

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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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
Friday
March 22, 1984
Senate called to Order by the President.

Prayer by the Reverend A. Raymond Smith of the St. Barnabas Episcopal Church of Augusta.

REVEREND SMITH: In You, O'God, we put our trust. Let me never be put to confusion. Bow down Thine ear to us. Hasten to deliver us, lead us in the paths of righteousness and in truth.

O'God, the fountain of wisdom, who's will is good and gracious and who's law is truth, We beseech You to guide and bless our Senators, now assembled, that they may enact such laws as shall please You, to the glory of Your name, the benefit of this State and the Welfare of our people.

Through Him who came among us as one who serves and saves, we pray You also, O'God, give peace in our time, peace in Your world, peace in our nation, peace in our homes and peace in our hearts. In You, O'God, we put our trust. Amen.

Reading of the Journal of Tuesday, March 20, 1984.

OFF RECORD REMARKS

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning Menhaden Fishing in Casco Bay" H. P. 928 L. D. 1207

In House March 19, 1984 the Majority Ought to Pass as Amended by Committee Amendment "A" (H-504) 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)

In Senate March 20, 1984 the Minority Ought Not to Pass report READ AND ACCEPTED in NON-CONCURRENCE

Comes from the House that Body INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE

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

SENATOR MINKOWSKY: Mr. President, I now move the Senate Insist and Join In a Committee of Conference and I would like to speak to my motion.

THE PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate Insist and Join in a Committee of Conference.

The Senator has the floor.

SENATOR MINKOWSKY: Mr. President and Members of the Senate, this is, apparently, a very important issue to both sides of the aisle and this morning in talking to people who are living off of that area of Casco Bay there is their concern for the large seiners. I think what they propose, generally at the present time on the Committee of Conference, deals with seine depths. The idea behind it really is to find a solution between the depth of those seines in some areas going down to a 120 feet, and possibly compromise to where they can utilize these large vessels in areas of 60 or 70 feet of water. The whole idea behind it really is to prevent bottom damage. I would hope, Mr. President and Members of the Senate, that you would go along with the motion of Insisting and Joining In a Committee of Conference.

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

SENATOR DUTREMBLE: Mr. President, I will request a division on that and I would like to speak to my motion.

THE PRESIDENT: The Senator has the floor.

SENATOR DUTREMBLE: Mr. President and Ladies and Gentlemen of the Senate, I think that this issue has been discussed and re-discussed, lobbied and re-lobbied and I think that we should just rule on it today and then give it its proper burial.

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

SENATOR BUSTIN: Is a move to Adhere in order?

THE PRESIDENT: The Chair would answer in the negative.

A Division has been requested.

Will all those Senators in favor of the motion by Senator Minkowsky of Androscoggin to Insist and Join in a Committee of Conference, please rise and remain standing until counted.

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

24 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion to INSIST AND JOIN IN A COMMITTEE OF CONFERENCE PREVAILED

Non-concurrent Matter

Bill "An Act Concerning Tax Exempt Status of Property owned by the Farmington Village Corporation" H. P. 1561 L. D. 2063

In Senate March 15, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-514) in concurrence

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-514) AND HOUSE AMENDMENT "B" (H-541) in NON-CONCURRENCE

On motion by Senator WOOD of York the Senate RECEDED AND CONCURRED with the House.

Non-concurrent Matter

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

In Senate March 13, 1984 PASSED TO BE ENGROSSED in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-546) in NON-CONCURRENCE

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

It is a vote.

Non-concurrent Matter

Bill "An Act to License Occupational Therapists" S. P. 837 L. D. 2243

In Senate March 16, 1984 PASSED TO BE ENGROSSED

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-549) in NON-CONCURRENCE

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

Non-concurrent Matter

Bill "An Act Concerning Maine Farm Wineries" S. P. 787 L. D. 2113

In Senate March 19, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-319)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-319) AND HOUSE AMENDMENT "A" (H-547) in NON-CONCURRENCE

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

Non-concurrent Matter

Bill "An Act to Provide Additional Funds to Reduce Potato Inspection Costs Under the Maine Quality Control Program" (Emergency) S. P. 856 L. D. 2319

In Senate March 19, 1984 referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS

Comes from the House INDEFINITELY POSTPONED in NON-CONCURRENCE

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

Non-concurrent Matter

Bill "An Act to Allow Access to Financial Records of Public Assistance Recipients" S. P. 852 L. D. 2310

In Senate March 19, 1984 referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES

Comes from the House referred to the Committee on JUDICIARY in NON-CONCURRENCE

On motion by Senator PRAY of Penobscot TABLED until later in this mornings session, pending FURTHER CONSIDERATION.

SENATE AT EASE

The Senate called to order by the President

THE PRESIDENT: The Chair at this time is pleased to recognize in the rear of the Chamber a former Chief Executive of this State, who has served as Governor, who has served also as presiding officer of this Chamber. I am pleased to ask the good Governor Burton M. Cross to rise and accept the greetings of the Maine Senate. (Applause the members rising.)

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

Bill "An Act to Allow Access to Financial Records of Public Assistance Recipients" S. P. 852 L. D. 2310

Tabled earlier in today's session on motion by Senator PRAY of Penobscot

Pending—FURTHER CONSIDERATION

On motion by Senator PRAY of Penobscot the Senate RECEDED AND CONCURRED with the House.

House Papers

Bill "An Act to Appropriate Funds for Payment of Attorneys' Fees Awarded Against the State" H. P. 1762 L. D. 2329

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending REFERENCE.

Bill "An Act to Limit the Increase in Secondary School Tuition Rates" H. P. 1763 L. D. 2330

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

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

SENATE PAPERS

Bill "An Act to Provide for Public Notifications of the Intent to Apply Pesticides and for Monitoring Certain Pesticide Application Projects" S. P. 860 L. D. 2335

Presented by Senator WOOD of York
Cosponsors: Representative MICHAEL of Auburn, Senator DIAMOND of Cumberland
Approved for introduction by the Legislative Council pursuant to Joint Rule 26

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED.
Sent down for concurrence.

Bill, "An Act to Clarify Certain Portions of the Reapportionment Laws" S. P. 862

Presented by Senator TRAFTON of Androscoggin

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

Committee on JUDICIARY suggested
THE PRESIDENT: Is it 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 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.

Sent down for concurrence.

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

ORDER

On motion by Senator PRAY of Penobscot, the following Joint Order: (S. P. 863)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, March 27, 1984 at 9:00 a.m. in the morning

Which was READ and PASSED

Sent down forthwith for concurrence.

ORDER

Expressions of Legislative Sentiment recognizing:

The Westbrook High School Boys' Basketball Team and coach Art Dyer, winners of the 1984 State Class A Basketball Championship:

SLS 384

Presented by Senator USHER of Cumberland Cosponsored by Representative CARRIER of Westbrook, Representative DAY of Westbrook Which was READ.

On motion by Senator PRAY of Penobscot, TABLED UNASSIGNED, pending PASSAGE.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on TRANSPORTATION on Bill "An Act to Amend the Highway Transportation Reform Act" H. P. 1456 L. D. 1908

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-538).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-538).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-538) was READ and ADOPTED, in concurrence.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the 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 READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Create the Judicial Employees labor Relations Act" (Emergency) H. P. 1649 L. D. 2175

Reported that the same Ought to Pass.

