremely pleased to recognize in the rear of the Chamber Ron Lord who has been a very close friend and a hard worker and certainly one who has shared many moments of frustration with some of us who happen to serve on the Appropriations Committee years gone by. We're certainly extending to him our deepest congratulations, and obviously wish he were not retiring particularly at this session, but I know we extend our warmest greetings to you and hope you have the greatest success in the future Ron. And we, also, like to recognize his beloved wife Carolyn, his son Jeff, and mother and father, Roger and Arlene. The Chair would request they all please stand and accept the greetings of the Maine Senate. (Prolonged applause, the members rising)

Which was Adopted.

Sent down forthwith for concurrence.

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 Appropriating \$150,000 to Operate 6 Regional Emergency Medical Services Councils" (H. P. 695) (L. D. 884)

Ought to Pass in New Draft

The Committee on Taxation on BILL, "An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax" (H. P. 230) (L. D. 278) Reported that the same Ought to Pass in New Draft under same title (H. P. 1288) (L. D. 1708)

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 LD 1708 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.

Senate

Leave to Withdraw

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

BILL, "An Act to Prohibit Hospital Services Price Discrimination" (S. P. 210) (L. D. 631)

Ought to Pass as Amended

Senator SEWALL for the Committee on Labor on BILL, "An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons" (S. P. 563) (L. D. 1637) reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-160)

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-160) was Read and Adopted. The Bill, as Amended, Assigned for Second Reading later in today's session.

Senator BALDACCI for the Committee on

Public Utilities, on BILL, "An Act to Provide for Citizen Participation in the Decision to Construct any Nuclear Power Plant" (S. P. 513) (L. D. 1537) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-161)

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" (S-161) was Read and Adopted.

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

Senator BALDACCI: Thank you, Mr. President. Members of the Senate, the purpose of this Bill was to originally provide for citizen participation in the decision to construct any nuclear power plant. The amendment, the committee amendment simplifies the findings to focus on the economic issues. Bear with me for just two minutes to read into the Record, "the Supreme Court unanimously upheld California's 1976 moratorium on nuclear power plant construction until a method is established for the disposal of spent fuel. Justice White in a majority opinion stated that the Atomic Energy Act of 1954 gives exclusive domain to the Federal government for the regulation of safety aspects, but does not prohibit the states from regulating on the basis of economics, land use, or need for electricity. The court accepts the California's assertion that its moratorium was based on concerns that the lack of storage programs may result in unpredictable future reactor cost or shut downs." A number of other states including Maine have enacted similar laws. Thank you Mr. President.

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

Senator CHARETTE for the Committee on Legal Affairs on BILL, "An Act to Define Connection under the Liquor Laws" (S. P. 557) (L. D. 1623) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-162)

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-162) was Read and Adopted. The Bill, as Amended, Assigned for Second Reading later in today's session.

Ought to Pass in New Draft

Senator TRAFTON for the Committee on Judiciary on BILL, "An Act Relating to Penobscot Nation Trust Land Designation" (S. P. 82) (L. D. 193) Reported that the same Ought to Pass in New Draft under same title (S. P. 593) (L. D. 1713)

Which Report was Read and Accepted.

The Bill in New Draft Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1713 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time.

The Chair recognizes the Senator from Penobscot.

Senator PEARSON: Mr. President, Men and Women of the Senate, I'd like to address this bill just for a second if I could. I would like to tell you what this is all about from my perspective. When the Indian Land Claims Settlement Act was passed there was a certain amount of time in which they could buy land as was provided under the Settlement Act. Because of market conditions and being neophytes at the whole process of purchasing land and hiring consultants, inflation and one thing or another they were not able to purchase all the land that was agreed to at the time they should purchase. They are trying the very best they can to do things as logically and sensibly as they possibly can for themselves and for their posterity. With that thought in mind and wanting to move cautiously and carefully so their children and their childrens children will be able to

have good real estate, thoughtfully done, they've asked for an extension. The extension was submitted to the Indian Tribal Commission for their advice as was provided for in the settlement. They came back with the suggestion that the Indians be given a five year extension. The Governor's Office, downstairs, refused. They said two years. I thought about it a long long time and I really never reached the conclusion that there ought to be a time extension on it anyway. But that surely five years was not unreasonable. The Penobscots have found themselves in the situation again of being squeezed by the Governor's Office. There is no way for them to move. And so I guess they have to acquiesce to this particular bill. But I want you to know as I have pointed out to you two or three times this year that they have not been in my opinion dealt with fairly.

The Bill was Passed to be Engrossed.
Sent down for concurrence.

