

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

INDEX

FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

INDEX

FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

INDEX

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

INDEX

STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Augusta, Maine
March 13, 1984
Senate called to Order by the President.

Prayer by the Reverend Armand Bill of St. Bridget's Catholic Church of Vassalboro.

REVEREND BILL: Let us pray. O Lord, we know You love us and want us to become the wonderful person You created us to be. Help us to realize that we cannot do anything good without Your help.

O God, guide us in our deliberations to better serve the needs of the people who depend so much on us. Give us the strength to be unselfish and to become good servants of the people that are Legislated.

As people struggle through their difficulties: lack of work, family problems, health problems and others, help us to be good servants in their dire need. We humbly ask this through Christ, our Lord. Amen.

Reading of the Journal of Yesterday.

(Off Record Remarks)

PAPERS FROM THE HOUSE Non-concurrent Matter

Bill, "An Act to Amend Certain Rules of the Emergency Medical Services" S. P. 709 L. D. 1955

In Senate February 28, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290) AS AMENDED BY HOUSE AMENDMENT "A" (H-491) thereto in NON-CONCURRENCE.

On motion by Senator CARPENTER of Aroostook TABLED until later in today's session, pending FURTHER CONSIDERATION.

House Papers

Bill, "An Act Concerning the Citizens' Civil Emergency Commission" (Emergency) H. P. 1679 L. D. 2217

Committee on STATE GOVERNMENT suggested.

Comes from the House Under Suspension of the Rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that the bill be given its First Reading at this time without reference to committee?

It is a vote.

Under suspension of the Rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED, in concurrence.

Sent forthwith to the Engrossing Department.

SENATE PAPERS

Bill, "An Act Relating to Alcohol-related Birth Defects" S. P. 830

Presented by Senator BUSTIN of Kennebec. Cosponsors: Senator GILL of Cumberland, Representative DIAMOND of Bangor, Representative MASTERMAN of Milo.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Which was referred to the Joint Select Committee on ALCOHOLISM SERVICES and ORDERED PRINTED.

Sent down for concurrence.

ORDERS

On motion by Senator BALDACCI of Penobscot, the following Senate Order:

Ordered, that Senate Rule 23 be amended to

read:

23. Once the Secretary of the Senate commences with the roll call, all Senators shall remain seated until the vote has been announced. When the yeas and nays are taken, the names of the Senators shall be called alphabetically.

Which was READ.

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

SENATOR COLLINS: Mr. President, I'd pose a question through the Chair with respect to this change in rules.

Sometimes when we have a roll call, it is now the practice to continue the ringing of the bell through the roll call, but other times the bell has stopped at the beginning or part way through the roll call. This practice varies from time to time.

On one occasion when I was out of the Chamber, I heard the bell ring and I came to enter the Chamber so as to be able to respond to the roll call and when I came to the door I was denied entry because the security rules apparently were to keep the doors closed. I have some problem with that because I think that there are a number of times when Senators will not always be in their seats when the bell begins and they would be coming in after the order to secure the Chamber has been made. I understand the purpose of the rule, I support in general the idea of keeping decorum and order in the Chamber. I would feel that, probably, we could do that with a little admonition from the Chair as well as we could by expanding the rules.

My question is really, if we remain seated, does that forbid the Senators from coming into the Chamber and taking their seats?

THE PRESIDENT: The Chair would respond that any Senator who is absent from the Chamber at the time that a roll call has been ordered, the purpose for the bell ringing, obviously, is to signal any Senator within the hearing distance of the bell to report to the Chamber immediately to vote.

The Chair would apologize for not knowing that Senators had been denied entrance to the Chamber. It has never been the practice and it certainly should not be the practice and it has not been the intent of the Chair to deny the admission of any Senator to be able to come in here and fulfill their duties to respond to a roll call.

Which was PASSED.

COMMITTEE REPORTS

House

Leave to Withdraw

The following LEAVE TO WITHDRAW reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Amend the Electric Rate Reform Act Regarding Electric Utility Financing or Subsidization of Capital Improvements Undertaken by Ratepayers" H. P. 1438 L. D. 1883

Bill "An Act Designating Certain Highways as State Highways" H. P. 1386 L. D. 1811

Bill "An Act Relating to Retirement Compensation for Judges" H. P. 1428 L. D. 1873

Resolve, to Provide a Retirement Benefit to Mrs. Bernice B. Martel of Sanford. H. P. 1568 L. D. 2078

Ought to Pass

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Amend the Medical Radiation Health and Safety Act" H. P. 1567 L. D. 2076

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 Bill ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1984. (Emergency) H. P. 1676 L. D. 2205

Reported that the same Ought to Pass Pursuant to Joint Order (H. P. 1572).

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.

The Resolve ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass in New Draft

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" H. P. 1491 L. D. 1966

Reported that the same Ought to Pass in New Draft under same title: H. P. 1665 L. D. 2197

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS Amended by House Amendment "A" (H-512).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-512) was READ and ADOPTED.

The Bill, as Amended, in NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act to Provide for Competitive Equality Between Financial Entities" H. P. 1461 L. D. 1913

Reported that the same Ought Not to Pass.

Signed:

Senators:

SEWALL of Lincoln
CLARK of Cumerland

Representatives:

TELOW of Lewiston
CONARY of Oakland
RACINE of Biddeford
MacBRIDE of Presque Isle
MARTIN of Van Buren

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title: H. P. 1677 L. D. 2206

Signed:

Senators:

CHARETTE of Androscoggin

Representatives:

BRANNIGAN of Portland
MURRAY of Bangor
STEVENS of Bangor
POULIOT of Lewiston
PERKINS of Brooksville

Comes from the House with the Reports READ and Bill and accompanying papers RECOMMITTED to the Committee on BUSINESS LEGISLATION.