Signed:

Sensors:

DUTREMBLE of York

HAYES of Penobscot

Representatives:

TUTTLE of Sanford

GAUVREAU of Lewiston

TAMMARO of Baileyville

NORTON of Biddeford

SWAZEY of Bucksport

BEAULIEU of Portland

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

Signed:

Sensor:

SEWALL of Lincoln

Representatives:

ROBINSON of Auburn

ZIRNKILTON of Mt. Desert

BONNEY of Falmouth

WILLEY of Hampden

Comes from the House the Majority Ought To Pass report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-545)

Which Reports were READ.

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

The Bill READ ONCE

House Amendment "A" (H-545) 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 LABOR on Bill "An Act Establishing the Emergency Service Personnel Arbitration Act" H. P. 1299 L. D. 1724

Reported that the same Ought Not to Pass.

Signed:

Sensor:

SEWALL of Lincoln

Representatives:

ROBINSON of Auburn

WILLEY of Hampden

BONNEY of Falmouth

TAMMARO of Baileyville

SWAZEY of Bucksport

NORTON of Biddeford

ZIRNKILTON of Mt. Desert

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

Signed:

Sensors:

DUTREMBLE of York

HAYES of Penobscot

Representatives:

GAUVREAU of Lewiston

BEAULIEU of Portland

TUTTLE of Sanford

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 York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President, I move that the Senate Accept the Minority Report of the Committee.

THE PRESIDENT: The Senator from York, Senator Dutremble, now moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

SENATOR SEWALL: I request that when the vote is taken, it be taken by the Yeas and Nays.

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

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

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

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, quickly, this is simply a binding arbitration issue. If you believe in binding arbitration for Public Safety employees, you will vote for this Bill, or for the Minority Report. If you are opposed to it, you'll vote for the Majority Report.

THE PRESIDENT: The question before the Senate is the motion of the Senator from York, Senator Dutremble, that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

SENATOR TRAFTON: Mr. President, I pose a

question through the Chair to anybody who might care to answer it, and that is what is the scope of this particular L. D.? I note in the title it says: "Establishing the Emergency Service Personnel Arbitration Act", does that apply to policemen, firemen, and all public safety officials from municipalities in this State?

THE PRESIDENT: The Senator from Androscoggin, Senator Trafton, has posed a question through the Chair to any member of the Senate who may respond if they so desire.

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President, in answer to the question it deals with police and fire personnel.

THE PRESIDENT: The question before the Senate is the motion of the Senator from York, Senator Dutremble, that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Danton, Diamond, Dow, Dutremble, Erwin, Hayes, Minkowsky, Najarian, Pearson, Pray, Shute, Trafton, Usher, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Clark, Collins, Emerson, Gill, Hichens, Kany, McBrearty, Perkins, Redmond, Sewall, Teague Twitchell.

ABSENT—None

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with No Senators being absent, the motion to ACCEPT the MINORITY OUGHT TO PASS Report of the Committee in NON-CONCURRENCE, PREVAILED

The Bill READ ONCE

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

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance" (Emergency) H. P. 1516 L. D. 1991

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-527).

Signed:

Sensors:

MINKOWSKY of Androscoggin

DUTREMBLE of York

SHUTE of Waldo

Representatives:

SCARPINO of St. George

VOSE of Eastport

CROWLEY of Stockton Springs

MANNING of Portland

AINSWORTH of Yarmouth

HOLLOWAY of Edgcomb

MITCHELL of Freeport

MELENDY of Rockland

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

Signed:

Representatives:

SALSBURY of Bar Harbor

CONNERS of Franklin

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-527) AS AMENDED BY HOUSE AMENDMENT "A" (H-542) THERETO

Which Reports were READ

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

SENATOR MINKOWSKY: Mr. President and Members of the Senate, the Committee on Marine Resources had quite a comprehensive study during the interim period of time of the First Regular Session we had last year up to the present time, producing the document that is before us.

The Committee had examined several issues concerning fish weirs. It held public hearings and consulted with representatives of the herring industry, the Department of Marine Resources and weir-men themselves. The recommended legislation to this study addresses the problem of conflicts between fixed and mobile gear herring fishing and the administrative procedures of weir licensing.

The Committee on Marine Resources' only goal has been to provide adequate protection for fixed-gear weir fishing, while guarding against abuse of this protective measure. By that, we simply mean we did not want people to monopolize a cove by putting up a weir and not really fish the weir. The recommended legislation actually puts in effect a one-year licensing moratorium which expires in July of 1984.

Now, section one and two of the Bill reaffirms a 2000 foot radius protection zone around licensed and operational weirs, not just weirs alone, they must be dressed. Within this zone, no person other than weir-owners or their assistants can set nets or seines. A definition of this zone is refined to limit its protection to a cove within which the weir is located. In instances where no clearly defined cove exists, then it reverts back to the Commissioner of the Department of Marine Resources and he is given the responsibility to designate the boundaries of the cove for the purpose of this protection zone. This section, also, prohibits the licensing of a weir within 2000 feet of a licensed weir. Exceptions made for situations in which the weirs in question are already licensed and which maintain their license are according to the provisions of Title 38, subsection 1022 and 1023.

An important part of this, in Section 4, establishes a procedure to insure that weirs are used for the intended purpose and are not simply used to gain exclusive fishing rights. A thirty-day operating period commencing annually on July 15th is established during which a total of seven days allowed for cleaning and repairing of the weir gear. Now, failure to operate during the thirty day period can result in termination of the weir owners license. Seven days written notice of cleaning and repairing and thus, non-operation, is required. Now, this could be primarily construed if they had a severe storm and a weir was damaged and the gear was not in operating condition, this would give the weir operator exclusive rights to go back in there, and repair that weir and not have any purse seiner come into that area and do any fishing at all. This is a protection measure for the weir operator. Seven days written notice of cleaning and repairing the weir is required. The Commissioner of Marine Resources is given the responsibility of checking the operating condition of each weir on an annual basis. Finally, this section requires that the applicant file a copy of his application with the Commissioner of Marine Resources.

Now, Members of the Senate, this is not a very easy situation, because you have many people out there who deserve to make a reasonable livelihood. Weir fishing has been in existence long before the State of Maine was a State, and it's a respected industry. The quality of weir fish is far superior compared to purse seining. The strange part of this entire twist is that the herring run does not always go into the areas or coves where we have weirs or stop seines. Now, by stop seines, I specifically mean you're closing off a cove with a large net to hold the fish as they go into that particular cove. So we have the weir fishing which is a circular thing where they put the dories in and pick up

the fish and bring them aboard the large boats to be brought to the canneries.

Last year was a very unfortunate year, in 1983, because the herring run did not go into the weirs or to the stop seines, and the concern that was raised by many people during the public hearings of the Committee, on site, in Washington County was employment. Employment is critical, I assure you, but also the survival of these different industries is of paramount concern to me, also.

One of the points there was brought out, which I would like to put into the Senate Record this morning, it appears that the sardine packing industry has become, over the years, quite reliant on purse seine fish despite the preference for fish from weirs and stop seines. This reliance stems from the unpredictable habits of migrating herring and a need for dependable supply.