Enactors

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

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

An Act to Require the Payment of Prejudgment Interest at Prevailing Market Rates on all Judgments, Dating from the Time of Written Notice to the Defendant of the Cause of Action. (H. P. 1257) (L. D. 1670)

An Act to Amend the State Employees Labor Relations Act. (H. P. 1263) (L. D. 1673)

An Act Amending the Charter of the Telephone Workers Credit Union of Maine. (H. P. 1219) (L. D. 1626)

An Act Concerning Representation of Small Businesses Appearing on Small Claims Court. (S. P. 576) (L. D. 1655)

An Act to Change the Workers' Compensation Law with Respect to Asbestosis. (H. P. 1262) (L. D. 1672)

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

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

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

An Act to Establish a Program for Therapeutic Use of Marijuana. (S. P. 351) (L. D. 1025)

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

An Act to Clarify the Election Laws. (H. P. 197) (L. D. 241)

An Act Relating to the Funding of School Construction Projects. (H. P. 1144) (L. D. 1516)

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 Making Appropriations and Allocations for the Expenditures of State Government to Insure that Maine Courts are Accessible to the Handicapped. (H. P. 753) (L. D. 984)

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

An Act to Provide Funds to an Elderly Legal Services Program. (H. P. 373) (L. D. 456)

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

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)

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

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

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

An Act to Establish Advocacy Services for Special Education Students in Residential Placements. (H. P. 1127) (L. D. 1482)

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

Senator NAJARIAN: With regard to LD 1482 I move that this Bill be Indefinitely Postponed, the reason is that there is another bill LD 1265 which does the same thing only it does it better, and it is now in the engrossing stage. So that is the reason why I would like to have this Bill Indefinitely Postponed.

On motion by Senator Najarian of Cumberland, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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)

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

Senator TRAFTON: Mr. President, I move that the Senate Reconsider its action whereby LD 1657 was Passed to be Engrossed.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves that the Senate Reconsider its action whereby LD 1657 was Passed to be Engrossed.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President. If the Senator from Androscoggin, Senator Trafton, feels that this is the best way to put Amendment S-163 into operation I certainly am not going to stand in the way of it. I simply want to point out to the Senate and to the Senator from Androscoggin that the amendment that will be offered will have an appropriation figure of twenty-five hundred dollars on it. I have great fear that puts the original bill in jeopardy of Final Enactment. The original bill, itself, is my judgment a good measure. It is the result of, at least, 5 very strenuous sessions of the Judicial Committee, and although its accomplishment is modest it is an accomplishment, and one that could pass without any appropriation. I just ask that the Senate be aware of this and that the good Senator, also, be cognizant of the danger that might be created. I have no objection, at all, to the amendment as an item that might well pass, but I do have concern about what it does to the original Bill.

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

Senator TRAFTON: Thank you. I would like to thank the good Senator from Knox, Senator Collins, for raising his concern as to whether or not the Bill being amended might be jeopardized by the amendment. Let me say it's clearly not my intent to hamper the passage of L. D. 1657. L. D. 1657 "An Act to Provide that Joint Custody be Awarded when the Parents Agree to it in Child Custody Cases," was the product of many work sessions in the Joint Standing Committee on Judiciary. Another bill that was deemed to be a parallel bill with this L. D. has reached a snag down the other end of the hall, and it seemed to be the only way to move both bills along, by combining the two and putting the proposed study commission, which does in fact require appropriation of \$2500.00 as an amendment to the original bill.

I have the word of the leadership in the other body, that if in fact the Appropriation Committee sees the funding of this particular measure is not possible this particular amendment can be struck. In fact the Joint Standing Committee on Judiciary has as one of its top priorities an in-house committee study of this matter in the event that funding is not

possible. So that its my understanding that with the support of leadership this amendment will not jeopardize the original bill and I would urge you to support its passage and if it's necessary later to take this amendment off that will be done.

On motion by Senator Trafton of Androscoggin, the Senate voted to Reconsider its action whereby LD 1657 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator TRAFTON: Mr. President, I present an amendment and move its Adoption.

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

Senate Amendment "A" (S-163) was Read and Adopted.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I certainly have no objections to the amendment. I originally had intended to attempt to amend the final results of the Committee on Judiciary. First of all I want to commend what they did in their work session because they certainly did a great deal of work and put a great deal of time into this Bill and did come out with, as the Senator from Knox, Senator Collins said, a significant change in the statutes. The one thing that I was concerned about, that a group of constituents of mine seemed to be concerned about, was that in spite of things such as, the Equal Rights Amendment, and decisions of Maine Supreme Judicial Court, that it did not seem to be followed in all the courts of the State of Maine in divorce proceedings, that the man and the woman entered the court house door on an equal footing, as far as custody of the children was concerned. It is my belief that the Supreme Court of Maine has squarely said that is the case, but that is in fact I don't believe followed in all cases. It was my hope that I could amend this bill or at least have it included in some way a reaffirmation of that position put into this bill. Out of deference to the Committee and their hard work I agreed not to attempt not to amend the bill. So my only purpose in standing here today is to put my own personal understanding of the law into the Record in case some judge who is unsure of the law ever happens to check this particular section of the Legislative Record, which I admit is doubtful. But it is settled law in Maine that the man and women enter the court house on equal footing in terms of custody. And that is something that I would hope the Joint Standing Committee on Judiciary or whatever group decides to study this issue, over the summer would look at very carefully and in fact determine if some further reaffirmation in the statutes is needed. Thank you.