Which Reports were READ.

On motion by Senator PRAY of Penobscot RECOMMITTED to the Committee on BUSINESS LEGISLATION, in concurrence.

Senate

Divided Report

The Majority of the Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act Concerning Terms of Office of Certain County Commissioners Whose Districts are Affected by Reapportionment" S. P. 715 L. D. 1961

Reported that the same Ought to Pass in New Draft under same title: (Emergency) S. P. 831 L. D. 2222

Signed:

Senators:

TWITCHELL of Oxford
ERWIN of Oxford
SHUTE of Waldo

Representatives:

DAGGETT of Manchester
CURTIS of Waldoboro
WENTWORTH of Wells
BROWN of Gorham
ROBERTS of Buxton
McHENRY of Madawaska
BOST of Orono
INGRAHAM of Houlton

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

Signed:

Representatives:

ROTONDI of Athens
WALKER of Skowhegan

Which Reports were READ.

The Majority OUGHT TO PASS in NEW DRAFT Report was ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

SECOND READERS

The Committee on BILLS IN THE SECOND READING reported the following:

House

Bill "An Act Amending the Laws Relating to the Finance Authority of Maine Concerning Eligibility of Small Business for Financing" H. P. 1661 L. D. 2194

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act Relating to Conveyance of Rolled Bales of Hay" H. P. 1556 L. D. 2057 (C. "A" H-505)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Bill "An Act Relating to Funding of Stoneham Schools for 1984-85" S. P. 826 L. D. 2212

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

Resolve

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory. H. P. 1442 L. D. 1887 (C. "A" H-488)

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

ORDERS OF THE DAY

The President laid before the Senate:

Emergency

AN ACT to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Statiums. S. P. 752 L. D. 2055 (S. "A" S-287)

Tabled—March 12, 1984 by Senator CARPENTER of Aroostook.

Pending—MOTION of Senator BALDACCI of Penobscot to RECONSIDER WHEREBY BILL FAILED OF ENACTMENT.

(In House March 5, 1984 FAILED OF ENACTMENT)

(In Senate March 8, 1984 FAILED OF ENACTMENT)

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

SENATOR COLLINS: I request a Division on the pending motion.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of RECONSIDERATION, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion to RECONSIDER PREVAILED.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACCI: Mr. President, I would like to move that the rules be suspended for the purposes of Reconsideration whereby this Bill was Passed to be Engrossed.

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

SENATOR COLLINS: Parliamentary inquiry, Mr. President, on our previous vote was the requirement a two-thirds or a majority vote?

THE PRESIDENT: The Chair would respond it would be a two-third's vote.

SENATOR COLLINS: The previous vote, Mr. President?

THE PRESIDENT: To reconsider would be a majority, to Reconsider whereby it Failed of Enactment. To Enact it would take two-third's vote.

The Senator from Penobscot, Senator Baldacci, has moved that the Rules be Suspended for the purpose of Reconsideration.

The Chair recognizes the Senator from York, Senator Hichens.

SENATOR HICHENS: I ask for a Division.

THE PRESIDENT: The Chair would state that it would take two-third's vote for the purpose of Suspending the Rules.

A Division has been requested.

Will all those Senators in favor of SUSPENDING THE RULES, please rise and remain standing until counted.

Will all those Senators opposed, please rise in their places and remain standing until counted.

21 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion to SUSPEND THE RULES PREVAILED.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACCI: Mr. President, I would like to move that the Rules be Suspended to Reconsider Adoption whereby the Senate had approved the Adoption of Senate Amendment "A".

THE PRESIDENT: The Chair would state that the motion before the Senate at this time would be the motion to Reconsider whereby this Bill had been Passed to be Engrossed. The rules have been suspended for the purpose now the vote would be for the purpose of Reconsideration whereby the Bill had been Passed to be Engrossed.

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I would request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of RECONSIDERATION where this Bill was PASSED TO BE ENGROSSED, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion to RECONSIDER whereby this Bill was PASSED TO BE ENGROSSED, PREVAILED.

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

SENATOR BALDACCI: Mr. President, would it be in order to Reconsider whereby the Senate had adopted Senate Amendment "A"? Would that be in order parliamentarily Mr. President?

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci, now moves that the Rules be Suspended for the purpose of Reconsideration of the Adoption of Senate Amend-

ment "A".

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the FURTHER SUSPENSION OF THE RULES, please rise and remain standing in their places until counted.

Will all those Senators opposed, please rise and remain standing until counted.

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion to FURTHER SUSPEND THE RULES FAILED.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending PASSAGE TO BE ENGROSSED, as Amended.

On motion by Senator PRAY of Penobscot, the Senate RECONSIDERED its action of March 12, 1984 whereby it RECEDED AND CONCURRED with the House on:

Bill "An Act to Amend the Charter of the Jackman Sewer District to Clarify the Limit on Indebtedness and to Clarify Certain Other Language in the Charter" (Emergency) S. P. 681 L. D. 1859

(In Senate March 6, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298).)

(In House March 9, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298) AND HOUSE AMENDMENT "A" (H-502), in NON-CONCURRENCE.)

(In Senate March 12, 1984 RECEDED AND CONCURRED.)

THE PRESIDENT: The Senator has the floor.