It, also, appears that a large number of people are employed in the sardine industry along Maine's coast. It is important to note that Washington County provides important supplies of herring to all the canneries along the coast. Our findings estimate that there's about 2,200 people who find full or part-time employment in about 13 packing factories in Maine. Six of the factories employ roughly about 1,000 people in Washington County. About 400 fishermen participate in some aspect of this herring fishery. Three can-making factories, also, are at stake in this State who employ 77 - 100 people, and they produce the tin cans for the sardines in the Portland, Rockland and the Prospect Harbor area. Also, there are two paper box making operations that supply industry for people in the area for the packing boxes. And we can't forget about the trucking industry that serves the people, also.

Now, in 1969, there was quite a controversy brewing, and a lot of these laws were put in specifically for Washington County to prevent the abuse and the damaging of the herring species. They were taking all sizes, whether they be brit all the way to fourteen inches or larger size herring. Several laws had been implemented during that segment of time and under the Department of Marine Resources, several of these laws and regulations are currently in existence that allows the Commissioner to intercede.

Now, the concern today really falls around three things, the weir fishery, the stop seine fishery and the purse seiners. With the present law which is exclusively for Washington County, and the Committee felt that this law should be applicable to all the counties along Maine's coast not just exclusively Washington County since their problem has been solved back in 1969 when these laws were implemented to protect their fishery, that we should now open it up and allow Hancock County and other counties to put in fish weirs, along the guidelines that I have just outlined to the Senate.

Since we had two fisheries primarily involved in bringing these fish into the packing factories, the concern was if the fish did not run into the coves or into the weirs that the purse seiners be allowed to go within 2,000 feet of those weirs to salvage those fish and to bring them into the factories. And really, this is what this all boils down to at the present time is somewhat being equitable and allowing a third fishery to intercede to provide the canneries in the area with the fish they need.

Mr. President, I now move the Acceptance of the Majority Ought to Pass Report of the Marine Resources Committee.

THE PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Thank you, Mr. President. Ladies and Gentlemen, I'd like to com-

mend the good Senator from Androscoggin, Senator Minkowsky, on the work that he has done, not only on this Bill but on a number of the Marine Resources issues because it's been a very difficult Committee with a number of competing interests. I'd like to commend him for the work that he has done.

Approximately three years ago, I stood in this Body and discussed an issue that at that time was calling Stripped Bass, later on I was corrected and told it was Striped Bass. I didn't know anything about Striped Bass, I'd never seen one or caught one, but I do know something about herrings and I know something about this particular issue because it affects my County. You would think that I would have learned by now, after taking the beating I did on the Striped Bass issue but here I am again, a slow learner.

I want to tell you a little different fish story then the good Senator has related to you regarding purse seining and the fishing, in general, in Washington County, because the Bill that is before us right now strikes at the very heart of the fishing industry in this County. I live within a block of Peacock Sardine Plant in Lubec and I hear the whistle blow which indicates that there is fish there for people to pack. The neighbor that lives to the right of me goes down and packs fish there. The neighbor that lives across the street goes down to the Booths and packs the fish. Besides, I'm very intimately involved with this area.

What we have before us here in L. D. 1991 is an effort to change the laws that went into effect in 1969 that deals with the stop weir and purse seining as the good Senator has indicated. You know, ladies and gentlemen, the laws that we have on our books are a very delicate balances between competing forces that exist in society and those are put in place over a lot of years, with a lot of delicate little manipulations here and there to try to make what's best and right for the most people.

And in 1969 this Legislature, not this particular Legislature, but the Legislature saw fit to pass a bill which prohibited purse seining from my part of the country. Now, there are several reasons for that. It was done in the name of conservation. I guess, I kind of believe that it was, but even more than that, I live in an area where there's tides that are twenty-two feet, which is much greater than most of the other areas along the coast. There's even arguments that could be made that the Coast of Maine, the differences between the coast in the southern part of this State would differ as much from the coast along New Jersey, or New York, as it would from the southern part of the State to my part of the world, in Washington County.

What we are dealing with here, this weir seining, is a very tried and proven and tested way to fish, it's a very conservative way to fish. There was a handout that was given to you some days ago which dealt with this particular issue, this particular handout here, which told you what a purse seine was, what a weir was and described some of the issues that are concerned with this. In a weir seine, when the fish come in there, if they have too much feed, that's a term that refers to the amount of food that's in the stomach of fish, they can leave them in that weir for awhile and the feed will, for a couple of days the feed will go out. If there's too many fish to get in that weir, they can open it up and let some of those fish escape, it's a very conservative, reasonable way to go at a resource, a very reasonable way.

Around 1900, there were some twenty-two sardine plants in my little town of Lubec, and now there are only two that remains. Now there are a number of reasons I think for this. One is that there's no big government contracts right now that's buying up the sardines. The eating habits have changed a lot, the poor don't have to eat sardines like I was brought up on, even in the State of Kentucky. The young people don't eat sardines much, they one time did, there's a

lot of junk food now. It's also the imports that's hurt us a fair amount. So, there's a lot of reasons for the decline and the closing of those sardine plants.

I'd like to address a few points that the good Senator from Androscoggin, Senator Minkowsky, has brought up and have you think about these. One is dealing with employment: I want the jobs for my neighbor on the right and across the street just as much as anyone in this Chamber does and just as much as anyone that's fighting on either side of this wants. The question is how do we go about protecting those jobs in the best possible way? I don't like to have the seventeen to twenty percent unemployment that we have in Washington County. The weir fishermen that you have seen down here that's lobbied all of you pretty heavy, they don't want to see those sardine plants close. That's their livelihood. They've got to keep those plants open. They're not trying to keep people unemployed, they would "kill the goose that lays the egg" if the plants were closed.

What we're talking about is an administrative problem. Last year, as the good Senators indicated, the fish didn't come in to the shore. They stayed offshore. Now, the Commissioner of Marine Resources has right now, within legislation, has the power to go in and open up that area for purse seining. He can even do it as I understand without a hearing. He can just open it up as an emergency if the plants don't have enough fish. For some reason last year, he didn't move quickly enough. Consequently, there was some delay in allowing the purse seiners to go in and get the fish. This is what's resulted in the legislation that's before us today. It's an administration problem that we're trying to legislatively.

A third point I want to make is that earlier we talked about the laws and the delicate balance between competing forces that the laws represent. That we have some sixty-seven weirs along the coast of Washington County, there's only six or seven outside the County. And those represent an investment of between \$10,000 and \$15,000 per weir. Each weir involves two or three men that's got to dress it and mend it and tie the twine that goes on the weir, so there's two or three people that working as a result of each one of those weirs, so we're talking a hundred and fifty to two hundred people working right there. There's a fair amount of investment that's gone into the production of those weirs.

Now the purse seiners, there's about six or seven, I guess there's six in my area. That represents an investment of between one hundred and fifty and as high as three-hundred thousand dollars per purse seiner to be able to operate. We're talking about big business when we talk about purse seines. We're talking about purses that could encompass this Capitol easy enough. They could go out, you see, circle in and gather the fish in. Now, if those fellows are allowed to go in, if the purse seiners are allowed to go in before those fish can come into the weirs, that's the issue, ladies and gentlemen, before those fish can get into the weirs, if that purse seine's allowed to go out and break up that school, scoop them all up, you're putting all these other people out of work. We're talking about a method of fishing that's been tried and proven over a lot of years.

