

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

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Tuesday
March 20, 1984
Senate called to Order by the President.

Prayer by the Reverend Walter R. Brown of the United Methodist Church in Readfield.

REVEREND BROWN: Let us pray. Almighty God, we thank You: for inviting us to be co-creators with You, for this very day in which You have called us now here to be assembled and art present, for the responsibility, as well as, the ability You have given to us to use the basic laws of justice and fairness, to build on them for the benefit of ourselves here assembled, for the people we represent and for the generations yet to come.

Allow us our Father to use wisely the intelligence that You have given to us and to look wisely to those resources with which we deal.

Thank you for Your presence and for Your blessings on each of our lives. In the name of Christ we pray, Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE House Papers

Bill "An Act to Clarify Responsibility Under the Maine Potato Quality Control Law" H. P. 1686 L. D. 2244

Bill "An Act Relating to the Labeling of Milk Containers" H. P. 1687 L. D. 2245

Come from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Which were referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Licensing of Dental Radiographers" H. P. 1691 L. D. 2246

Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Resolve, Authorizing the Exchange of Certain Public Reserved Lands H. P. 1710 L. D. 2258

Bill "An Act to Standardize Time Periods for the Processing of Applications" H. P. 1714 L. D. 2273

Bill "An Act to Clarify the Definition of Lots under the Site Location of Development Law" H. P. 1715 L. D. 2274

Bill "An Act to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants" H. P. 1692 L. D. 2247

Come from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Allow for a Uniform Citation Form to be Used for Fish and Wildlife Violations" H. P. 1716 L. D. 2275

Come from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Statute Relating to the Sale and Free Distribution of Cigarettes to Children" H. P. 1694 L. D. 2249

Resolve, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with

Special Needs (Emergency) H. P. 1739 L. D. 2304

Come from the House referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

Which were referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (Emergency) H. P. 1695 L. D. 2250

Bill "An Act to Amend the Restitution Provisions of the Victims' Bill of Rights" H. P. 1697 L. D. 2251

Bill "An Act to Repeal a Statute which has been Declared Unconstitutional" H. P. 1698 L. D. 2252

Resolution, Proposing an Amendment to the Constitution of Maine to Provide for an Express Statement of the Right to Bail and Authorizing the Denial of Bail in Certain Cases H. P. 1699 L. D. 2253

Bill "An Act to Clarify Abrogation of Privileged Communications" H. P. 1700 L. D. 2254

Bill "An Act Relating to the Enforcement and Collection of Child Support Obligations" H. P. 1717 L. D. 2276

Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act Regarding the Effective Date of Interest Charges on Overdue Contributions to the Unemployment Compensation Fund" H. P. 1718 L. D. 2277

Bill "An Act Relating to Time of Payment under the Maine Labor Law" H. P. 1719 L. D. 2278

Come from the House referred to the Committee on LABOR and ORDERED PRINTED.

Which were referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

Bill "An Act to Limit the Sale of Liquors with a High Percent of Alcohol" H. P. 1701 L. D. 2255

Come from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Resolution, Proposing an Amendment to the Constitution of Maine to Enable the Legislature to Establish the Extent of Insurance of Loans to Veterans H. P. 1703 L. D. 2256

Come from the House referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Exclude Social Security Benefits from Taxation" H. P. 1708 L. D. 2257

Bill "An Act to Repeal the Sales Tax on Meals and Lodging and to Establish a Meals and Lodging Tax for the Purposes of Stabilizing the Property Tax and Promoting Tourism" H. P. 1737 L. D. 2303

Come from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which were referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Car Auctions and the Validity of Motor Vehicle Titles" H. P. 1690 L. D. 2272

Committee on BUSINESS LEGISLATION suggested.

Comes from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED in concurrence.

Joint Order

The following Joint Order: (H. P. 1756)
Ordered, the Senate concurring, that the Joint Standing Committee on Fisheries and Wildlife report out bills relating to funding for the Department.

Comes from the House, READ and PASSED. Which was READ and PASSED, in concurrence.

SENATE PAPERS

Bill "An Act to Require an Inventory, Permitting and Monitoring of Underground Tanks Containing Gasoline, Oil and Toxic Materials" (Emergency) S. P. 857

Presented by Senator KANY of Kennebec. Cosponsored by Representative JACQUES of Waterville.

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

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

Sent down for concurrence.

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 Include Handicapped Persons as a Protected Group under the Maine Human Rights Act" H. P. 1549 L. D. 2039

Ought to Pass As Amended

The Committee on TAXATION on Resolution, Proposing an Amendment to the Constitution of Maine to Provide that, Beginning with the Property Tax Year 1984, All Watercraft as Defined by the Legislature shall be Exempt from Taxation as Personal Property, Provided That Certain Watercraft as Defined by the Legislature shall be Subject to an Excise Tax to be Collected and Retained by the Municipalities H. P. 1623 L. D. 2147

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-534).

Comes from the House, with the Report READ and ACCEPTED and the Resolution PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534).

Which Report was READ and ACCEPTED, in concurrence.

The Resolution READ ONCE. Committee Amendment "A" (H-534) was READ and ADOPTED, in concurrence.

Under suspension of the rules the Resolution READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on TAXATION on Bill "An Act Concerning Application of Fuel Tax Laws" H. P. 1440 L. D. 1885

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-536).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-536)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE. Committee Amendment "A" (H-536) was READ and ADOPTED, in concurrence.