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

Senator TRAFTON: Thank you, Mr. President. There is no question that divorce and divorce law, and particularly child custody within divorces is one of the most pressing social issues in the State at this point in time. It's a complex issue, it's an issue which many people have different views, and many people have personal involvement. The purpose of this study proposed by this amendment with the filing number of S-163 is to study this issue and report back to the Legislature with recommendations to address some of the concerns that the good Senator from Aroostook, Senator Carpenter indicated. It's our hope that this study will be a productive study addressing the concerns he has, as well as, the other concerns that rest within this Legislature. Thank you.

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

Sent down for concurrence.

Emergency

An Act to Incorporate Bills Passed in the Se-

cond Regular Session of the 110th Legislature into Title 20-A (H. P. 1145) (L. D. 1517)

Emergency

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

These being emergency measures and having received the affirmative votes of 31 members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (S. P. 580) (L. D. 1676)

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 Finally Passed, 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:

An Act to Require the Wearing of Protective Headgear by All Motorcycle and Motor Driven Cycle Riders (H. P. 836) (L. D. 1072)

Tabled—May 27, 1983 by Senator CARPENTER of Aroostook.

Pending—Passage to be Enacted.

(In House May 26, 1983 Passed to be Enacted)

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I happened to be in the town of Richmond, yesterday, and spoke to several people about this piece of legislation. And one of the most significant points that came across was very simply, that you people in Augusta are infringing and over-regulating our lives as citizens. One gentleman went on to state further, "You trusted us at the polls in making a decision sending you to Augusta, then trust us that we are capable, as a people and as a society, to protect our own personal well-being insofar as riding motorcycles."

I looked over very closely the Committee of Conference Report that was placed by the Transportation Committee and its conferee's and one thing came to mind. In one particular part of the Committee of Conference it says, "every person who operates a motorcycle or motor driven cycle for a period of one year following successful completion of a motorcycle or motor driven cycle driving test shall wear protective headgear." This Ladies and Gentlemen of the Senate is going to be a nightmare for the enforcement people out there. They are going to be compelled to try to make a decision of who has been driving a motorcycle in excess of one year, and who have not, because everyone who drives motorcycles are not teenagers.

It is going to cause a lot of intimidation and embarrassment by the general public against law enforcement personnel, and God knows how much they face at the present time.

We are in a regulated, or I might say an over-regulated society. I think this is the first time in my seventeen years that I have ever witnessed so many pieces of legislation going through this Legislature that directly impacts our lifestyle and says that maybe as a society, or as a people in the State of Maine, we're not capable of making their own decisions.

When this Bill first came out I referred to, and I hold in my hand, a study of the repeal of the helmet law in the State of Wisconsin. The study was Wisconsin's Motorcycle Helmet Law a Before and After Study on Helmet Law Re-

peal. Not to rehash all the different points we have gone through previously, two points, I think should be in the Record relevant to this Bill. This report states after three years of documenting helmet usage and injury we are now able to statistically establish a trend relative to injury, severity of riders wearing helmets versus those who do not. Now bear in mind we are not advocating people not to wear helmets. That's been made very very clear. Fatal injuries to the head which may or may have not been the primary cause of death are still not based on physical documentation. Not based upon physical documentation! Often times with multiple trauma although a head injury may cause a fatality, massive injuries to the body would, also, result in a fatality if the head had not been injured at all.

Another point, and finally accidents and fatality rates based on motorcycle registrations are subject to many variables to be a reliable method of evaluating accident trends. Geographic location and temperature differences directly affect cycle operation and askew data. For example in 1979 Louisiana had one thousand sixty-five accidents per ten thousand registrations, where this report was compiled had two hundred fifty-five accidents. The difference being, the cycle season in Louisiana is virtually twelve months, while Wisconsin which is similar latitude as Maine has six or seven months of comfortable cycling.

The point we tried to stress in earlier debate is not mandation of helmets on people's heads by this Legislature, but by advocating and encouraging education. There's a lot of these accidents that are not primarily the fault of the motorcyclist, even though we proved and brought out clearly that many of the accidents, that happened in Maine last year, were not because they were wearing a helmet, but they were driving under the influence of liquor or drugs or high rates of speed, were the three primary causes in Maine.