I think it's very dangerous, Mr. President, and Ladies and Gentlemen, for us to change or manipulate this particular law right now. The issue of conservation has been brought up, whether or not to remove the ban, would do anything about the conservation issue, I'm not sure. I had distributed, also, a study that was done concerning the migration patterns of herring and spawning herring. I know the law says that fishermen are not supposed to catch the spawning herring, but if we open up the Coast of Washington County for these additional five months, you see, they can do it, they

can purse seine seven months right now, but if we open it up, this other five months, till the last remaining area along the coast which is closed for a period of time to allow those spawning fish to go in and do whatever they have to do, we're creating a dangerous situation, we might be decimating a stock of fish that exists, you see.

This particular issue has had broad based support, and I know you've all been lobbied and I've not come to lobby any of you on this issue. I don't do that, because one of the things that I learned early on down here is that if somebody were to come and ask me for a vote on this issue or that issue, and I hadn't heard both sides yet I've got myself in trouble a few times. I don't want that to happen any more, so I'm not coming to ask any of you to take a side on this particular issue, I just want you to listen and to think about whether or not we go with this Committee Report, or whether or not we leave the thing as it is. We've had letters from the Weirmen's Association, from the Lobstermen's Association, you've seen letters from the County Democratic Committee of Washington County, from the Republican Committee of Washington County, there's been the little 'Bangor Daily News,' the Washington County Section, article, after article, after article on this issue, so the overwhelming support is with me on this particular one, it's with me this particular time.

The only reason to lift this ban, Ladies and Gentlemen, is for six purse seiners who have got a big investment out there, that want to get into that stock of herring. And if we go ahead and pass this Majority Report right now, and pass this Bill, it's a very dangerous situation for all the reasons I've mentioned, and it doesn't address the employment issue, because that all of us are equally concerned about. So, I would urge, Mr. President, and Ladies and Gentlemen, that you not Adopt the Majority Report in this instance, but Accept the Minority Report, and I would request a Division, Mr. President.

THE PRESIDENT: A Division has been requested.

(OFF RECORD REMARKS)

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

SENATOR HICHENS: Mr. President and Members of the Senate. I feel a little awkward getting up and talking on this Bill today, because I do not know too much about purse seining or weirs, I don't care much for herring and I care less for sardines, but back in 1969, when I was a member of the House of Representatives, I became well acquainted with Senator Wyman of Washington County, when he lobbied me on the bill which he had introduced and which later became law which is the present law. Since that time, I have had the pleasure of having the good Senator as a seatmate for several terms, and when he called me a couple of weeks ago and asked me to vote against this Bill and explained the reasons why, the fact that it, in his estimation, had been working well and as the good Senator from Washington County has just said, it is more or less of a selfish interest of commercial fishermen, I ask you to go along and kill this Bill.

THE PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by Senator Minkowsky of Androscoggin to Accept the Majority Ought to Pass as Amended Report of the Committee, please rise in their places to be counted.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: I request a Roll Call vote.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the af-

firmative vote of at least one-fifth of those Senators present and voting.

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

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President, and Members of the Senate, please let me reiterate one more time that the Committee on Marine Resources did not take this issue very lightly. I would dare say that if we did not spend sixty hours either on site or at public hearings to find a fair, equitable solution for everybody, that we didn't even bother going up there, but I can assure you, you would never get a report of this magnitude from the Committee on Marine Resources because I have one of the most fiercely independent group of people that you can come across and they compromised a great deal and we were extremely concerned, as the good Senator brought out, that fairness is of paramount importance, especially to the weir fishermen.

An article that appeared apparently in the 'Bangor Daily News,' reinforces the position of the Department of Marine Resources where the Commissioner was asked was he opposed? And he is not opposed to this Bill, and he says, "in principle," and I have to add that word very clearly, "to make an exception for any particular area of the Coast of Maine, regarding the regulation of the fisheries."

What they're saying, basically, is yes, we had a serious problem back in 1969 but over the years, either through rules and regulations or through statutory laws, we have overcome these situations. And really, there's no particular reason now to keep that existing law that was put in by apparently Senator Wyman back in 1969, to protect the interest exclusively of Washington County. Granted, as time goes on we will see more weirs going up, I would assume in Hancock County which I think has five at the present time, there's no reason why there couldn't be more. These might be areas where the fisheries or the canneries can obtain additional good quality fish.

I just want you to understand that if you look at Senate Amendment "A" or Committee Amendment "A" which is House Paper 1516, or House Amendment 527, I'm sorry, the purposes of the amendment are: 1) to make the protection zones provisions apply only to licensed weirs that are actually capable of catching fish. That's very important, we had many weirs, I tried to bring out in the earlier debate, that were not capable of catching fish and we are saying, don't allow people to put these weirs in to have an exclusive zone for their own personal gain.

Secondly, shorten the required operating period for weir fishing needed to maintain the weir-owner's license, at one time it was ninety days. We felt thirty days, as we have in this particular Bill, is extremely satisfactory.

Number three, allow a weir-owner to address his weir in anticipation of bad weather without losing his license, nor the zone in which he has his weir.

And four, repeal the closed season on purse seining in Washington County, which breaks in the third element of the fishery, the purse seiners, to be able to catch those fish if they do not go into the stop seines or do not go into the weirs.

And, I would say, I'm just as concerned, I don't know the economics except what I read about Washington County and I understand the employment rate is extremely high, and I'm compassionate towards that particular feeling, but on the other hand it's going to be the decision of this Body and the other Body to really come across what the Department of Marine Resources has done in the past, what it's capable of doing at the present time to regu-

late those three types of fisheries.

THE PRESIDENT: Is the Senate ready for the question?

The question before the Senate is the motion of 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 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, Baldacci, Danton, Dow, Dutremble, Erwin, Gill, Hayes, Kany, Minkowsky, Najarian, Pearson, Shute, Twitchell, Usher, Violette.

NAYS—Senators, Brown, Bustin, Carpenter, Charette, Clark, Collins, Diamond, Emerson, Hichens, McBreairty, Perkins, Pray, Redmond, Sewall, Teague, Trafton, Wood, The President—Gerard P. Conley.

ABSENT—None.

15 Senators having voted in the affirmative and 18 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 Minority OUGHT NOT TO PASS Report was ACCEPTED, in NON-CONCURRENCE.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Mr. President, is a motion in order, since I voted on the prevailing side, to move for Reconsideration and urge you to vote against me?

THE PRESIDENT: The Chair would respond in the affirmative.

SENATOR BROWN: I so move.

THE PRESIDENT: The Senator from Washington, Senator Brown, now moves that the Senate RECONSIDER its action whereby it Accepted the Minority Ought Not to Pass 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 item be tabled until later in today's session, pending the motion of Senator Brown of Washington to Reconsider.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: I request a Division.

THE PRESIDENT: A Division has been requested.

The Senator from Washington, Senator Brown, has requested a Division.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: I would like to withdraw my motion.

SENATE AT EASE

The Senate called to order by the President.

THE PRESIDENT: The Senator at this time is not in position to withdraw his motion of RECONSIDERATION because of the fact that there is a pending motion before the Senate at this time to TABLE until later in today's session.