Under suspension of the rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Ought to Pass in New Draft

The Joint Select Committee on JOB TRAINING on Bill "An Act to Update the Job Opportunities Act of 1981" H. P. 1531 L. D. 2015

Reported that the same Ought to Pass in New Draft under same title H. P. 1713 L. D. 2259

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act Concerning the Disclosure of Licensing Records Regarding Adult and Child Care Programs" H. P. 1502 L. D. 1978

Reported that the same Ought to Pass in New Draft under same title H. P. 1740 L. D. 2294

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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 Relating to Issuance of Bonds by Sanitary Districts" (Emergency) H. P. 1534 L. D. 2010

Reported that the same Ought to Pass in New Draft under same title H. P. 1738 L. D. 2290

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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 Establishing Penalties for Violations of the Disconnection and Deposit Regulations of the Public Utilities Commission" H. P. 1486 L. D. 1949

Reported that the same Ought to Pass in New Draft under same title H. P. 1735 L. D. 2288

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Ought to Pass in New Draft under New Title

The Committee on TRANSPORTATION on Bill "An Act Concerning Long-term Trailer Agents under the Motor Vehicle Laws" H. P. 1542 L. D. 2030

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Registration Certificates for Long-term Trailers and Semitrailers" H. P. 1725 L. D. 2271

Comes from the House with the Report READ and ACCEPTED and the Bill, in 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.

Under suspension of the rules, the Bill under NEW DRAFT and NEW TITLE READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

(OFF RECORD REMARKS)**Divided Report**

The Majority of the Committee on JUDICIARY on Bill "An Act Concerning Desecration and Vandalism of Religious and other Institutions" H. P. 1579 L. D. 2090

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-532)

Signed:

Senators:

COLLINS of Knox
TRAFTON of Androscoggin
VIOLETTE of Aroostook

Representatives:

HOBBS of Saco
BENOIT of South Portland
JOYCE of Portland
FOSTER of Ellsworth
HAYDEN of Durham

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

Signed:

Representatives:

REEVES of Newport
DRINKWATER of Belfast
SOULE of Westport
LIVESAY of Brunswick

Comes from the House the Majority Ought to Pass as Amended report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532)

Which Reports were READ.

The Majority OUGHT TO PASS as AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-532) was READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act Relating to Scallop Fishing" H. P. 1510 L. D. 1985

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-526).

Signed:

Senators:

MINKOWSKY of Androscoggin
DUTREMBLE of York
SHUTE of Waldo

Representatives:

MANNING of Portland
MELENDY of Rockland
AINSWORTH of Yarmouth
SCARPINO of St. George
CROWLEY of Stockton Springs
VOSE of Eastport
HOLLOWAY of Edgcomb
SALSBURY of Bar Harbor
MITCHELL of Freeport

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

Signed:

Representatives:

CONNERS of Franklin

Comes from the House the Majority Ought to Pass as Amended report READ and ACCEPTED and the Bill, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-526).

Which Reports were READ.

The Majority OUGHT TO PASS as AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-526) was

READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Permit Reasonable Visitation Rights for Grandparents when a Parent is Deceased" H. P. 1548 L. D. 2038

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
TRAFTON of Androscoggin
VIOLETTE of Aroostook

Representatives:

DRINKWATER of Belfast
JOYCE of Portland
HAYDEN of Durham
LIVESAY of Brunswick
SOULE of Westport
REEVES of Newport
CARRIER of Westbrook
FOSTER of Ellsworth

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

Signed:

Representatives:

BENOIT of South Portland
HOBBS of Saco

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

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act Relating to Occupational Safety and Health of Agricultural Workers" H. P. 1474 L. D. 1935

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-525).

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

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

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

ZIRNKILTON of Mt. Desert
WILLEY of Hampden
BONNEY of Falmouth
ROBINSON of Auburn

Comes from the House the Bill and Accompanying Papers RECOMMENDED to the Committee on LABOR.

Which Reports were READ.

On motion by Senator DUTREMBLE of York, the Bill and accompanying papers RECOMMENDED to the Committee on LABOR, in concurrence.

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act Concerning Menhaden Fishing in Casco Bay" H. P. 928 L. D. 1207

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-504).

Signed:

Senators:

MINKOWSKY of Androscoggin

SHUTE of Waldo

Representatives:

CROWLEY of Stockton Springs
SALSBUURY of Bar Harbor
CONNERS of Franklin
VOSE of Eastport
SCARPINO of St. George
HOLLOWAY of Edgcomb
MITCHELL of Freeport

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

Signed:

Senator:

DUTREMBLE of York

Representatives:

MELENDY of Rockland
AINSWORTH of Yarmouth
MANNING of Portland

Comes from the House with the Majority Ought to Pass as Amended report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504) AND HOUSE AMENDMENT "C" (H-520).

Which Reports were READ.

THE PRESIDENT: Is it the pleasure of the Senate to Accept the Majority Ought to Pass Report of the Committee?

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 accepting the Majority Ought to Pass as Amended Report of the Committee, please rise and remain standing in their places until counted.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

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

SENATOR MINKOWSKY: Mr. President and Members of the Senate, first, let me say that the issue before us this morning, "An Act Concerning Menhaden Fishing in Casco Bay" is a Bill that was heard by our Committee on Marine Resources during the First Regular Session of the 111th. We allowed the Bill to be carried over to this particular session primarily because we felt a resolution could be struck between the concerned people, as well as, possibly the Department of Marine Resources. In addition to that, the Department of Marine Resources had in effect rules and regulations governing the areas where menhaden could not be harvested by large seiners. Those rules and regulations ran out as of December 31, 1983.

The Committee, without exaggeration, has spent in excess of sixty hours weighing, evaluating, analyzing what is a fair and equitable way to address both the small menhaden harvester as well as the large seiners operating in the same area of Casco Bay.