SENATOR PRAY: Mr. President, Ladies and Gentlemen of the Senate, it came to our attention, late yesterday, that when we Receded and Concurred with the House that the amendments contradicted each other. To be able to correct this situation the easiest way to do this would be now to defeat the pending motion (which would be receding and concurring) which would put us in non-concurrence with the House, and at that point the House can Recede and Concur with the Senate, and we'll have this problem solved.

I would ask for a Division on the motion to Recede and Concur.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of RECEDING AND CONCURRENCE with the House, please rise and remain standing until counted.

Will all those opposed, please rise and remain standing until counted.

No Senators having voted in the affirmative and 32 Senators having voted in the negative, the motion to RECEDE AND CONCUR FAILED.

On motion of Senator PRAY of Penobscot, the Senate voted to ADHERE.

(Off Record Remarks)

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

On motion of Senator CARPENTER of Aroostook,

ADJOURNED until 4 o'clock this afternoon.

RECESS

AFTER RECESS

The Senate called to order by the President. Senator CARPENTER of Aroostook was granted unanimous consent to address the Senate, Off the Record.

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

On motion by Senator CARPENTER of Aroostook,

RECESSED until the sound of the Bell.

**RECESS
AFTER RECESS**

The Senate called to order by the President.

Out of order and under suspension of the rules, the Senate voted to consider the following:

**PAPERS FROM THE HOUSE
House Papers**

Bill "An Act Concerning the Issuance of Bonds by Lincoln County" (Emergency) H. P. 1707

Committee on LOCAL AND COUNTY GOVERNMENT suggested.

Comes from the House Under Suspension of the Rules READ TWICE AND PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE and ORDERED PRINTED.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the Rules that the Bill be given its First Reading at this time without reference to Committee?

It is a vote.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to Committee and ORDERED PRINTED, in concurrence.

Out of order and under suspension of the Rules, the Senate voted to consider the following:

**PAPERS FROM THE HOUSE
Non-concurrent Matter**

Bill "An Act to Amend the Charter of the Van Buren Light and Power District" (Emergency) H. P. 1562 L. D. 2064

In Senate March 5, 1984, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-509) in non-concurrence.

THE PRESIDENT: Is it the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

STUDY REPORTS

Committee on EDUCATION

Report of the Committee on EDUCATION to which was referred by the Legislative Council the Study Relative to the report by NBHE; "Threat to Excellence" have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Higher Education" (H. P. 1684) (L. D. 2221) be referred to the Joint Standing Committee on EDUCATION for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on EDUCATION and ORDERED PRINTED pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED in concurrence.

The Bill referred to the Committee on EDUCATION and ORDERED PRINTED pursuant to Joint Rule 19, in concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

The following LEAVE TO WITHDRAW reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Create the Independent Office of Hearing Examiners" H. P. 1437 L. D. 1882

Bill "An Act to Authorize Approval by the Governor of Levels of Compensation for Independent Agencies" H. P. 1495 L. D. 1970

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Title to Certain Land in Grand Falls to the Grand Falls Historical Society. H. P. 1611 L. D. 2133

Bill "An Act Concerning Charges for Copies for Personal Hospital Records" H. P. 1416 L. D. 1862

Bill "An Act to Establish a Maine Labor Relations Law" H. P. 1385 L. D. 1810

Bill "An Act to Exempt Small Telephone Companies from Rate Regulations by the Public Utilities Commission" H. P. 1511 L. D. 1986

Ought to Pass

The Committee on TRANSPORTATION on Bill "An Act Concerning the Stopping of Trucks at Roadside Weighing Points" H. P. 1475 L. D. 1936

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 now the pleasure of the Senate that under suspension of the Rules, that the Bill be given its Second Reading at this time 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 TAXATION on Bill "An Act to Exempt Nonprofit Emergency Feeding Organizations from the Sales Tax" H. P. 1591 L. D. 2101

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 now the pleasure of the Senate that under suspension of the Rules that the bill be given its Second Reading at this time 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 TRANSPORTATION on Bill "An Act to Require All Drivers Under the Age of 20 Years to Complete an Approved Defensive Driving Course" H. P. 1582 L. D. 2096

Reported that the same Ought Not to Pass.

Signed:

Representatives:

STROUT of Corinth
MOHOLLAND of Princeton
MACOMBER of South Portland
CARROLL of Limerick
McPHERSON of Eliot
CAHILL of Woolwich
CALLAHAN of Mechanic Falls
THERIAULT of Fort Kent

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

Signed:

Senators:

DIAMOND of Cumberland
DANTON of York
EMERSON of Penobscot

Representatives:

REEVES of Pittston
NADEAU of Lewiston

Comes from the House, with the Majority Ought Not to Pass Report READ and ACCEPTED.

Which Reports were READ.

The Minority OUGHT TO PASS Report was ACCEPTED in NON-CONCURRENCE.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on ENERGY

AND NATURAL RESOURCES on Bill "An Act Concerning the Open Burning of Leaves and Brush" H. P. 1422 L. D. 1867

Reported that the same Ought to Pass in New Draft under same title. H. P. 1625 L. D. 2142

Signed:

Senators:

KANY of Kennebec
PEARSON of Penobscot

Representatives:

HALL of Sangerville
JACQUES of Waterville
McGOWAN of Pittsfield
KIESMAN of Fryeburg
MITCHELL of Freeport
BROWN of Livermore Falls
MICHAUD of Millinocket
MICHAEL of Auburn

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

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

RIDLEY of Shapleigh
DEXTER of Kingfield

Comes from the House with the Minority Ought to Pass Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-508).

Which Reports were READ.

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

SENATOR McBREAIRTY: Mr. President and Honorable Members of the House, the Senate, I would hope that you did not adopt the Majority Report so that we could adopt the Minority Report.