The Senator from Androscoggin, Senator Minkowsky, has moved that this Bill be tabled until later in today's session pending the motion of the Senator from Washington, Senator Brown, of reconsideration.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Is a motion in order for me to withdraw my division of the tabling request?

THE PRESIDENT: The Chair would respond in the affirmative.

Will all those Senators in favor of Tabling this Bill until later in today's session will please say "yes."

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

The Chair is in doubt and the Chair will order a Division.

Will all those Senators in favor of TABLING this Bill until later in today's session, please rise in their places to be counted.

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

27 Senators having voted in the affirmative, and 6 Senators having voted in the negative, the motion to TABLE until later in today's session, pending the motion by the Senator from Washington, Senator BROWN to RECONSIDER Acceptance of the Minority OUGHT NOT TO PASS Report PREVAILED.

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

Bill "An Act to Appropriate Funds for Payment of Attorneys' Fees Awarded Against the State" H. P. 1762 L. D. 2329

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending FURTHER CONSIDERATION.

(Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.)

On motion by Senator PRAY of Penobscot, TABLED until later in this morning's session.

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

SENATOR PRAY: Mr. President, under suspension of the Rules, I move this Bill be given its First Reading at this time without reference to Committee.

THE PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that under suspension of its Rules that this Bill be given its First Reading without reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

Under suspension of the Rules, the Bill READ TWICE.

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

SENATOR NAJARIAN: Mr. President and Members of the Senate, just by way of explanation. This Bill concerns attorney's fees that the State is obligated to pay. One was \$150,000 that was ordered by Judge Gignoux in the prison case and the other one is when the Women's Medical Center sued the State on an abortion statute and the State lost and we're obligated to pay these fees, so there is no point in having a public hearing on them.

The Bill was PASSED TO BE ENGROSSED without Reference to a Committee and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased at this time to take leave of our proceedings for a few moments in order to observe a well-known and widely celebrated annual event.

As you know from walking through the halls this morning, today is Agricultural Day here at the Legislature. In addition to the feast and fanfare under the rotunda, we are also privileged to have with us today eight outstanding young women. They join us today in promoting the proud tradition of Maine's agricultural industry and I'm pleased to have this opportunity to introduce them all to you now: First, I would like to introduce Payton King of Skowhegan, our 1983 Egg Queen. Miss King will be escorted to the front of the Chamber by the good Senator from Somerset, Senator Teague. (Applause)

Our next guest is Lynne Kelley of Leeds, this year's Farm Bureau Queen, and she'll be escorted to the front of the Chamber by the Senator from Kennebec, Senator Dow. (Applause)

Next is Thereas Morrissette of Sabattus, the 1983 State Grange Queen. Miss Morrissette will

be escorted to the front of the Chamber by the Senator from Androscoggin, Senator Minkowsky. (Applause)

The Chair is sorry to have learned that Sheryl Vaillancourt of Presque Isle, Maine's Potato Queen, was unable to arrive here this morning because of the very inclement weather that they're suffering up north.

But, we're pleased to recognize our next guest, Becky Burgess of Stonington, Maine's Sea Goddess, and Becky will be escorted by the Senator from Hancock, Senator Perkins. (Applause)

Next is Bonnie Lefebvre of Cumberland Center, Maine's Honey Queen, and Miss Lefebvre will be escorted to the front of the Chamber by the Senator from Cumberland, Senator Diamond. (Applause)

It is my pleasure to now introduce Pam Babcock of Augusta, our Junior Rodeo Queen, and she'll be escorted to the front of the Chamber by the Senator from Kennebec, Senator Bustin. (Applause)

Last, but by certainly not least, it is my pleasure to introduce Caroline Giustra of North Waldo. She is our Blueberry Queen, and she'll be escorted to the rostrum by the Senate Chair of the Agriculture Committee, the Senator from Oxford, Senator Erwin. (Applause)

THE PRESIDENT: Ladies and Gentlemen, Miss Giustra.

CAROLINE GIUSTRA: Ladies and Gentlemen of the Senate. On behalf of all the queens, I would like to express our appreciation for the opportunity we have been given to represent our commodity groups at events sponsored by the Maine Department of Agriculture.

Last September, as in past years, we were invited to participate in Maine Day activities at the Eastern States Exposition in Springfield. We served a dual function at the "Big E," representing our commodities and answering questions about our great State. We especially appreciate the attendance of Senator Erwin at the Banquet held for us all the night we arrived in Springfield.

Last month we were included in the Agricultural Trade Show and today we are pleased to participate in Maine Agricultural Day.

The roll of Commodity Queens has changed considerably over the years. Maine's first Blueberry Queen was chosen twenty-five years ago after baking the best blueberry pie. Instead of a crown, she wore a chef's hat. Today, Commodity Queens are truly ambassadors of the industries they represent. The coordination of Maine's Commodity Queens by the Department of Agriculture at these special events is good, not only for the commodity group, but for Maine agriculture as a whole.

This is a critical and challenging period for the industry I represent. Growers produced 44.7 million pounds of blueberries in 1983, an increase of 24% over 1982 and 100% increase over 1981, but this increased production coupled with foreign competition has put pressure on blueberry markets. The average price paid to blueberry growers decreased from 53¢ per pound in 1982 to only 37¢ per pound in 1983. Additional marketing efforts are important to utilize increased production. A Bill coming before you during this Legislative Session would increase the blueberry tax paid by growers and processors to promote market development for the industry.

In closing, I would like to invite you all to attend the 25th anniversary of the Maine Blueberry Festival at the Union Fair, August 24th. And, once again, on behalf of all the Commodity Queens, thank you for this opportunity to promote Maine agriculture.

The Sergeant-at-Arms escorted Miss Giustra from the rostrum amid applause of the Senate, the Member rising.

THE PRESIDENT: The Chair would please request that Senator Minkowsky please escort Theresa Morrissette to the Rostrum.

THE PRESIDENT: Ladies and Gentlemen, Theresa Morrisette.

THERESA MORRISSETTE: I have a gift to present to the President from the State Grange. Thank you.

THE PRESIDENT: Thank you. (Applause)

THE PRESIDENT: On behalf of all the Members of the Maine Senate, I extend to each of you our sincere thanks, our very best wishes for an enjoyable day at the State House, and for a very successful year for Maine's Agricultural Industry. When you get a little gift like this, that's why you become President of the Senate. Thank you very much for coming. (Applause)

THE PRESIDENT: I would request that Senator Dow please escort Lynne Kelley to the Rostrum.

THE PRESIDENT: Ladies and Gentlemen, Lynne Kelley.

LYNNE KELLEY: On behalf of the Maine Farm Bureau Association, I would like to present this basket to Mr. Conley. Thank you.

THE PRESIDENT: Thank you very much. (Applause)

THE PRESIDENT: If things like this keep up, I'm going to reconsider and I think I might start running again. Thank you very much. (Applause)

Senate Leave to Withdraw

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

Bill "An Act to Allow Certain Fish and Wildlife Offenses to be Treated as Civil Violations" S. P. 806 L. D. 2154

Ought to Pass in New Draft under New Title

Senator HICHENS for the Committee on EDUCATION on Bill "An Act Relating to Exceptional Children" S. P. 586 L. D. 1703

Reported the same Ought to Pass in New Draft under New Title Bill "An Act Relating to the Definition of School Year for the Purpose of Defining School Eligibility" S. P. 859 L. D. 2332

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.