Part of the rational, and I want to share this with you on a very objective basis, that I got from our testimony before the Committee on Marine Resources—Let me say first, the affect of the Bill is to restrict menhaden fishing in Casco Bay to smaller fishing boats, we're talking less than 50,000 pounds of fish capacity. The Department of Marine Resources, on the results of its regulations of menhaden fishing in Casco Bay during 1982 and 1983, conclusion is that the primary issue is one of preserving

the ability of small local seiners to supply bait to local lobster boats. Now the Department noted that such seiners are not the only suppliers of bait in that particular area and the Committee was fully aware of that. Also, the Department states there is a minimum of enforcement reported during that two-year span of time. The Department had not committed itself to an extension of these regulations to L. D. 1207, to include all the areas restricted by them and extend the restrictions to include most of the upper Casco Bay north of Yarmouth to New Meadows River.

Now, here are some of the problems that were encountered or expressed to the Committee by both sides. Number one, gear conflicts between large and small menhaden seiners and between large menhaden seiners and lobstermen. A major concern especially to the lobstermen in that area. The second point, the ecological and lobster habitat damaged from large nets dragging across the bottom in shallow areas. A great concern because those large boats, 100 to 175 feet, were rigged and designed to go out in the deeper waters, not to be dragging in the shallow areas. Number three, conservation of menhaden stock by restricting fishing in alleged spawning areas. Now again, I want to clarify this, this is a reasonable hypothesis, but it is not supported by definite research. I have to make that very ethically and very honestly clear to everybody. Number four, damage to menhaden habitat from waste of net pumping, (fish scales). This belief is firmly held by small and local seiners and disputed by large seiners, but it is not disputed by the people who have summer cottage in the area they tell you very frankly that the waste, blood and everything else, is devastating.

When we get to that particular point with the large seiners in shallow water areas, the major concern with the area was they are not just harvesting pogies, menhaden, those seiners are picking up everything, lobsters, scallops, clams, and actually devastating the bottom. And when they pump the fish and everything else, they are run through impellers into the boats all chewed up. They are not just taking menhaden, you're talking of striped bass and every other, flounders and everything else that exists in that particular area.

Now, one point was made very clear, and it was this, that if the large seiners really were concerned about providing the fish meal plant in South Portland or in Rockland or other points, they could go on the outlying areas, pick up their load and bring them back to the plant, there is absolutely no reason why they cannot do it. But sometimes it's easier to get in the shallow waters and maybe create somewhat of a havoc with the environment.

The next point, protection of fishing areas for small local menhaden fishermen. Now, this is a clear economic issue and is probably the root of the problem itself. Now, the Department of Marine Resources has not adequately regulated the menhaden industry. The local fishermen are, by in large, unhappy with the regulations promulgated by them during 1982 and 1983 on this issue. The Department of Marine Resources does not view the problem as a conservation issue and seems to feel that preferential treatment of one class of fishermen over another is undesirable.

So, as I said in the beginning, you can see that there are many valid points of view being expressed and the Committee's only real objective was to be fair and equitable for everybody in the area to be able to survive. Yet, our primary concern was not only the conservation of that particular resource but also not to devastate that resource and other marine life in the shallow waters.

There was, also, another bit of testimony which I felt was of significant value which I would like to put into the Senate Record this morning. We have several oceanographers, marine biologists, who are vitally concerned

about this issue. The one letter which really sums it up very nicely in relationship to the many letters the Committee has received, it says the following, "I am an Assistant Professor of Zoology and Marine Biology at the University of Maine, Orono, working at Darling Center, Marine Laboratory in Walpole. Over the past ten years, I have conducted extensive studies on the ecology of bottom-dwelling organisms living in sub-tidal near-shore marine habitats.

It is clear from my studies and the studies of others that habitat disruption has a major impact on many organisms, particularly lobsters. The activity of dragging trawls and nets over the bottom is likely to detach kelp, fill in burrows or move boulders. All of these events reduce the habitat space of lobsters and could contribute to their death from predators or competitors.

The ripple effect of dragging disturbances are numerous: sediment is re-suspended and can bury the organisms; chemicals may be released that were trapped in the sediment, such as toxic sulfur compounds; animals living on the bottom may be killed or injured; food species may be killed, or as I mentioned above, the natural habitat of many organisms may be destroyed." This is where the emphasis was placed by the Committee on Marine Resources. Not on profitability of plants that are still in the talking stages, but rather on what are we going to do to preserve the habitat of those living organisms which are so vital to Maine's marine economy?

We know very little about the effects of dragging. Currently, the Department of Marine Resources is seeking research proposals to look into the problem with respect to mussel and scallop dragging. Purse seining should also be examined. Most of the commercially important bottom-dwelling organisms, such as lobsters, scallops and mussels, are five to seven years old when first harvestable and thus, a mass mortality in any, or all of the important species will take at least as long to recover. So, when those large draggers get involved in the shallow waters, this could be the devastating result.

Now, the Committee decided on two things. Number one, if you look at House Amendment 504, that basically reestablishes the lines that were in existence as of December 31, 1983. And the second amendment, which was also accepted, which is House 520, "The Commissioner shall report to the Legislature on the effects of this section and on the reproduction behavior and location of spawning grounds of menhaden. The report shall be submitted no later than the first day of the First Regular Session of the 112th Legislature. This section is repealed on March 1, 1985." Thus we are only asking to be given enough lead time to make a conclusive determination as to what the habitat is, what the spawning areas are for the menhaden, so that equity and fair play can be administered to all. I hope, Mr. President and Members of the Senate, that at least for today, at least that we accept the Majority Report of the Committee which I feel is fair, well documented and in the interest of the marine resources on the coast of Maine.