What we're saying is allow the people who operate these vehicles, or motorcycles on a seasonal basis, in Maine, to make that decision themselves. If they feel comfortable and more secure by wearing that helmet and feel protected, then that's the freedom of choice they should have.

Mr. President and Members of the Senate ever since 1977 I voted for the repeal of the helmet law and statistically which we brought forth earlier in this Session proved that Maine's rate of fatalities has not increased. That should be documentation enough that people do not want to go out and injure themselves deliberately or purposely. Allow us as individuals in a society to have the freedom of choice to make our own decisions.

When the vote is taken Mr. President and Members of the Senate, I would simply like to have this on a Roll Call vote, and I would request a Roll Call. So basically I can vote against Enactment of this particular Bill.

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

Senator DIAMOND: Thank you, Mr. President, and Members of the Senate, I'll be very brief. This is a result of the Committee of Conference, in this end of the hall in the Maine State Senate we had supporters of this original idea, and the other end of the hall we had members who were violently opposed as you've heard the good Senator from Androscoggin, Senator Minkowsky, articulate this morning.

This was a unanimous Committee of Conference Report and it does three things. One, it requests that helmets be worn during the permit stage of one driving a motorcycle. Two, it requests that that same helmet be worn for the first year of driving after receiving your license. I would interject here and say that this is not going to be a nightmare. The Secretary of State Office has already indicated that he is going to simply put on the license the month that the license was issued. Enforcement is not

going to be a problem. That has all been worked out.

Also, the third thing that this Committee of Conference came up with in a unanimous report was that the Bureau of Safety would do a public awareness program, a public awareness for the people about wearing helmets the same thing that the good Senator talked about just minutes before.

So it is a good program. It is a good Bill, and we feel that it has been worked out that the contentment of those who were violently opposed to this Legislation. It is now unanimous. It has passed in the other Body, and I would hope that you would not vote against this because it has been worked on long and hard. I think that there has been no real issue raised this morning, not one new bit of information that would have anything to do with why this Committee of Conference shouldn't be adopted.

I would point out that the reasons that we choose to have one the first year, when one would wear a helmet, is because that is when people who all testified against this Bill and for, all agreed that that was when most of the accidents took place. During the first year. So that is why everyone on the Committee agreed that this was the way that it should be.

I would, also, add that I would hope that if any, anybody including the good Senator from Androscoggin, Senator Minkowsky he could have come to us we would have explained to him some of the things that he has already said this morning, which really are no longer pertinent.

I would ask for your support. Thank you.

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

Senator BUSTIN: Mr. President, Women and Men of the Senate, I couldn't resist standing up and expressing to you the opinion of my son, who I sent the amendment to, and ask him what he thought of it. He is completely pleased with it. If you'll remember I told you that he wasn't going to let me see my grandchild, if I voted for the helmet law. Now he says that this compromise is fine, he likes it and to go with it. Thank you.

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 Enactment of LD 1072.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Duremble, Emerson, Erwin, Gill, Hayes, Kany, Najarian, Pearson, Perkins, Pray, Teague, Traf-ton, Violette, Wood, The President-Gerard P. Conley.

NAY—Dow, Hichens, Minkowsky, Sewall, Shute, Twitchell, Usher.

ABSENT—McBreairty, Redmond.

A Roll Call was had.

24 Senators having voted in the affirmative and 7 Senators in the negative, with 2 Senators being absent, 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.

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

SENATE REPORTS—from the Committee on Legal Affairs on BILL, "An Act to Provide for

Licensing of Bottle Clubs" (S. P. 509) (L. D. 1535)

Majority Report—Ought to Pass in New Draft under New Title, BILL, "An Act to Provide for Local Option Voting on Bottle Clubs" (S. P. 584) (L. D. 1694)

Minority Report—Ought to Pass as Amended by Committee Amendment "A" (S-155)

Tabled—May 27, 1983 by Senator CARPENTER of Aroostook.

Pending—The motion of Senator CHAR-ETTE of Androscoggin to Accept the Majority Report.

(Roll Call Ordered)

On motion by Senator Pray of Penobscot, Re-tabled until later in today's session.

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

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

Order Joint Order

On motion of Senator PRAY of Penobscot, the following Joint Order: (S. P. 594)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill relating to the manner of approval of amendments to the Maine Indian Claims Settlement.

Which was Read and Passed.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Agriculture on BILL, "An Act to Improve the Functioning of the Maine Milk Commission" (S. P. 133) (L. D. 426)

Reported that the same Ought to Pass.