SECOND READERS

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

House

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

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

House As Amended

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 (H. "E" H-537)

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

ENACTORS

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

AN ACT to Provide for Certain License Requirements for School Bus Drivers. S. P. 704 L. D. 1951

AN ACT to Amend the Charters of Various Sewer and Water Districts Organized under the Private and Special Laws, including the Paris Utility District. H. P. 1685 L. D. 2223

AN ACT Relating to Penobscot Nation Trust Land Designation. H. P. 1398 L. D. 1821 (H. "A" H-523 to C. "A" H-498)

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

AN ACT to Exempt Nonprofit Emergency Feeding Organizations from the Sales Tax. H. P. 1591 L. D. 2101 (S. "A" S-314)

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

Emergency

AN ACT Concerning Terms of Office of Certain County Commissioners whose Districts are Affected by Reapportionment. S. P. 831 L. D. 2222

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in 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 BALDACCI of Penobscot was granted unanimous consent to address the Senate Off the Record.

Senator CARPENTER of Aroostook was granted unanimous consent to address the Senate Off the Record.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In Senate March 15, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-508) AND SENATE AMENDMENT "A" (S-302) IN NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-302) AS AMENDED BY HOUSE AMENDMENT "A" (H-555) THERETO AND HOUSE AMENDMENT "A" (H-508) IN NON-CONCURRENCE.

On motion by Senator KANY of Kennebec, the Senate voted to RECEDE from its action whereby the Bill was PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-555) and Senate Amendment "A" (S-302).

THE PRESIDENT: The Senator has the floor.

SENATOR KANY: Mr. President, I move to Recede from adoption of House Amendment "A" and move Indefinite Postponement of House Amendment "A."

THE PRESIDENT: The Senator from Kennebec, Senator Kany, now moves that the Senate Recede from the adoption of House Amendment "A."

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR MCBREAIRTY: Mr. President and Honorable of the Senate, I would hope that you don't Indefinitely Postpone this amendment. This, we feel, was amended to take care of a technical problem over in the House and the way it is now, any town that doesn't want leaves burned can have an ordinance against it. If we Indefinitely Postpone this amendment, back this up and go along with the Senator from Kennebec, we will have a law that will ban every town in the State of Maine from burning leaves, unless they pass an ordinance. This creates a real problem for many, many of our small towns that don't have planning boards and wouldn't create any problem whatsoever with a few leaves.

The alternative to burning these leaves is bagging them up in plastic bags made from petroleum products, but them on a truck and haul them to a landfill dump and bury them. Our landfill dumps are rapidly running out of space, so I think the alternative is much worse than the burning of these few leaves once a year, and very few people burn them anyway. Thank you. I would ask for a Division.

THE PRESIDENT: A Division has been requested. The question before the Senate is the motion of the Senator from Kennebec, Senator Kany, that the Senate Recede from its adoption of House Amendment "A" which is House 508.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President and Men and Women of the Senate. I would pose a question to the good Senator from Aroostook, Senator McBreairty. He stated in his remarks that if we kept the Bill the way it was that towns would be able to have burning of leaves and if we did what the good Senator from Kennebec wanted to do, towns could not burn leaves unless they had an ordinance. The way that I read this Bill, if a town has trash pickup, under Senator McBreairty's Bill, they will not be able to burn leaves, so we will have a dual system of some towns being able to burn and some towns not, and I'm just wondering if he could clarify that point for us.

THE PRESIDENT: The Senator from York, Senator Wood, has posed a question through the Chair to the good Senator from Aroostook, Senator McBreairty, who may respond if he so desires.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR MCBREAIRTY: Mr. President and Members of the Senate, the way the Bill is right at the minute, all towns in the State of Maine can burn leaves unless they pass an ordinance preventing it. Now, if we back it up and adopt what the good Senator wants, there won't be any towns able to burn leaves unless they pass an ordinance allowing it, that's the difference between the two versions.

The thirty-odd towns that presently can't burn if they have municipal pickup will be taken out and they'll be included in with the rest of the towns in the State.

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

SENATOR PEARSON: Mr. President and Men and Women of the Senate, under the present law in the State of Maine, if you have municipal pickup you cannot burn any leaves, in every other town you can, as the Senator from Aroostook just said.

What we have with us right now is a choice between two options and that is to pass an ordinance to allow the burning of leaves or the reverse would be true.

Now, this is a difficult thing because everybody in here and everybody in the audience in here probably all their lives have been used to raking up leaves on their lawn and pulling them down to the side of the road and setting fire to them. Everybody probably has nostalgic remembrances of the smelling of the burning of leaves in the fall and how great it is and all that, and frankly, so do I. I was once on the opposite

side of the jacket from Senator Kany. I came over on the other side because I was reminded that I live in a different kind of world right now. Unfortunately, but nevertheless, it's true, because I was reminded of the town of Lincoln that I represent, not very long ago, almost lost it's mill in Lincoln because of environmental problems. There was too many particulate matters in the air, they go so fine that we were not almost able to meet the standards in order to keep that mill alive or bring anything else into town. We even had to buy a street sweeper in the town of Lincoln, that vacuumed up the dust on the road instead of sweeping it to the side of the road so that we wouldn't throw off the standards in the monitoring boxes that were located around the town, for fear that we might loose the mill.

In some of those towns the delicate balance of the particulate matter in the air is so fine that if you burn leaves now or anything else, you might go into a zone where you would be violating the air standards of this nation, and so it isn't as simple as we might at first feel that it is, because of those considerations.

So, taking that in mind, I'd like to have you think of it as not just the old way of burning leaves any time you wanted to, although we all wish it were.

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

SENATOR McBREAIREY: Mr. President and Honorable Members of the Senate. In Senator Pearsons' case, his Lincoln could pass an ordinance to prevent burning and take care of the problem very easily.

Now, most of your bigger towns have planning boards and passing an ordinance opposing the burning of leaves would be no problem at all, they could at the regular monthly meeting do so. But, if we pass a bill here that requires all towns to have an ordinance in order to burn leaves, you're going to have hundreds of small towns out there that will be burning leaves in violation of the law and there's really no need of it. I think we should go along with this bill as it is and let areas where there is a problem take care of it under their own planning boards and ordinances. Thank you.

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

SENATOR PEARSON: Mr. President and Men and Women of the Senate, the main thrust of this Bill, though, is a statement which we will be making to the Federal Government, and it is important that our attitude and our laws reflect the attitude that we are taking as many measures as we can to make sure that our air is clean.

I'll tell you, it isn't easy to stand up here and say that you ought to have a little tougher law on burning leaves because I've done it a hundred times and so probably has everybody else in this room, but the world now is such that we have to be very careful about the kinds of statement that we make in our statutes, vis-a-vis the Federal Environmental Protection Agency.

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

SENATOR KANY: Mr. President and Members of the Senate, what Senator McBreairey wants is to enact into law something which we know, that probably, will be in violation of the Federal standards, that is definite. What I'm hoping to back this Bill up to do would allow individual towns to enact by ordinance something which would allow the burning of leaves in certain areas of their towns or in all of their towns. And probably, we have had an indication from the EPA that this will be okay as far as Federal law and Federal standards are. That's the indication, and I don't know how we, as responsible lawmakers in the State of Maine, if we disagree with something the Federal Government has done or not, can in good conscience, vote for something that the Federal Government has said would basically be in violation of attempt-

ing to comply with the Federal law.