This Bill deals with the burning of leaves and a few other small items. Presently all towns can burn leaves with the exception of the towns who have municipal trash pick-up and that's about thirty odd towns in the State.

Now, there is a drastic difference between the Majority and Minority Report. If you adopt the Majority Report, no towns can burn unless they pass an ordinance saying they can. Now, I think this would be a lot of, create a lot of problems for many small towns that don't have planning boards. If we adopt the Minority Report, all towns can burn unless they pass an ordinance saying they cannot. So, your bigger towns that have planning boards, if they don't want to burn there be no problem, they can just pass an ordinance against it. Thank you.

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

SENATOR KANY: Mr. President and Members of the Senate, it's absolutely true that both reports would allow homerule. Really, would allow local control by the municipalities.

It is, also, absolutely true that Maine is out of compliance with the Clean Air Act, and you're all probably familiar with that. We have laws on our statutes which allow open burning at dumps for towns less than one thousand and that has not been accepted for compliance with the Clean Air Act, the Federal Act. We, also, have allowed some open burning of leaves and that is, also, out of compliance with the Clean Air Act. We, also, have some factories that are polluting and we are not in compliance there.

It has often been said that we could find ourselves in a situation where the Federal Government could decide to come in and close down some of our factories, because of our non-compliance here. Yet here, we in Maine, often complain because the Federal Government does not do enough to suit us when it comes to cleaning up hazardous waste and so on.

So our Committee in reviewing this situation on the open burning of leaves, realizing that Maine people like to make that decision themselves: that ordinarily within a congested part

of a town within a congested part of a municipality they might wish to prohibit the burning of leaves; and yet in the vast areas and outside of the congested area of the town probably open burning of leaves would not be any problem as far as the particulates that would be spread throughout the area; consequently, what we did was devise what we thought was law which would reflect Maine's values, giving local control really. Not prohibiting burning of leaves any place in the unorganized territories at all, but prohibiting it in town unless a town decided by ordinance to choose to allow it; either in the entire town or in the congested part. At the same time, after conferring with the people from the EPA, we do believe that this law would then allow us to be in compliance on this issue under the Clean Air Act.

I hope that you do go along with it. I think that if we want to have waters cleaned up, if we want to make certain our hazardous waste dumps are cleaned up, and we're asking the EPA to do that, then we should attempt to have law that does not keep us in non-compliance with the Clean Air Act.

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

SENATOR McBREAIRTY: Mr. President, Honorable Members of the Senate, regardless of which Bill we pass, if you want to burn your leaves in your stove you still can. You can burn them in your stove, you can have a fireplace in your back yard, you can have cookouts all summer, you can burn charcoal.

My problem is forcing all these little towns where there's absolutely no problem and houses are a mile apart to go through the problem of having a town meeting to pass an ordinance saying they can burn. What will happen in most cases, they may not even know about the law and they'll be illegally burning anyway.

Now we did have a lady from EPA before the Committee and she said, they didn't have any intent of outlawing the burning of leaves. Passage of a bill to prohibit burning of leaves is a very, very low priority as far as DEP is concerned.

So I would hope that we would adopt the Minority Report then any town that doesn't want burning can pass an ordinance and prevent it for all of their town or one section of their town or their built-up section, which ever they want to do.

THE PRESIDENT: Is it now the pleasure of the Senate to Accept the Majority Ought to Pass in New Draft under same title Report of the Committee?

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR McBREAIRTY: I would ask for a Roll Call.

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

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

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

The pending question before the Senate is the ACCEPTANCE of the Majority Ought to Pass in New Draft under same title Report of the Committee.

A Yes will be in favor of Accepting the Ought to Pass in New Draft Report of the Committee.

A No will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS—Senators, Baldacci, Carpenter, Charrette, Clark, Danton, Diamond, Hichens, Kany, Najarian, Pearson, Pray, Trafton, Wood, The President—Gerard P. Conley.

NAYS—Senators, Brown, Bustin, Collins, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, McBreairty, Perkins, Redmond, Sewall, Shute,

Teague, Twitchell, Usher.

ABSENT—Senators, Minkowsky, Violette.

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the motion to ACCEPT the Majority OUGHT TO PASS in NEW DRAFT Report of the Committee FAILED.

The Minority OUGHT TO PASS Report was ACCEPTED in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-508) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

AN ACT Concerning the Use or Disposition of Fort Gorges in Casco Bay. H. P. 1520 L. D. 2002 (S. "B" S-294)

AN ACT Concerning Municipal Snowmobile Registration. H. P. 687 L. D. 1894

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency

AN ACT Providing for the Termination of Stale or Abandoned Securities Registrations. H. P. 1634 L. D. 2157

This being an emergency measure and having received the affirmative vote of 32 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 presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Establishing a Food Policy for Maine. H. P. 1541 L. D. 2028

This being an emergency measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate voted to consider the following:

SENATE PAPERS

Bill "An Act Encouraging an Alternative to Landfill Disposal of Solid Waste" S. P. 833

Presented by Senator KANY of Kennebec.

Cosponsors: Representative CARTER of Winslow, Representative JOSEPH of Waterville, Representative Z. MATTHEWS of Winslow.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide Immunity to Persons and Institutions who Act as Depositories for Wills" S. P. 834

Presented by Senator COLLINS of Knox.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Increase the Minimum Wage to \$3.55" S. P. 835

Presented by Senator CONLEY of Cumberland.

Cosponsors: Representative CONNOLLY of Portland, Representative KELLEHER of Bangor, Senator HAYES of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule

27.