(OFF RECORD REMARKS)

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, L. D. 1207 in amended form, before us this morning, represents a clear attempt to maintain an area reserved, if you will, for local fishing industry. The livelihood of many local fishermen and their families is dependent on the viability and the retention of this local fishing ground.

While I understand that this Bill has been heavily lobbied, both for and against, as a co-

sponsor of the measure I believe I've probably been lobbied more than most, for my Senate district extends to that area which is not particularly supportive of L. D. 1207 for reasons that may be focused on the City of Portland. And yet, this Bill was generated from local concern, it was given to the prime sponsor, a Representative from the other Body, by local fishermen and we're simply asking this morning to retain what has been a prohibition for large seiners and druggers in a certain geographical area in Casco Bay. The viability and the retention of the livelihood of a local economy is dependent on our action here this morning.

There is little that I can add to the testimony of the good Senator from Androscoggin, Senator Minkowsky. So I won't prolong debate by repeating that which we already listened to or heard this morning. I would ask you if you are opposed to accepting the Majority Ought to Pass as Amended report to share with us this morning the reasons for your opposition. For indeed, perhaps, it would bring new light onto what might be, at this point at least, a unilateral, one-way debate or at least testimony in support of the Majority Report. I would hope that we would accept that Majority Report this morning.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Najarian.

SENATOR NAJARIAN: Mr. President and Members of the Senate, I'd be willing to express my reasons why I do not support this Bill, and actually, although it seems like a minor fishing bill, it puts the Portland fish pier and perspective fish bi-product processing plant in jeopardy. That's about \$26,000,000. of public and private investment.

The Commissioner of Marine Resources does not support this Bill because it is not a conservation issue in that it is essentially a conflict, a personality conflict between two individuals. You know, they say they allow boats of 50,000 pounds capacity to go in the New Meadows River to fish for these menhaden, but since the fishing season is only four months long, they need the larger boats which have a capacity (and there are only two in Maine) of 500,000 pounds. The fish processing facility just cannot operate without the menhaden to add to the bi-products or the waste of the ground fish and that could even put the ground fish industry into jeopardy. I understand there's a fish processing plant in Rockland that, also, would be jeopardized by passage of this Bill.

We have three proposals for a \$6,000,000. fish bi-product processing plant currently submitted in Portland, one of which is said he would have to withdraw if this Bill passed. The Administrator of the Portland Waterfront says that without the waste plant, that we're at a standstill and the whole State investment up and down the coast in fish piers is in jeopardy. These fish do not spawn in New River, they spawn in North Carolina, they are adult fish when they reach Maine, they are surface fish, they are not dragged for, they are fished for by nets. So I hope that the Senate will go along with the Ought Not to Pass on this Bill.

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

SENATOR TRAFTON: Thank You, Mr. President. I simply couldn't resist the excitement of this debate so I join in.

There are no pogys, as I understand menhaden are called, in Androscoggin County. I believe that statement is correct, although the good Senator from Cumberland, Senator Clark, might dispute that there could be pogys found at Southwest Bend, I'm not sure of that.

One might question why I stand to debate this issue if there are no pogies in Androscoggin County. We do have a poultry industry in Androscoggin County that is much dependent upon the nutrient bi-products of a fish-rendering plant. That poultry industry has

seen hard times. I'm concerned that the rendering plant that's proposed for Portland be constructed in order to provide a low cost nutrient source to the poultry industry, particularly in Androscoggin County. That seems sort of dry and uninteresting so I'll go on to one of the real reasons why I'm really opposed to this Bill.

I have a personal interest in this Bill, I'm not going to disqualify myself but I wish to disclose it, my brother is an eel fisherman on Merry-meeting Bay. He, also, fishes for bait, sells the menhaden to the lobster industry. He has lobbied me long and hard to vote in favor of this issue and tells me of the various problems that he has encountered in most recent fishing season. He tells me of gear conflicts, he has told me about the large catches that large ships make and these menhaden are simply handed to the lobster fishermen in exchange for release as to gear conflict, meaning that individual lobster traps are damaged and rather than pay for the lobster trap damage, menhaden are traded or simply given to the lobstermen themselves.

Those arguments didn't convince me and the principle argument, why I'm not supporting this Bill why I'm planning to vote against this Bill, is that we have a Department of Marine Resources. This Department is armed with the authority to regulate the fishing industry. I simply think that to pass this type of legislation is meddling with the Executive Branch. If we are to have an Executive Branch of Government that is armed with experts and the regulatory authority, I feel we must accept that regulatory authority. They have hearing as to proposed regulations, they have had hearings and they will continue to have hearings as to the menhaden fisheries. Where the Department is so outspokenly opposed to this particular piece of legislation and where they appear to be the experts in this area, and where there are no menhaden in Androscoggin County and my constituents simply haven't been calling me very much about this particular Bill, I'm going to support the position of the Department of Marine Resources and oppose my brother's particular interest and I urge you to vote against this particular Bill. Thank you.

THE PRESIDENT: Is the Senate ready for the question?

The question before the Senate is a motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

A Yes vote will be in favor of accepting the Majority Ought to Pass as Amended Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Brown, Clark, Dow, Emerson, Hayes, McBreairty, Minkowsky, Perkins, Pray, Sewall, Shute, Teague, Wood.

NAYS—Senators, Baldacci, Bustin, Carpenter, Charette, Collins, Danton, Diamond, Durtremble, Erwin, Gill, Hichens, Kany, Najarian, Pearson, Redmond, Trafton, Twitchell, Usher, Violette, The President—Gerard P. Conley.

ABSENT—None.

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with No Senators being absent, the motion to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report of the Committee FAILED.