I hope you go along with Senator Pearson and with me, and vote in favor of the motion before us now, and allow me to attempt to continue to back up this Bill and put the ten to three Ought to Pass Majority Report into law.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairey, who having already spoken three times, wishes to speak a fourth.

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

It is a vote.

SENATOR McBREAIREY: Mr. President and Honorable Members, I'll be very brief. If we go with the law as is and half of the towns pass ordinances banning the burning of leaves, we'll be in exactly the same position if we go with the Senator from Kennebec's version and half of the towns go the other way. We'll be in the same position, we will be violating the Federal laws if half the towns pass ordinances saying you can burn, just the same as if we have ordinances saying half the town passes saying you can't burn, there'll be no difference in the end results.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

SENATOR REDMOND: I would like to add that in my District, with some thirty-eight or organized municipalities, or plantations, or towns, and no one burns leaves unless they have the permission from the town, they need a permit. We have already mandated that, the Legislature has mandated that, so no one goes when he feels like it and sets the fire all over the place, it is controlled. I think that, that's worthwhile mentioning. So, as far as I'm concerned, I think that it's the same old cliché that we have here as to when are we going to get off the peoples' back and leave them alone. We have plenty of laws and they understand them and they're observing them and I'm going to go with Senator McBreairey.

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

SENATOR COLLINS: A parliamentary inquiry, Mr. President. Is the pending motion directed to H-555 or to H-508?

THE PRESIDENT: The question is the motion to Recede from the Adoption of House Amendment "A" H-508.

Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by Senator Kany of Kennebec to Recede from the Adoption of House Amendment "A" (H-508), please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion to RECEDE from the ADOPTION of House Amendment "A" (H-508), FAILED.

On motion by Senator COLLINS of Knox, the Senate voted to CONCUR with the House.

Non-concurrent Matter

Bill "An Act to Amend the Provisions for Clam Regulation in the Unorganized Territories" (Emergency) H. P. 1604 L. D. 2129

In Senate March 16, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-307) AND HOUSE AMENDMENT "A" (H-556) in NON-CONCURRENCE.

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

It is a vote.

Non-concurrent Matter

Bill "An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court" S. P. 812 L. D. 2162

In Senate March 12, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMEND-

MENT "A" (S-307).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-307) AND HOUSE AMENDMENT "A" (H-540) in NON-CONCURRENCE.

THE PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House.

It is a vote.

Non-concurrent Matter

Bill "An Act to Give the Department of Marine Resources the Authority to Charge Fees for Lobster Trap Tags" H. P. 1709 L. D. 2237

In Senate March 16, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-557) in NON-CONCURRENCE.

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

It is a vote.

Non-concurrent Matter

Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" S. P. 842 L. D. 2262

In Senate March 16, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-544) in NON-CONCURRENCE.

On motion by Senator PRAY of Penobscot, TABLED FOR 1 Legislative Day, pending FURTHER CONSIDERATION.

House Papers

Bill "An Act to Establish a Maine Life and Health Insurance Guaranty Association" H. P. 1767 L. D. 2333

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

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

SENATOR TWITCHELL: I move that L. D. 2333 be Indefinitely Postponed.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell, now moves that Bill "An Act to Establish a Maine Life and Health Insurance Guaranty Association," H. P. 1767 L. D. 2333, be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. Mr. President and Men and Women of the Senate, talk about coming from the blind side! I would hope that the Members of this Senate would not vote in support of the pending motion of Indefinite Postponement. I would hope that we would give this Bill a public hearing, which we can do next week, this Bill comes not from the genesis of an individual legislator, but through the Department. This is a Bill with which the Committee has some interest and for which we have been waiting most of the duration of this Session. Thank you, Mr. President.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, I perhaps would pose a question through the Chair to the good Senator from Oxford, Senator Twitchell, if he might not share with us some of his rational for asking for Indefinite Postponement. If I might also, Mr. President, I would only like to make a point and that is, it is irrelevant to me whether or not this is a Governor's Bill, a Departmental Bill or any other bill, the simple fact of the matter is that there are only some few days left in this session, I think it is inappropriate for wherever the bill is coming from, for these bills to be coming in at this time.

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

SENATOR TWITCHELL: Thank you, Mr. Pres-

ident and Members of the Senate. It seems like on Tuesday we let twenty-five bills in the Committee, twenty-five more bills, and today, we've got two bills, 1-6 and 1-7. We've got nine to ten days left and I think it's ridiculous to let all these bills in and I think we ought to put a stop to it.

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

SENATOR CLARK: Thank you, Mr. President. Mr. President and Men and Women from the Chamber, I don't wish to be particularly ponderous, but I stand as the Senate Chair of the Joint Standing Committee on Business Legislation, particularly proud of the performance of that Committee and should the Members of this Chamber have privy to our daily reporting of the status of bills within the Committee, as does Leadership, I would think that you would concur that our Committee can really handle, honest we can, and while I have strong affection for the good Senator from Oxford, Senator Twitchell, I just hope his motion doesn't prevail.

THE PRESIDENT: The question before the Senate is the motion of the Senator from Oxford, Senator Twitchell, that L. D. 2333 be Indefinitely Postponed.

The Chair ordered a Division.

Will all those Senators in favor of the motion by Senator Twitchell of Oxford to Indefinitely Postpone L. D. 2333, please rise in their places to be counted.

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

9 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE FAILED.

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

Bill "An Act to Establish Age 21 as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" H. P. 1768 L. D. 2334

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

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

SENATOR TWITCHELL: I move that L. D. 2334 be Indefinitely Postponed.

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

SENATOR PRAY: Mr. President, a parliamentary inquiry to the Chair as to whether or not L. D. 2334 is in violation of Joint Rule 24.

THE PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a parliamentary inquiry of the Chair and the Senate will be at Ease pending the ruling.

SENATE AT EASE

The Senate called to order by the President.

On motion by Senator PRAY of Penobscot, TABLED UNASSIGNED, PENDING RULING FROM THE CHAIR.

COMMUNICATION

The Following Communication: COMMITTEE ON AGRICULTURE

March 22, 1984

The Honorable Gerard P. Conley
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Charles E. Moreshead of Augusta, as a member of the Maine Harness Racing Commission.

After public hearing and discussion on this

nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 6

NAYS: 0

ABSENT: 4 (Rep. Michael of Auburn, Rep. Locke of Sebec, Rep. Smith of Island Falls, Rep. Crouse of Washburn)

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Charles E. Moreshead of Augusta, as a member of the Maine Harness Racing Commission be confirmed.

Sincerely,

S/ EDGAR E. ERWIN

Senate Chair

S/ JOHN M. MICHAEL

House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended that the nomination of Charles E. Moreshead be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on AGRICULTURE be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS—Senators, None.

NAYS—Senators, Baldacci, Brown, Bustin, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaity, Minkowsky, Najarian, Pearson, Perkins, Pray, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—Senators, Carpenter, Redmond.