Signed:

Representatives:

SHERBURNE of Dexter
LOCKE of Sebec
PARENT of Benton
CROUSE of Washington
MICHAEL of Auburn
SMITH of Island Falls
ANDERSON of Stockholm

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

Signed:

Senators:

ERWIN of Oxford
WOOD of York
HICHENS of York

Representatives:

STOVER of West Bath
MCCOLLISTER of Canton

Which Reports were Read.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Mr. President is the Senate in possession of LD 1624?

The PRESIDENT: The Chair would respond in the affirmative.

An Act Concerning Volunteer Marine Patrol Officers (Emergency) (S. P. 558) (L. D. 1624) having been held at the request of the Senator.

On motion by Senator Twitchell of Oxford, the Senate voted to Reconsider its action whereby LD 1624 Failed of Passage to be Enacted.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, this is the item that we debated at some length the other day and both sides I think were fairly well aired.

I spoke to the Senator from Androscoggin, Senator Minkowsky, after the debate last week, and he indicated that it was very clearly not the position of the Department that they wished these volunteer officers to carry weapons, but if you look at the Bill, the Bill explicitly says that they may carry weapons. I am not sure whether or not the Department could then turn around and say well, we don't want you to carry weapons. The Bill explicitly, the last line I believe it is of the Bill I don't have it right here in front of me, says that they may be allowed to carry weapons. That is one of the major concerns that I had, and I think, concerns that did concern other people in this Chamber, and therefore that is the major reason that I will be voting against the Bill in its present form.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, for your edification, I had distributed this morning a position paper for the Volunteer Patrol Officers by the Department. Let me say that the small allocation of twenty-two hundred dollars for the Marine Patrol Officers was to cover three basic volunteers. No utilization of state vehicles but just to pay the mileage should they be in an area like in Zone one, for example, down through Saco, or the mid-coast section where they would be assisting full-time officers.

I have found, also, that the volunteers in some cases are deputy sheriffs who already are authorized to carry weapons.

The Department intends to have only three volunteer Marine Patrol Officers this particular season.

As the item states it was the Department's position to enforce Marine Reserve Laws only while under the direct supervision of a regular Marine Patrol Officer. Volunteers will have no other law enforcement responsibilities. I see no great concern raised by the good Senator from Aroostook, insofar, as having the mandatory or have it stated in the present bill that they "may" because their responsibility falls directly under the Commissioner of the Department of Marine Resources and it's to (I'm just trying to find the section, Mr. President, which dealt with the volunteer officers, insofar as carrying weapons or the Department's position insofar as that was concerned).

Mr. President I would hope that this particular Bill would be Enacted as an emergency measure, as it has already been used a number of years by Inland Fisheries and Wildlife, even though now they are going to paid officers compared to the volunteer program.

It gives people who are concerned with the environment, especially Marine Biology, and people who are involved in law enforcement along Maine's coast, additional experience and this is really all that this boils down to, additional experience that these people could obtain.

I would hope that the Senate would support the Enactment of this particular Bill this morning as an emergency measure.

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

Recess

After Recess

The Senate called to order by the President.

The PRESIDENT: The Chair would advise the Senate, that we are on An Act Concerning Volunteer Marine Patrol Officers (Emergency) (S. P. 558) (L. D. 1624) pending Enactment.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and

Members of the Senate, I don't think any further debate is absolutely essential on this particular Bill and right now, I'd like to move that the Rules be Suspended for the sake of Amendment.

The PRESIDENT: The Chair will have to inform the Senator that he's debated his motion to Suspend the Rules.

On motion by Senator Pray of Penobscot, the Senate voted to Suspend its Rules.

On motion by Senator Minkowsky of Androscoggin the Senate voted to Reconsider its action whereby LD 1624 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator MINKOWSKY: I offer Senate Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-164) was Read and Adopted.

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

(Off Record Remarks)

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

Committee Reports House Leave to Withdraw

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

BILL, "An Act to Transfer to the Department of Mental Health and Mental Retardation Certain Program and Function Authority and Services to the Mentally Retarded" (H. P. 1100) (L. D. 1451)

Ought to Pass

The Committee on Public Utilities on BILL, "An Act to Establish Time Limits for the Eminent Domain Procedures for Sanitary and Sewer Districts" (H. P. 1186) (L. D. 1582) 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.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1582 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 Public Utilities on BILL, "An Act to Permit Expedited Processing of Petitions for A Certificate of Public Convenience and Necessity" (Emergency) (H. P. 1253) (L. D. 1666) 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.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1666 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 Aging, Retirement and Veterans on BILL, "An Act to Recodify the State Military Laws" (H. P. 1199) (L. D. 1593)

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.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1593 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.