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

SENATOR NAJARIAN: Mr. President, having voted on the prevailing side, I move for reconsideration and I ask the Senate to vote against my motion.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now moves that the Senate reconsider its action whereby it failed to accept the Majority Ought to Pass as Amended Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President, I move this item be tabled until later in today's session.

THE PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that this Bill be tabled until later in this afternoon's session.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

SENATOR NAJARIAN: I request a division.

THE PRESIDENT: A division has been requested.

Will all those in favor of the Tabling of this Bill until later in this afternoon's session, please rise in their places to be counted.

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

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion to TABLE UNTIL LATER IN TODAY'S SESSION, FAILED.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Najarian, that the Senate reconsider its action whereby it Failed to Accept the Majority Ought to Pass as Amended Report of the Committee.

Will all those Senators in favor of reconsideration of the motion whereby the Senate failed to accept the Majority Ought to Pass as Amended Report of the Committee, please say "Yes."

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

A VIVA VOCE VOTE being had the motion to RECONSIDER FAILED.

The Minority OUGHT NOT TO PASS Report of the Committee was ACCEPTED, in NON-CONCURRENCE.

Sent down for concurrence.

Senate Ought to Pass

Senator USHER for the Committee on ELECTION LAWS on Bill "An Act to Provide for Filling Vacancies in the Office of Presidential Electors Nominated by Petition" S. P. 785 L. D. 2111

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that this 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.

Sent down for concurrence.

Ought to Pass As Amended

Senator BUSTIN for the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Clarify Certain Provisions in the Recodification of the General Assistance Law" S. P. 717 L. D. 1963

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-324).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-324) was READ and ADOPTED.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that this 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, as Amended.

Sent down for concurrence.

Ought to Pass in New Draft under New Title
Senator VIOLETTE for the Committee on

JUDICIARY on Bill "An Act Eliminating the Need for the Non-owner Spouse to Sign All Deeds of Conveyance" S. P. 654 L. D. 1845

Reported the same Ought to Pass in New Draft under New Title Bill "An Act Requiring Non-owner Spouses to Record Claims to Marital Property under Divorce Laws, and Clarifying the Need for the Non-owner Spouse to Sign Conveyances in General" S. P. 855 L. D. 2313 Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT under NEW TITLE, READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Divided Report

The Majority of the Committee on AGRICULTURE on Bill "An Act to Provide for Tuberculin Testing of Cattle to Insure Out-of-state Markets for Maine" (Emergency) S. P. 766 L. D. 2079

Reported that the same Ought to Pass in New Draft under Same Title. S. P. 854 L. D. 2312

Signed:

Senators:

ERWIN of Oxford
WOOD of York

Representatives:

CROUSE of Washburn
MAHANY of Easton
MICHAEL of Auburn
LOCKE of Sebec
PARENT of Benton
SHERBURNE of Dexter
ANDERSON of Stockholm
SMITH of Island Falls
STOVER of West Bath

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

Signed:

Senator:

HICHENS of York

Representative:

McCOLLISTER of Canton

Which Reports were READ.

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

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of its rules this Bill be given its second reading at this time by title only?

It is a vote.

Under suspension of the rules, the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Divided Report

The Majority of the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Allow Elderly Persons to have Pets in Public Housing" S. P. 797 L. D. 2132

Reported that the same Ought Not to Pass.

Signed:

Representatives:

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

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment

"A" (S-325).

Signed:

Senators:

BUSIIN of Kennebec
GILL of Cumberland
CARPENTER of Aroostook

Which Reports were READ.

On motion by Senator BUSTIN of Kennebec, the Minority OUGHT TO PASS as AMENDED Report of the Committee was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-325) was READ and ADOPTED.

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

SECOND READERS

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

Senate

Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park" (Emergency) S. P. 805 L. D. 2153

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.

ENACTORS

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

AN ACT to Amend Certain Rules of the Emergency Medical Services. S. P. 709 L. D. 1955 (S. "B" S-313 to C. "A" S-290)

AN ACT to Authorize Leasing of Certain State-owned Land. H. P. 1598 L. D. 2120

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

On motion by Senator NAJARIAN of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

AN ACT to Amend the Charter of the Kingfield Water Company to Increase the Number of Trustees from 3 to 5. H. P. 1595 L. D. 2105

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senator 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

AN ACT to Amend Calculation of Period of Imprisonment. H. P. 1680 L. D. 2216

This being an emergency measure and having received the affirmative vote of 33 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.

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

SENATE AT EASE

Senate called to order by the President.

ORDERS OF THE DAY

The President laid before the Senate:

Bill "An Act to Require that Meetings of Governing Bodies of Nonprofit Hospitals be Open to the Public" H. P. 1682 L. D. 2227

Tabled—March 16, 1984 by Senator CARPENTER of Aroostook.

Pending—REFERENCE.

(Committee on BUSINESS LEGISLATION

suggested)

In House March 13, 1984 referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

SENATOR SEWALL: Thank you, Mr. President. I request a ruling from the Chair whether this Bill is properly before us under Joint Rules 37 and 24.

On motion by Senator PRAY of Penobscot, TABLED UNASSIGNED pending PARLIAMENTARY INQUIRY of the Senator from Lincoln, Senator SEWALL.

(OFF RECORD REMARKS)

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

On motion by Senator CARPENTER of Aroostook,

RECESSED until 4 o'clock this afternoon.

RECESS

AFTER RECESS

The Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning Striped Bass" H. P. 1693 L. D. 2248

Committee on FISHERIES AND WILDLIFE suggested.