Committee on LABOR suggested.

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

SENATOR COLLINS: Mr. President, I wish to draw the attention of the Chair to certain infirmities in this Bill which I think would be sufficient to warrant a ruling that it were not properly before this Body. The first thing that I observed is that on June 15, 1983, this Body had before it L. D. 1138, a Bill entitled "AN ACT to Increase the Minimum Wage." On that date, that bill was finally rejected in this Body.

The Constitution of our State was amended in 1975, at which time we established the rules for two legislative sessions in each biennium, whereas before that there had been one session and various special sessions. The debate which occurred on July 2, 1975, dealt with some of the material that I am concerned about today, and if anyone should be interested in the historical research, I would invite their attention to the Legislative Record of that date, and particularly to the remarks of the Senator from Androscoggin, Senator Clifford, who was a member of the special committee that devised the Constitutional Amendment which we adopted and which the people of our State went on to ratify. The section involved is this: that in the Second Regular Session there may be admitted "Legislation of an emergency nature admitted by the Legislature."

We all recognize, I'm sure, that the word "emergency" has different meanings to different people. We view urgency according to our respective perspectives, but if the word is to mean anything, it has to have some context of urgency. We sit in our ten member Legislative Council representing both Bodies of this Legislature and make decisions time after time about what is urgent and what is not urgent. We ask the question, and I have heard the Senator from Aroostook, Senator Carpenter, ask it a hundred times, "what is there about this bill that makes us deal with it now rather than next year?" The answers are many and varied, but I submit that this is a bill that we dealt with last June the 15th. There has not been a change in the minimum wage for some years, although the matter has been considered in each session of the Legislature that I have been here. So, this question of "emergency," is one that the Chair, I would ask, might construe in this particular context.

Now sometimes when we have a bill come before us, there is an elaborate preamble which recites a great many facts that are designed to lay the base for a decision that something is an emergency. This Bill as submitted, contains no recitation of any facts whatsoever, that would constitute an emergency. It does not contain any emergency clause that would put it into affect upon enactment and signature by the Governor. I submit to the Chair that, therefore, it does not qualify under our Constitution as an "emergency nature" measure for this Second Regular Session of the Legislature.

The second ground of infirmity that I would call to the attention of the Chair relates, of course, to Rule 37. Rule 37 adopted the beginning of our First Regular Session, reads "no measure which has been introduced and finally rejected in any First Regular Session shall be introduced at any Second Regular Session or any Special Session of the same Legislature except by vote of two-thirds of both Houses." And I would submit that if this Bill is to be allowed in, in any fashion, it would have to meet that test of two-thirds vote of both Houses. I refer to the Bill, L. D. 1138, that we considered in the First Regular Session. That bill had within its context a provision that the minimum wage be increased to \$3.50 in 1983, \$3.70 on January 1, 1984, and \$3.90 as of January 1, 1985. That bill was amended and the bill that finally came to the floor and went between both Bodies, a number of times, was of course a bill limited to \$3.50 an hour. I submit that what

was rejected was the bill that encompassed figures from \$3.50 to \$3.90 per hour. I submit that we are therefore looking at the question for the first time since this rule was adopted by this Legislature, of whether we shall adopt the "small slices" principle or not. How small do the slices have to be before something is substantially the same as what was considered before?

I have served in this Body for ten years, I have read every decision of the Chair in this Body and every decision of the Chair in the other Body concerning the rules on this question. I recall very well the rulings in this Chamber on a bill involving similar principles, (not a wage bill but similar principles), in which the now President of the Senate was concerned, as I was; it concerned truancy in our schools at the time. The matter was set aside and discussed at length between the President and the Parliamentarian, the Minority Leader, myself and others, and a few words had been changed in that bill, in the amendment offered and the question was "had it been rejected at the previous session?" The decision, which is not in the printed Record, because it was made at the side bar and agreed upon by all concerned was that, in substance, even though a few words had been changed that we were looking at the same thing and that it ought not to be considered in a Second Regular Session.

The standard authorities in the area, Masons for example, of course do not deal with specific State rules but it is an ancient rule of parliamentary practice, that when a bill has once been passed or rejected, another of the same substance could not be brought in again during the same session.

I submit that not only on the basis of Rule 37 but on the basis of general parliamentary practice in many of the Bodies in our country that this bill ought not to be here because the material within it, is within the ambit of that which was considered and rejected last June 15th, 1983.

Mr. President, in today's society there is a great tendency to consider that integrity involves what you can get away with. Happily, that is not the case in the Maine Legislature and in Maine Government, as a rule, I have seen by the decisions of our Governor, by the decisions of Leaders of this Body, including the present leadership, decisions that were based on integrity and principle rather than on who had the votes. I submit, Mr. President, that this is one of those knotty, difficult occasions and I note, Mr. President, that the sponsor of this Bill is the President of the Senate and I assume that standard parliamentary practice will, also, require some attention to the propriety of who rules on this question. Thank you, Mr. President.

THE PRESIDENT: The Senator from Knox, Senator Collins, has posed a Parliamentary Inquiry through the Chair with respect to whether or not Senate Paper 835 is properly before this Body. He has made reference to the fact of bills of an emergency measure.

The Chair would call the Senate's attention to the Calendar where it states very clearly: "approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27," and it would always state regarding emergency, the Legislative Council, by allowing the bill in, has already ruled that it is an emergency. The Constitution states "Legislation of an Emergency nature admitted by the Legislature."