Ought to Pass as Amended

The Committee on Transportation on BILL, "An Act Relating to Motor Vehicle Inspection Stickers" (H. P. 49) (L. D. 54) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-306)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-306)

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-306) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 54 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 Transportation on BILL, "An Act to Modify Certain Rules of the Road to Conform with the Uniform Vehicle Code" (H. P. 811) (L. D. 1051) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-307).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-307).

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" (H-307) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1051 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 under New Title

The Committee on Judiciary on BILL, "An Act to Extend the Time for Acquiring those Areas which have been Designated Potential Passamaquoddy Indian Territory, and to Designate Certain other Areas as Potential Passamaquoddy Indian Territory" (H. P. 882) (L. D. 1136) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Extend the Time for Acquiring those Areas which have been Designated Potential Passamaquoddy Indian Territory" (H. P. 1291) (L. D. 1712)

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 LD 1712 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 State Government on BILL, "An Act to Establish Job Development and Entrepreneurial Training Funds Within the State Development Office" (H. P. 1229) (L. D. 1634) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Establish a Job Development Training Fund Within the State Development Office" (H. P. 1294) (L. D. 1715)

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 LD 1715 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

Six members of the Committee on Election Laws on BILL, "An Act to Make Voting Places more Accessible to the Elderly and Handicapped" (H. P. 728) (L. D. 937)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

PEARSON of Penobscot
USHER of Cumberland

Representatives:

ROBERTS of Buxton
WENTWORTH of Wells
SHERBURNE of Dexter
MICHAUD of East Millinocket

Five members of the same Committee on the same subject matter Reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "A" (H-298)

Signed:

Representatives:

NADEAU of Lewiston
PARADIS of Augusta
MARTIN of Brunswick
STEVENSON of Unity
CAHILL of Woolwich

One member of the same Committee on the same subject matter Reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment "B" (H-299)

Signed:

Representative:

HANDY of Lewiston

Comes from the House with Report "B" Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-298).

Which Reports were Read.

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

Senator PEARSON: Mr. President, I move Report "A" Ought Not to Pass.

The PRESIDENT: The Senator from Penobscot, Senator Pearson moves that the Senate Accept Report "A" Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate, while I respect the position of the majority of the Senators on this Committee Report from the Committee on Election Laws, I must express my reservations about the Majority Report, Ought Not to Pass.

In previous Legislative Sessions, I have been involved in similar pieces of legislation, making voting places accessible, not only to the handicapped but as incorporated in LD 937 adds, also, to the elderly of our State.

It would seem to me that it is one of those issues which has always been set aside as non-essential and usually the basis for that setting aside and inaction on the part of the Legislature is a simple economic issue, money, and the impact on local municipalities.

It is my understanding, even though I would if I had my druthers support Report "C", that Report "B" has been accepted by the other Body, and an additional Amendment has been added which clarifies only that part of the building set aside as the voting place must be accessible to disabled and elderly persons, and that only the accessible route standard of construction must be satisfied. It, also, expands the waiver provisions incorporated in the measure to the Secretary of State to those towns which satisfactorily demonstrate that the requirement to provide at least one accessible voting place in the town ought not to apply.

Now there has been a historical position on behalf of one town clerk or city clerk in the State of Maine who has historically, consistently, and traditionally, and all those other modifiers opposed this measure. It seems to me that sooner or later society as represented by the Legislators in our State Legislatures, namely Maine, would acknowledge that voting by absentee for those who would rather not but would rather do it themselves, is something that we in this last quarter of the twentieth century should make possible.

Perhaps it's my reflection of impatience that I stand and resist and urge you to reject the pending motion, and should that be rejected, to Accept Report "B" which affectively compromises a straight forward, yes, we're going to address the issue and we're going to address it within a time span that is perhaps more appropriate to the wishes of those who are not only elderly, but handicapped.

Sooner or later, we as a society and as representatives of society here in Augusta are going to say, "yes, it is appropriate that those who find themselves handicapped be allowed to vote not just by absentee ballot because for those who qualify as handicapped it's not good enough. You see, members of the Senate, they would rather do it themselves on site, like every other citizen can avail themselves of that very, very basic right of citizenship. No one really understands what it feels like to be handicapped until you are unable to open the door because a doorknob is the barrier, or you find yourself, perhaps even as has been cited during some more informal discussions on this measure, unable to make the scene, so to speak, to vote at the polls because you have to be carried in.

Sooner or later we're going to recognize, and I have a feeling that probably it will be later, but that doesn't diminish my hope or my anticipation, optimism, that handicapped people are people and they wish to be accorded all their rights, responsibilities and privileges of citizenship, and that my friends, also, includes voting. The least we can do is make accessible voting places for these people, who are not only elderly but handicapped, physically impaired for one reason or another, with the compromise measures aptly reflected in Report "B" with that in mind, I would urge you to reject the pending motion.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, there isn't any great deal of authorship or anything else in this for me. There isn't anybody, I don't think, in this Senate that isn't sympathetic with handicapped and elderly people. There isn't anybody in here in either of the Chambers who doesn't want everybody to vote that possibly can vote.