Comes from the House referred to the Committee on MARINE RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

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 Concerning Control of the Content of Rebuttals to Media Editorials" H. P. 1212 L. D. 1615

Ought to Pass

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1984. (Emergency) H. P. 1749 L. D. 2305

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 PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules this Resolve be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Resolve 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 Provide for Special Motor Vehicle License Plates in Observance of the Bicentennial of the Town of Shapleigh" H. P. 1443 L. D. 1888

Reported that the same Ought to Pass in New Draft under New Title, Resolve, to Provide for a Commemorative Bicentennial Motor Vehicle License Plate to Celebrate the Bicentennial of the Town of Shapleigh. H. P. 1736 L. D.

2289

Signed:

Senators:

DANTON of York
DIAMOND of Cumberland

Representatives:

MOHOLLAND of Princeton
CARROLL of Limerick
STROUT of Corinth
THERIAULT of Fort Kent
NADEAU of Lewiston

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

Signed:

Senator:

EMERSON of Penobscot

Representatives:

CAHILL of Woolwich
MACOMBER of South Portland
CALLAHAN of Mechanic Falls
McPHERSON of Eliot
REEVES of Pittston

Comes from the House with the Majority Ought to Pass in New Draft under New Title report READ and ACCEPTED and the Resolve in New Draft under New Title PASSED TO BE ENGROSSED.

Which Reports were READ.

The Majority OUGHT TO PASS Report was READ and ACCEPTED, in concurrence.

The Resolve in NEW DRAFT under NEW TITLE READ ONCE.

The Resolve in NEW DRAFT under NEW TITLE TOMORROW ASSIGNED FOR SECOND READING.

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 Cumberland

Representatives:

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

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. 1721 L. D. 2261

Signed:

Senator:

CHARETTE of Androscoggin

Representatives:

PERKINS of Brooksville
POULIOT of Lewiston
BRANNIGAN of Portland
STEVENS of Bangor
MURRAY, Jr. of Bangor

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

Which Reports were READ.

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

SENATOR CLARK: Mr. President, I move that the Senate Accept the Majority Ought Not to Pass Report.

THE PRESIDENT: The Senator from Cumberland, Senator Clark, now moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

SENATOR CHARETTE: I would ask for a Division and I would like to speak to my motion.

THE PRESIDENT: The Senator has the floor.

SENATOR CHARETTE: Thank you. Women and Men of the Senate, the major reason that I'm supporting this Bill is that a customer who had dealt with a certain financial institution

for years should not be required to seek a stranger to further his remaining financial needs.

Since the financial institution of the client has no financial risk resulting in large amounts of reserves to be invested, their only concern must be to provide their client of long-standing with the best service possible which would mean obtaining the largest possible benefits payable over his or her lifetime through funds available. This would mean that if some insurance company is providing better annuity benefits, the clients' financial institution would have to place a clients' funds with that insurance company.

Last year and previous years, the Legislature has turned down the writing of life insurance by banks principally because of the possibility of coercion. I don't see this in the case of annuities. In fact, it's the opposite of life insurance and we are in a majority of cases dealing with sophisticated buyers.

In a nutshell, the principle arguments in favor of allowing banks to sell annuities are allowing banks and credit unions to sell annuities of a company licensed to do business in Maine will increase competition and benefit consumers with more competitive pricing and a greater availability of policies. I would add that banks do provide lower cost delivery systems. Also allow long-term loyal customers to maintain accounts at the local financial institutions they are familiar with. This is particularly true in I.R.A.'s, customers who when reaching retirement age must withdraw all their funds and purchase an annuity elsewhere. The annuities business is a very small portion of an insurance agents income and this will not strip them of their livelihood.

Across the country insurance companies have entered the banking business, this is accomplished by their offering money market accounts, I.R.A.'s and credit card services. To compete, banks need to offer competitive products. And many major coast-to-coast financial organizations now offer their own line of insurance products, these include: Sears Roebuck, Bank of America and CitiCorp.

In passing, it should be noted that not all insurance companies write individual annuities. I think that financial institutions, other than insurance companies, would be in the best position to survey the field and obtain the best annuity bargain for it's client. The consumer is more likely to want continuity of it's I.R.A. account upon retirement with the bank it has done business with for so many years.

It appears to be an equitable and consistent position which should benefit Maine citizens and I urge you to vote against the pending motion and vote for the Minority Report.

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

SENATOR CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Chamber, the remarks by the good Senator from Androscoggin, Senator Charette, my good and fellow Senator on the Committee on Business Legislation, are meaningful and accurately reflect the concepts embraced in the Study Report, entitled "The Financial Services Revolution," dated January, 1984, a copy of which all members of this Senate Chamber received, and I would hope that you would do more than file it in that famous file 13, for it is actually a good preview of coming attractions.

I do not disagree with the remarks of the good Senator from Androscoggin, Senator Charette, for I believe that that which he has stated on the Record this afternoon will come to pass within less than a decade in time. But, there are those among us on the Committee who have multiple years of Legislative history and/or experience and perhaps even conditioning, and that is why the majority of the Committee signed out with a recommendation during this Legislative Session, at least, with an Ought Not to Pass Report.

I would commend the members of the Joint Standing Committee on Business Legislation, and I'm tickled pink and proud of them for reporting out the neatest bill dealing with this issue that has ever come before a Maine Legislature prior to this Session, and that is the new draft in L. D. 2261.

There are a number of reasons to be extremely concerned with the current proposal that financial institutions be allowed to sell annuities underwritten by insurance companies, and prominent among them is the legislative and regulatory history that clearly states that banks, at least to this date in our State, should stay out of the insurance business. Prime among those historical occurrences are: the Federal Reserve Board on January 6, 1984, failed to approve bank-holding companies selling insurance. In Congress, in 1982, under the GARN—ST. GERMAIN ACT restricted bank-holding companies from engaging in insurance. This Maine Legislature in Title 24A, section 1514A, during the recodification of Maine's insurance laws back in the 105th Legislature, prohibited Maine banks from selling insurance. Those are the kinds of barriers that we face as we try to move into the decade which we entitled in our Report, "The Financial Services Revolution."