I would like to point out that the Bill presently before this Senate in no way copies or does it resemble the measure previously defeated by the Legislature. L. D. 1138, as pointed out by the good Senator from Knox, Senator Collins, which was defeated on June 15th, first changed the State minimum wage and the level when the Federal minimum wage overrides the State from \$2.90 to \$3.35.

Secondly, it then implemented a three step

increase in the State Minimum wage: as of October 1st, 1983, it rose to \$3.50 an hour, as of January 1, 1984, it rose to \$3.70 an hour and as of January 1, 1985, it rose to \$3.90 an hour. The affect raised the minimum wage to \$3.50 on October 1, 1983, with two automatic raises later.

The Bill that is submitted and before the Senate today does the same thing except it changes from \$2.90 an hour the present State minimum wage, raises it to \$3, or proposes to raise it to \$3.55 an hour. There is no comparative provision within our Bill and the effect of the Bill before the Senate to be considered if referred to the Joint Standing Committee on Labor would be the raising of the minimum wage to \$3.55 when the Bill becomes effective ninety days after adjournment.

The Chair would rule that the Bill is properly before this Body.

Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

ORDERS

JOINT RESOLUTION

On Motion by Senator VIOLETTE of Aroostook, (Cosponsors: Speaker MARTIN of Eagle Lake, Representative MCHENRY of Madawaska, Representative MARTIN of Van Buren, Representative THERIAULT of Fort Kent) the following Joint Resolution (S. P. 832)

JOINT RESOLUTION MEMORIALIZING THE HONORABLE WILLIAM F. BOLGER, POSTMASTER GENERAL OF THE UNITED STATES, TO ORDER THE ISSUANCE OF A SPECIAL STAMP COMMEMORATING THE ACADIANS OF ST. JOHN VALLEY

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Eleventh Legislature now assembled, most respectfully present and petition the Honorable William F. Bolger, as follows:

WHEREAS, there is a deep and meaningful pride in the Acadian cultural heritage that descends from the valley of the mighty St. John, the grandest river of the north; and

WHEREAS, this Nation and this State have been truly enriched by a small group of French Acadians, who pioneered the broad and fertile banks of a new world in June of 1785; and

WHEREAS, history recalls Jean Baptiste Sire as founder of the movement which led to settlement and inevitably to a treaty establishing the northern border of Maine and our great Nation along the southern banks of the St. John River; and

WHEREAS, within the scenic splendor of this beautiful valley, communities sprang up of Acadian ancestry which have reached out across the land providing outstanding contributions and leadership; and

WHEREAS, it would be a fitting tribute to the architect Jean Baptiste Sire and the French Acadian founders of the new world on the 200th anniversary of their historic settlement of the St. John Valley to issue a special stamp commemorating the French Acadians of St. John Valley; and be it

RESOLVED: That we, Your Memorialists, in view of these historic pioneers of the New World and their record of accomplishments, recommend and urge the Honorable William F. Bolger, Postmaster General of the United States, to take appropriate action by ordering the issuance of a special stamp commemorating the Acadians of St. John Valley; and be it further

RESOLVED: That copies of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable William F. Bolger, Postmaster General of the United States, the Vice President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States Congress and

to each Member of the Maine Congressional Delegation.

Which was READ and ADOPTED.
Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate voted to consider the following:

SECOND READERS

The Committee on BILLS IN THE SECOND READING reported the following:

House

Bill "An Act to Amend the Medical Radiation Health and Safety Act" H. P. 1567 L. D. 2076
Which was READ A SECOND TIME.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session pending PASSAGE TO BE ENGROSSED.

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1984. (Emergency) H. P. 1676 L. D. 2205

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

House As Amended

Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" H. P. 1665 L. D. 2197

(H. "A" H-512)

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec the Senate RECONSIDERED its action whereby it ADOPTED House Amendment "A" (H-512).

THE PRESIDENT: The Senator has the floor. SENATOR BUSTIN: I now offer Senate Amendment "A" to House Amendment "A" and move its Adoption.

Senate Amendment "A" (S-309) to House Amendment "A" (H-512) was READ and ADOPTED.

House Amendment "A" (H-512) as Amended by Senate Amendment "A" (S-309) thereto was ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE.
Sent down for concurrence.

Senate

Bill "An Act Concerning Terms of Office of Certain County Commissioners whose Districts are Affected by Reapportionment" (Emergency) S. P. 831 L. D. 2222

Which was READ A SECOND TIME.

On motion of Senator PRAY of Penobscot, TABLED for 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

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

Bill "An Act to Amend the Medical Radiation Health and Safety Act" H. P. 1567 L. D. 2076 Tabled earlier in today's session by Senator PRAY of Penobscot.

Pending—PASSAGE TO BE ENGROSSED.
The Bill PASSED TO BE ENGROSSED, as Amended, in concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Amend the Liquor Laws to Permit the sale of Beer and Wine at Outdoor Stadiums" (Emergency) S. P. 752 L. D. 2055 (S. "A" S-287)

Tabled—March 13, 1984 by Senator PRAY of Penobscot.

Pending—PASSAGE TO BE ENGROSSED AS AMENDED.

(In House March 5, 1984 FAILED OF ENACTMENT)

(In Senate March 13, 1984 RECONSIDERED ENGROSSMENT)

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

SENATOR PRAY: Mr. President, I offer Sen-

ate Amendment "D" under filing number S-310, and move its adoption.

THE PRESIDENT: The Senator from Penobscot, Senator Pray, presents Senate Amendment "D" and moves its adoption.

Senate Amendment "D" (S-310) was READ.

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

SENATOR COLLINS: Mr. President, a question through the Chair. Will this amendment result in the Emergency Clause remaining on the Bill?