What happened in this Committee, and I might tell you that it's an interesting kind of a Committee. We haven't had any report this year that's been divided by partisan party lines

that I can recall. What happened in the Committee was that we looked at this Bill for quite some time and we found two major problems with the Bill.

One of those problems that stood out over the others and that was this: The Bill calls for one voting place in every town that is accessible to the handicapped. If those of you who come from the cities of this State will bear in mind what your rural towns are like; there are a great many towns in Maine where to have one place that is accessible to all types of handicaps would be a financial impossibility for them. I cite one of my towns that, actually it's a plantation, has seven people, there is no electricity and the people in that town vote in somebody's home. There are a number of people in the state who have towns that are similar to that. So consequently, I came to the conclusion that I don't want to be painted as foe of people who are handicapped, but I came to the conclusion that with the provisions that we have on the absentee ballots now, and the willingness on almost every town clerk's part of going out to the car and get into the building because of stairs or whatever, that we are adequately covered. After all, absentee ballots were created for that type of individual. I think it is mandatory that we try and have our voting places located in places that are accessible to the handicapped, so that wheelchairs can be rolled in. There is no question about that, but a good many of the school buildings of this State that are where people vote are school buildings that were built with stairs and steps to get up to them and that is an unnecessary expense. It occurred to me that while we were doing this that those people, who advance the causes of the handicapped who really ought to look for another place and not use our chips upon something that occurs once every two years that can be handled by an absentee ballot.

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 Penobscot, Senator Pearson to Accept Report "A", the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion to Accept Report "A", the Majority Ought Not to Pass Report of the Committee in non-concurrence prevailed.

Sent down for concurrence.

Senate

Leave to Withdraw

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

BILL, "An Act Relating to Major Policy-influencing Positions in Certain Regulatory and Law Enforcement Agencies" (S. P. 530) (L. D. 1553)

BILL, "An Act to Increase Public Disclosure and Accountability with Respect to Review of Hospital Budgets, to Initiate a Prospective Payment System for Medicaid, to Analyze and Approve Appropriate Payor Differentials, and to Extend the Sunset Provisions of the Health Facilities Information Disclosure Act and for Other Purposes" (Emergency) (S. P. 382) (L. D. 1174)

BILL, "An Act Relating to the Laying Out, Altering, Discontinuing, Maintaining and Repairing of Roads and Bridges in Unorganized Territories" (S. P. 70) (L. D. 176)

BILL, "An Act to Permit the Location of Manufactured Housing on Lots Zoned for Single-family Residential Use" (S. P. 89) (L. D. 220)

BILL, "An Act Requiring Municipalities to Make Reasonable Provision for all Public and Private Housing Alternatives" (S. P. 91) (L. D.

222)

BILL, "An Act to Permit Mobile Home Parks in Maine Towns" (S. P. 90) (L. D. 221)

Second Readers

Senate as Amended

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

BILL, "An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons" (S. P. 563) (L. D. 1637)

BILL, "An Act to Provide for Citizen Participation in the Decision to Construct any Nuclear Power Plant" (S. P. 513) (L. D. 1537)

BILL, "An Act to Define Connection under the Liquor Laws" (S. P. 557) (L. D. 1623)

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

Sent down for concurrence.

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

Paper from the House

Joint Resolution

The Following Joint Resolution: (H. P. 1292)

JOINT RESOLUTION RECOGNIZING VIETNAM VETERANS

WHEREAS, the Vietnam veterans of our Armed Forces have served the United States of America and the State of Maine with distinction; and

WHEREAS, the Vietnam veterans deserve the highest honors and deepest gratitude of the citizens of this Nation and this State; and

WHEREAS, the Vietnam veterans have at times not received appropriate recognition for their service; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the First Regular Session of the 111th Legislature, now assembled, recognize the Vietnam veterans for their distinguished service, dedication and contributions under adverse conditions to this Nation and State; and be it further

RESOLVED: That this Legislature respectfully requests the Governor to issue a Proclamation establishing an appropriate day in 1983 as Vietnam Veterans Recognition Day; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph E. Brennan, the headquarters of each veterans post and the headquarters of all military organizations and installations in the State.

Comes from the House, Read and Adopted.

Which was Read.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, just a couple of brief comments before this Joint Resolution is passed.