One factor I think has not been addressed in our report nor in those citations which I recently shared with you and that is the increased concentration of economic power that would be placed in one location. Banks, through the control of credit, do have, and we acknowledge that they do, tremendous leverage over borrowers who's financial livelihood often depends upon establishment and maintenance of their line of credit. Financial institutions, also, have ready access to the financial status of their depositors. The prospect of the use of this leverage, should it be used, and the information to induce annuity sales seems, for some of us, more than a remote possibility, although ideally, that would not occur. And that could conceivably work in both ways, in a tight insurance market, for example, buyers of insurance could easily be positioned to look to lenders affiliated with insurance, insurers, to handle their borrowing needs.

I would expand historically, with certain exceptions, the various businesses of financial service industries have been kept separate from each other and this separation has served to require each type of entity to develop expertise in its own business. For example, successful banks have historically required borrowers to be carefully qualified before granting loans and successful insurers carefully underwrite risks before issuing policies. The question is, of course, will each have the same discipline and incentives to continue to do so when each stands to profit from the collateral business derived from the borrowers or insured, and I couldn't answer that question affirmatively, consistently and that reflects my signature on the Committee Report.

A second area of concern, which I would share with you, is an unappealing picture presented when one looks at the history of insurance products, marketed through financial institutions, particularly credit insurance, and if you've ever served on the Joint Standing Committee on Business Legislation, credit insurance is a perennial issue. Reverse competition for higher commissions or experience refunds, massive market penetration ratios, low loss ratios and sale of insurance to ineligible persons are all national problems and fortunately, those kinds of occurrences seldom happen here in our State, but they have been chronically present in products, such as group credit insurance. An underlying basic problem is that the interest of the financial institutions as group policyholders, are much different than the interests of the certificate holder. The track record of joint bank insurance company marketing efforts to date surely cannot at this

particular time warrant further expansion of the authority of financial institutions in this area. Will the banks deviate from this record to offer annuities that represent the best buy for the consumer or will past practices on a national scale continue? And I fully concur that those kinds of practices would seldom occur in our State of Maine for we have proudly a record of integrity on behalf of both industries in the financial area.

Perhaps most importantly, at this time in our State, there is no demonstrated public need requiring financial institutions to be allowed to sell annuities. And it really is as simple as that. There is no availability problem with respect to this product as an interested person can readily secure and purchase an annuity. There is no evidence of any lack of competition in the annuity business or the market as it now exists in our State of Maine. There are several hundred insurers who now market annuities in direct competition with each other in our State, as well as, the rest of the country, for that matter. In fact, if anything, the evidence may indicate that the level of competition in the annuity business in the State of Maine is so great that several insurers may even have fallen into the trap of promising benefits which they are not able to deliver. I add that last caveat with some reluctance.

I guess that summarizes, essentially, the reservations that are reflected in the Majority Report from the Committee and I would urge you this afternoon, Members of the Senate, to accept the Majority Ought Not to Pass Report. Thank you, Mr. President.

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

SENATOR NAJARIAN: Mr. President, I would like to pose a question through the Chair to anyone who can answer. I don't think I can understand what this debate is all about without knowing what an annuity is, and I wonder if somebody could tell me?

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, 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 Lincoln, Senator Sewall.

SENATOR SEWALL: It's a method of investment.

THE PRESIDENT: Is the Senate ready for the question?

The question before the Senate is the motion of the Senator from Cumberland, Senator Clark, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A Division has been requested.

Will all those Senators in favor of accepting the Majority Ought Not to Pass Report of the Committee please rise and remain standing in their places until counted.

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

25 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion to ACCEPT the Majority Ought Not to Pass Report of the Committee in concurrence PREVAILED.

Divided Report

Eight Members of the Committee on MARINE RESOURCES on Bill "An Act to Permit Possession of Soft-shell Clam Stocks 2 Inches or Greater in the Largest Diameter" H. P. 1501 L. D. 1975

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-528)

Signed:

Senators:

MINKOWSKY of Androscoggin
DUTREMBLE of York
SHUTE of Waldo

Representatives:

CONNERS of Franklin

SALSBURY of Bar Harbor
HOLLOWAY of Edgecomb
CROWLEY of Stockton Springs
MELENDY of Rockland

Four 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 "B" (H-529)

Signed:

Representatives:

MITCHELL of Freeport
MANNING of Portland
AINSWORTH of Yarmouth
VOSE of Eastport

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

Signed:

Representative:

SCARPINO of St. George

Comes from the House with Report "A" READ and ACCEPTED and the Bill, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "E" (H-537)

Which Reports were READ.

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

SENATOR MINKOWSKY: Mr. President, just a brief explanation to clarify the A, B and C Reports. All Members of the Marine Resources Committee are in accord at the present time with Report "A", because of House Amendment 537, which actually is the Bill itself, that addresses some of the additional concerns that were raised during this segment of time and basically, what we are voting on today is not just on Report "A", but as amended with House 528 and, more importantly, House 537.

House 537 really, there were about six different amendments offered in the other Body and we felt there were just too many things to go through, so we had an additional meeting and we decided to put it out in this particular fashion. But the biggest concern was the tolerance of clams and that would mean, very simply, that by 1985, from now until 1985, the tolerance would be 30% of a hod of clams, 1986—20%, and 1987—10%. This will give the clam diggers an opportunity to adjust to this new particular law and it was a matter of making a decision on what formula to use and this seemed to be the most equitable, fair formula. This was our general findings when we conducted our five hearings along Maine's coast.