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 Penobscot, Senator Pray.

SENATOR PRAY: Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment 310 does not remove the Emergency Clause. What this amendment does is, basically, carry out what several members of this Body felt was being done with the adoption of an earlier amendment. This Amendment would restrict the sale and consumption of alcohol in all of the facilities that had been talked about that presently the sale of alcohol is allowed. It would restrict it to designated areas in civic auditoriums, performing art centers, outdoor stadiums, indoor tennis clubs, skating rinks, and other such facilities. This would make the law consistent throughout, that designated areas would be assigned for the consumption of alcohol in those types of facilities.

THE PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "D"?

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACCIO: Mr. President, Members of the Senate, in addressing the amendment that is being proposed, if I understand the Senator from Penobscot, Senator Pray, and to draw uniformity between the different sports, in their consumption of liquor and food availability.

It's one thing that occurred to me in dealing with this issue from the inception, baseball is not like hockey, it is not like football, it is not like basketball. You cannot have designated drinking areas when you are talking about baseball games. Baseball has nine straight innings, there is only a seventh inning stretch. You have breaks for hockey, you can go downstairs, you can get a drink of beer, or whatever, and you can return to watch the ball game. When you are talking about baseball, and you're talking about a designated drinking area, your talking about some problems.

Now, we did a little bit of research in the minor league ball parks around the country. In those ball parks that prohibit drinking, altogether have the most problems. They're the ones that have the most problems because people bring it in a flask, they'll bring a pint in the stands, they have more problems. I think what the Senator from Penobscot, Senator Pray, is addressing in drawing the uniformity, it would be nice to say that everything is the same in that you should take the same law and apply it to all the different sports, but there is a difference with this particular area. Hopefully, we'll be able to defeat the motion by the Senator from Penobscot, and then propose Senate Amendment "C" which is going to allow the Bureau of Liquor Enforcement to work with the people at the baseball stadium to develop something and report to the Legislature in one year on its recommendations.

It's a very tough law that we're proposing. It's not something that we are going to relax on the baseball stadium but it's a very tough law and it's going to require the Liquor Enforcement Division, which is under Public Safety to review it. So I would encourage you to, I'd encourage you to defeat this motion so we'll be able to bring up Senate Amendment "C." Thank you Mr. President.

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

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate. First of all I want to make it perfectly clear that I am standing here as the Senator from Penobscot, representing or presenting this proposal from my perspective of how we best address this situation.

I apologize to the Senator from Penobscot, Senator Baldacci, no where in the amendment or the Bill or anywhere else did I realize we were addressing baseball. I thought we were addressing outdoor stadiums. As one of those who has a small child who spends too much time on ESPN instead of doing his homework, I noticed a number of ball stadiums being used for football games, indoor soccer games, soccer games, despite indoors or outdoors.

This here was dealing with the outdoor stadium being added on to those other facilities that we presently have. That was the attempt at which I had the amendment drafted to make it consistent throughout.

In reference to the Senator's concerns about another amendment that is floating around dealing with, probably better addressing it, and allowing the Bureau of Alcoholic Beverages or the Bureau of Enforcement to enforce this law, I think it's just an opportunity to provide free access to the Liquor Enforcement people to see the ball games down there and that's all that amendment would do. If they're going to be in there enforcing it to make sure people stay in specific designated areas, then by law, they're going to have to have access. Is there a fiscal note attached to his amendment to pay for their entry into the ball stadium or do they just, are they allowed to go in free of charge so they can enforce the laws?

I think that this amendment that I've attempted to offer in good faith is to see this Bill passed, to designate an area of the stadium where people who may want to have a refresher, be it the first inning, seventh inning or be it between periods in a soccer game, whatever they may be using that outdoor stadium for. It's a legitimate, honest attempt to provide that facility with the right to sell beer and wine, and at the same time address the concerns that others have that beer and wine would be throughout the entire stadium, that somebody walking in who perhaps had one or two too many or perhaps just tripped over somebody's foot who was in the way and spilled it. Those are some of the types of comments that I heard. This amendment attempts to address that by setting aside part of that stadium, a designated area of that stadium where people will consume that beverage. That's all the attempt of this amendment is.

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

SENATOR BUSTIN: Mr. President and Members of the Senate, I could almost vote for this seeings as I haven't on any of the others but I would like to have some more assurances from the sponsor of this amendment that that area set aside, that separate area, does not include most of the stadium, and there's just a little bit set aside for those people who are not willing to drink. I do not see anything in here that assures me that there's any particular size of that, that's going to be a percentage of the area of any of the stadiums or the other facilities mentioned.

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

SENATOR DIAMOND: Thank you, Mr. President. Ladies and Gentlemen of the Senate, the last thing I want to do is get involved in the alcohol debate, accept that now reading this amendment, some things spring into my mind that I think we should be aware of and, at least, I am concerned about, and that is we're now going to pass a law that affects all these other people and there has been no hearing, nothing of the kind to allow them to speak up and say

"well, my racquet ball club or my golf club or whatever it is we're passing a law on now, you guys are going to pass a law without me having some input on that." We've taken a small area and turned it over and now we are affecting everybody.

Now, that may or may not be good, but my only concern is we do this occasionally and it's not to our benefit. My only concern is we are now going to pass a law that does deal with all these other areas, only they're going to get a notice in the mail or read about it someplace that now there's a law that they have to do something that they really had no input at all. It has ringings of the Chemical I.D. problem that we've just finished up with. So I'm concerned about, truly concerned, about what we are doing here because we have flipped the car over and we're on the top now and I just think that could be very dangerous. Thank you.