Yesterday was Memorial Day and this passed weekend was Memorial Day weekend, and I would sincerely hope, regardless of what your feelings or individual feelings may have been on the Vietnam conflict or wars in general, they are a part of our history and a lot of good people have given of themselves, given of their lives, and given of themselves in various wars that this country has been involved in people in this Chamber and in the other Body were involved in the Vietnam conflict, the Korean conflict, World War II, and I would hope that some point during this week, as is appropriate, you would pause in your own way and remember and reflect and perhaps say a prayer that never again in the future would American men and women have to face this kind of conflict. I would just hope that you would stop and do that in your own mind. Thank you.

Which was Adopted, in concurrence.

Senator Pray of Penobscot was granted un-

animous consent to address the Senate, Off the Record.

(Off Record Remarks)

Communication

The Following Communication:

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

May 31, 1983

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

The House voted today to Adhere to its former action whereby it Failed to Enact An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983 (Emergency) (H. P. 810) (L. D. 1050)

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

Which was Read.

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

Senator DANTON: Mr. President, I request the unanimous consent to address the Senate on the Record.

The PRESIDENT: The Chair would state that the Senator is speaking to the communication and that he does not need unanimous consent.

Senator DANTON: Thank you, Mr. President. Mr. President and Members of the Senate, playing partisan politics really isn't my style. I'm a Democrat and glad of it, when my party needs me to vote with them, I usually do, but you know, today, before us with this communication we're in a partisan squabble that's really going to take and cause us a lot of problems.

The Supplemental Highway Allocation Bill is the Bill that we needed to get the block grants out. In fact, we had to pay by June 1 1983, two million, eight hundred, sixty-four thousand dollars. There was three hundred, fifty thousand dollars short. We needed this money, so we could take and balance out for the year. Not having this Bill now, puts us into a predicament because we have to take and pay some of the bonds that we owe. Now, what do we do? Do we take and prorate what we're going to send out to the communities that have taken and made arrangements for different projects. That, I don't think is going to happen.

The recent highway legislation that we passed increasing the gas tax by a nickle finally restored some faith in our system, in our highway system and the assistance that we were going to give cities and towns. Now, needless to tell you we're in a partisan battle for whatever the reason is, I don't know; it certainly wasn't brought to my attention as the Chairman of the Transportation Committee.

I would hope that it doesn't fall on deaf ears; I would hope that we could try and do something to correct this situation because we finally have got ourselves in a position where we can have a meaningful highway program. If we're going to play party politics let's not play party politics with a highway program that we haven't had in the State of Maine for the last twelve years. We finally have a program going; we finally have a bridge program going; we're finally going to take and send monies back to the cities and towns through the block grant system, so let's get on with our work. I'm sure that there are other issues that are coming down that we can play all of the party politics that we want to play. Let's not play party politics with our highway program. Thank you.

Which was Ordered Placed on File.

Enactors

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

An Act Providing Uniformity, Conformity

with the Maine Administrative Procedure Act and Compliance with Court Decisions of the Statutes of Licensing Boards within the Department of Business Regulation (S. P. 495) (L. D. 1502)

An Act Relating to Bail Commissioners. (H. P. 701) (L. D. 890)

An Act to Ban Metal-piercing Ammunition. (H. P. 1245) (L. D. 1659)

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 Provide a Comprehensive Marketing Program for Maine Agricultural Products. (S. P. 545) (L. D. 1590)

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

An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine. (H. P. 1266) (L. D. 1677)

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

RESOLVE, Providing for Collection of Data and Promulgation of Rules Concerning Occupational Safeguards for Operators of Video Display Terminals. (H. P. 1265) (L. D. 1675)

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

Senator COLLINS: I request 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 the Enactment of L. D. 1675.

A Yes vote will be in favor of the Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Dow, Dutremble, Hayes, Kany, Najarian, Perkins, Pray, Shute, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Charette, Clark, Collins, Danton, Diamond, Emerson, Gill, McBreairey, Minkowsky, Pearson, Sewall, Teague, Trafton.

ABSENT—Erwin, Hichens, Redmond.

A Roll Call was had.

17 Senators having voted in the affirmative and 13 Senators in the negative, with 3 Senators being absent, the Resolve was Finally Passed, 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:

SENATE REPORTS—from the Committee on Legal Affairs on BILL, "An Act to Provide for Licensing of Bottle Clubs" (S. P. 509) (L. D. 1535)

Majority Report — Ought to Pass in New Draft under New Title, BILL, "An Act to Provide for Local Option Voting on Bottle Clubs" (S. P. 584) (L. D. 1694)

Minority Report — Ought to Pass as Amended by Committee Amendment "A" (S-155)

Tabled — May 31, 1983 by Senator PRAY of Penobscot

Pending — The motion of Senator CHARLETTE of Androscoggin to Accept the Majority Report (Roll Call Ordered)

On motion by Senator Carpenter of Aroostook, Retabled for 1 Legislative Day.

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