Report "A" OUGHT TO PASS as AMENDED Committee Amendment (H-528) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-528) was READ.

THE PRESIDENT: Is it now the pleasure of the Senate to INDEFINITELY POSTPONE Committee Amendment "A" (H-528) in concurrence?

It is a vote.

House Amendment "E" (H-537) was READ and ADOPTED, in concurrence.

The Bill as AMENDED TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify Disability Retirement Provisions" H. P. 1751 L. D. 2316

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and and ORDERED PRINTED.

Which was referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Charter of the Winthrop Water District" (Emergency) H. P. 1753 L. D. 2317

Comes from the House referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED.

Which was referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED, in concurrence.

Pursuant to the Statutes Committee on Taxation

The Committee on TAXATION pursuant to the Maine Revised Statutes Title 1, Chapter 31 ask leave to submit its findings and to report that the accompanying Resolution, Proposing an Amendment to the Constitution of Maine to Provide that Municipalities May Choose to Tax Certain Property Which as been Exempt at a Percentage of Just Value (H. P. 1750) (L. D. 2311) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED, and the Resolution referred to the Committee on TAXATION and ORDERED PRINTED pursuant to Joint Rule 18 in concurrence.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on TAXATION and ORDERED PRINTED pursuant to Joint Rule 18 in concurrence.

COMMUNICATIONS

The Following Communication: (H. P. 1754)

Department of Energy
Washington, D.C. 20585

The Honorable John Martin
Maine House of Representatives
State House
Augusta, ME 04333

Dear Speaker Martin:

Enclosed is a copy of the first Annual Report to Congress on the activities and expenditures of the Office of Civilian Radioactive Waste Management. This report is made available to you in keeping with the Department of Energy's commitment to inform States, units of local government, affected Indian tribal councils, utilities, and other affected or interested parties of all aspects of DOE's civilian radioactive waste management program.

Chapter I of the Report contains a brief history of Federal legislation on nuclear waste management and highlights the significance of the Nuclear Waste Policy Act of 1982. Chapter II describes the formation of the Nuclear Waste Policy Act Project Office and the subsequent organization and activation of the Office of Civilian Radioactive Waste Management. Specific activities and accomplishments during the 1983 are reported in Chapter III, IV and V. Program costs and receipts are highlighted in Chapter VI. The concluding chapter provides both a summary of major events since September 30, 1983, and a synopsis of planned 1984 activities.

I hope you will find this Report useful, and welcome your comments.

S/ROBERT M. ROSSELLI

Acting Associate Director

Office of Management

Office of Civilian Radioactive

Waste Management

Comes from the House READ and with accompanying papers ORDERED PLACED ON FILE.

Which was READ and with accompanying papers ORDERED PLACED ON FILE, in concurrence.

SENATE PAPERS

Bill "An Act to Authorize County Commissioners to Establish Separate Voting Places in Unorganized Townships" S. P. 858

Presented by Senator McBREAIRTY of Aroostook.

Cosponsor: Representative MARTIN of Van Buren.

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

27.

Committee on ELECTION LAWS suggested.
THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that this Bill be given its First Reading at this time without reference to a 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.

Sent down forthwith for concurrence.

SECOND READERS

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

House

Bill "An Act to Update the Job Opportunities Act of 1981" H. P. 1713 L. D. 2259

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

House As Amended

Bill "An Act Concerning Desecration and Vandalism of Religious and other Institutions" H. P. 1579 L. D. 2090 (C "A" H-532)

Bill "An Act Relating to Scallop Fishing" H. P. 1510 L. D. 1985 (C "A" H-526)

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

Senate

Bill "An Act to Allow Elderly Persons to have Pets in Public Housing" S. P. 797 L. D. 2132 (C "A" S-325)

Which was READ A SECOND TIME.

On motion by Senator PRAY of Penobscot, TABLED for 2 Legislative Days, pending PASSAGE TO BE ENGROSSED.

ORDERS OF THE DAY

The President laid before the Senate:

Joint Order (S. P. 847) Recalling Bill, "An Act to Assure Active Treatment of Mentally Retarded People in Intermediate Care Facilities and Skilled Nursing Care Facilities" (S. P. 712) (L. D. 1958) from the Legislative Files.

Tabled—March 19, 1984 by Senator CARPENTER of Aroostook.

Pending—PASSAGE.

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

SENATOR PRAY: Mr. President, it is my understanding that there is no need for this Joint Order any longer thus I move the Indefinite Postponement.

On motion by Senator PRAY of Penobscot, the Joint Order, was INDEFINITELY POSTPONED.

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park" (Emergency) S. P. 805 L. D. 2153

Tabled—March 20, 1984 by Senator PRAY of Penobscot.

Pending—PASSAGE TO BE ENGROSSED.

(In Senate March 20, 1984 READ A SECOND TIME)

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

SENATOR PRAY: Mr. President, I present Senate Amendment "A" under filing number S-326 and move its Adoption.

Senate Amendment "A" (S-326) was READ.

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

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, I saw that when I offered that amendment, many of you immediately reached for the Amendment Book to see what I was doing with Baxter State Park.

This amendment is the allocation of the funds that were being approved by the Transportation Committee. There was a need to al-

locate that same money, not just add it to the statutes that the dollar amount would be changed, thus, this amendment provides for the actual allocation of the money that the Bill would set-aside in statute.

Senate Amendment "A" (S-326) was ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended.

Sent down for concurrence.

SENATE AT EASE

The Senate called to order by the President.

(OFF RECORD REMARKS)

On motion by Senator PRAY of Penobscot ADJOURNED Thursday, March 22, 1984 at 9 o'clock in the morning.