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

SENATOR PEARSON: Mr. President, an inquiry. Is there an amendment on the Bill now?

THE PRESIDENT: The Chair would respond in the affirmative.

SENATOR PEARSON: Which amendment is that?

THE PRESIDENT: Senate Amendment "A" under the filing S-287.

SENATOR PEARSON: Thank you, Mr. President. Mr. President, Men and Women of the Senate, S-287 says, and the Senator from Kennebec zeroed right in on it, says: "that liquor, no liquor may be sold or consumed in the spectator stands."

This amendment that is being proposed says: "that an area will be set aside for," but doesn't tell how big or where.

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

SENATOR BALDACCIO: Thank you, Mr. President. I request a Division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, it was not my intent to establish or to give the authority to somebody to say that they could set aside all, but one seat of the stadium for consumption of alcohol. That would be the designated area of drinking and that other one seat or section or whatever you want to call it would be the area of which non-drinkers or those who did not want to consume alcohol would be set aside.

I guess I probably should have spent more time dealing with the stadium instead of Fish and Game. I then might have been all set in drafting an amendment that would have addressed all the concerns that those of you here have and have expressed.

I guess while I probably agree with some of the concerns that have been expressed in reference to how open this amendment may be, I still have a basic feeling that we should limit our intrusions as much as possible in reference to this area. I thought that this language, and I still feel that this language would probably be the best way to address it. I think that if individuals are not happy with the size of the area that has been set aside for the non-consumption of alcohol, then there would be a fall-off of people going to the stadiums. I would suspect that in a good management, business management sense, that they would be careful in the size of the area that they designated for the consumption of alcohol versus those who would not want to bring their children or they themselves to go a part of the ball stadium that would have consuming alcohol in.

In reference to the comments made by the Senator from Cumberland, Senator Diamond, I agree with his comments that we have kind of turned around the intent of the original Bill that there are many sections of this Bill that

were not given public hearings or had public input from, those from the various other organizations or the other facilities that are mentioned in this Bill. It is my understanding first of all that basically, the vast, vast majority of these already have this in their policy. That was one of the arguments that was made by the Bureau, that the Bureau presently works with the various owners of these facilities in attempting to restrict the consumption of alcohol throughout these civic auditoriums and so forth. While that is a legitimate concern, I think that the overriding issue in reference to whether or not the consumption of alcohol should be restricted in these various facilities, is clearly a question that can be properly addressed by this Legislature. I would hope that we would adopt this amendment.

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

SENATOR HICHENS: Mr. President, Parliamentary question. If we adopt Senate Amendment S-310, does not the other Senate Amendment "A" still stay in affect.

THE PRESIDENT: The Chair would respond in the affirmative.

SENATOR HICHENS: Mr. President, Members of the Senate, I read in Senate Amendment "A", it says: "no liquor may be sold or consumed in the spectator stands at an outdoor stadium." I think that takes care of the question which have been asked.

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

SENATOR CHARETTE: Thank you, Mr. President, Women and Men of the Senate, I agree with the comments of my good friend Senator Diamond of a few minutes ago when he referred to other areas of the amendment where it would include civic auditoriums, outdoor stadiums, which is the issue of this Bill. Then we go on to tennis clubs, ice skating clubs, etc., etc. Throughout the discussions of this Bill it was recognized that every one of these areas already have rules within their own organization that have designated areas. I don't think we today here should go forward and vote for this amendment. I think it ought to come back as a Bill of it's own and go under its own merit and be heard through the hearing process because now we are addressing other areas which, in my own mind, haven't been any concern at all. I think each one of these other areas should be given that opportunity, so therefore, I would urge you to vote against this amendment. Thank you.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the ADOPTION of Senate Amendment "D", please rise in their places and remain standing until counted.

Will all those Senators opposed please rise and remain standing until counted.

10 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion to ADOPT Senate Amendment "D" FAILED.

The Chair recognizes the Senator from York, Senator Danton.

SENATOR DANTON: Mr. President. Is it in order to move that this Bill be recommitted to the Committee on Legal Affairs for another hearing?

SENATE AT EASE

Senate called to order by the President.

On motion by Senator CARPENTER of Aroostook, TABLED 1 Legislative Day, pending RULING FROM THE CHAIR.

The President laid before the Senate:
Bill "An Act to Amend Certain Rules of the Emergency Medical Services"

S. P. 709 L. D. 1955

Tabled—March 13, 1984 by Senator CAR-

PENTER of Aroostook.

Pending—FURTHER CONSIDERATION.

(In Senate February 28, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290))

(In House March 12, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-290) AS AMENDED BY HOUSE AMENDMENT "A" (H-491) thereto in NON-CONCURRENCE)

On motion by Senator BUSTIN of Kennebec, the Senate voted to RECEDE.

On further motion by the same Senator, the Senate voted to RECEDE from the ADOPTION of Committee Amendment "A" (S-290).

House Amendment "A" was READ.

On further motion by the same Senator, House Amendment "A" (H-491) was INDEFINITELY POSTPONED.

THE PRESIDENT: The Senator has the floor.

SENATOR BUSTIN: I offer Senate Amendment "B" to Committee Amendment "A" and move its Adoption.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, presents Senate Amendment "B" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S-313) to Committee Amendment "A" (S-290) was READ and ADOPTED.

Committee Amendment "A" (S-290) as Amended by Senate Amendment "B" (S-313) thereto was ADOPTED in NON-CONCURRENCE.

The Bill was PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator CARPENTER of Aroostook,

ADJOURNED until Thursday, March 15, 1984 at 9 o'clock in the morning.