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 2 Senators being absent and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Charles E. Moreshead is CONFIRMED.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator EMERSON on the Committee on PUBLIC UTILITIES on Bill "An Act Creating the Rangeley Water District" (Emergency) S. P. 759 L. D. 2068

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-327).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-327) was READ and ADOPTED.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the 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 READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended.

Sent down for concurrence.

Senator BROWN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS

on Bill "An Act Making Additional Allocations for the Expenditures of State Government in Response to an Increase in the United States Department of Energy's Grant Award for the Program of Weatherization Assistance for Low-income Persons for Fiscal Year Ending June 30, 1984" (Emergency) S. P. 792 L. D. 2117

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-328)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-328) was READ and ADOPTED.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the 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 READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senator NAJARIAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish a Training Program to Improve Water Quality" S. P. 668 L. D. 1837

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-329)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-329) was READ and ADOPTED.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the 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 READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senator BROWN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Relating to Counselor Positions in the Offices of the Bureau of Veterans' Services" S. P. 702 L. D. 1940

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-330)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-330) was READ and ADOPTED.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the 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 READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Ought to Pass in New Draft

Senator HAYES for the Committee on LABOR on Bill "An Act to Provide for Repayment of Interest Charges Incurred on Federal Advances to the Unemployment Compensation Fund" S. P. 742 L. D. 2045

Reported that the same Ought to Pass in New Draft under same title S. P. 861 L. D. 2338

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

SECOND READERS

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

House

Bill "An Act Establishing the Emergency Service Personnel Arbitration Act" H. P. 1299 L. D. 1724

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in NON-CONCURRENCE.

Sent down for concurrence.

House As Amended

Bill "An Act to Create the Judicial Employees Labor Relations Act" (Emergency) H. P. 1649 L. D. 2175 (H "A" H-545)

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

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

COMMITTEE REPORTS**House****Leave to Withdraw**

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

Bill "An Act to Increase the Minimum Limits for Uninsured Motorists' Coverage in Automobile Insurance Policies" H. P. 1635 L. D. 2158

Resolve, Reimbursing Jeffrey Bellmore of Waldoboro for Damages Caused by the Actions of a State Ward H. P. 1681 L. D. 2226.

Bill "An Act to Limit the Speed of Motor Vehicles Operating on Maine Bodies of Water to 15 Miles Per Hour" H. P. 1605 L. D. 2130

Ought to Pass

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act Authorizing an Adoption Assistance Compact and Procedures for Interstate Services Payments" H. P. 1673 L. D. 2218

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules, that 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 LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1984 (Emergency) H. P. 1757 L. D. 2322

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, that the 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.

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1984 (Emergency) H. P. 1766 L. D. 2328

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, that the 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.

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to Increase the Potato Tax" H. P. 1645 L. D. 2179

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-561).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-561) was READ and ADOPTED, in concurrence.

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, as Amended, in concurrence.

The Committee on JUDICIARY on Bill "An Act to Amend the Waiting Period Between Recording Intentions of Marriage and Receipt of a Marriage License" H. P. 1602 L. D. 2127

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-553).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-553) was READ and ADOPTED, in concurrence.

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, as Amended, in concurrence.

The Committee on LABOR on Bill "An Act to Amend the Early Payment Provision of the Workers' Compensation Act with Respect to Payments for Impairment and Medicals-only Claims" (Emergency) H. P. 1660 L. D. 2190

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-554).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-554).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-554) was READ and ADOPTED, in concurrence.

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, as Amended, in concurrence.

The Committee on TAXATION on Bill "An Act to Provide More Venture Capital to Maine Business" H. P. 1608 L. D. 2124

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-560).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-560).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-560) was READ and ADOPTED, in concurrence.

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 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, as Amended, in concurrence.

Divided Report

The Majority of the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Repeal the Law Requiring Adult Children to Care for Parents According to Ability" H. P. 1392 L. D. 1815

Reported that the same Ought to Pass in New Draft under same title H. P. 1752 L. D. 2314

Signed:

Senators:

DOW of Kennebec
TEAGUE of Somerset
MINKOWSKY of Androscoggin

Representatives:

HICKEY of Augusta
AINSWORTH of Yarmouth
PARADIS of Old Town
STEVENSON of Unity
MAYO of Thomaston
LEHOUX of Biddeford
TUTTLE of Sanford
PERRY of Mexico
THERIAULT of Fort Kent

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

Signed:

Representative:

WALKER of Skowhegan

Comes from the House the Majority Ought to Pass in New Draft under same title report READ and ACCEPTED and the Bill, in NEW DRAFT PASSED TO BE ENGROSSED

Which Reports were READ.

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

The Bill in NEW DRAFT 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 in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Divided Report

The Majority of the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Assure Greater Independence to the Certificate of Need Advisory Committee and for Other Purposes" H. P. 1481 L. D. 1944

Reported that the same Ought To Pass as

Amended by Committee Amendment "A" (H-539).

Signed:

Senators:

BUSTIN of Kennebec
GILL of Cumberland

Representatives:

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

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

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

MELENDY of Rockland
MANNING of Portland

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-539)

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-539) was READ and ADOPTED, in concurrence.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

Senate

Leave to Withdraw

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

Resolve to Fund a History of the Town of Weston S. P. 782 L. D. 2108

Bill "An Act to Appropriate Funds for Independent Living Services" S. P. 850 L. D. 2308

Ought to Pass

Senator NAJARIAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Avoid Lapsing Certain State Appropriated Public Transportation Funds" (Emergency) S. P. 764 L. D. 2072

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 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.

Sent down for concurrence.

Senator NAJARIAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase the Enforcement and Educational Staff of the Maine Land Use Regulation Commission" (Emergency) S. P. 729 L. D. 2011

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 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.

Sent down for concurrence.

Senator TWITCHELL for the Committee on

LOCAL AND COUNTY GOVERNMENT on Resolve, Designating a Mountain in Andover North Surplus Township as Grady's Mountain" S. P. 828 L. D. 2214

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

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

Sent down for concurrence.

ENACTORS

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

AN ACT to Require Mortgagees to Pay Interest on Escrow Accounts H. P. 1711 L. D. 2241

AN ACT Requiring Insulation Contractors to Make Certain Disclosures when Installing Urea Formaldehyde Insulation S. P. 758 L. D. 2067

AN ACT to Increase the Dollar Limitation for Cases which may be Brought in Small Claims Court S. P. 741 L. D. 2044 (C "A" S-317)

AN ACT to Establish a Commercial Tag for Atlantic Salmon H. P. 1533 L. D. 2016 (H "A" H-524; C "A" H-521)

AN ACT to Clarify the Licensing Authority of the Board of Registration in Medicine H. P. 1665 L. D. 2197 (S "A" S-309 to H "A" H-521; H "B" H-535)

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

AN ACT to Provide a Sales Tax Exemption for Community Action Agencies S. P. 698 L. D. 1938 (C "A" S-316)

At the request of Senator NAJARIAN of Cumberland, Set-aside.

Emergency

AN ACT to Provide for Equal Treatment of Special Fuel Used for Heating Purposes S. P. 747 L. D. 2050 (C "A" S-311)

On motion by Senator PRAY of Penobscot TABLED for 1 Legislative Day, pending ENACTMENT.

Emergency Resolve

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

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

AN ACT to Provide a Sales Tax Exemption for Community Action Agencies S. P. 698 L. D. 1938 (C "A" S-316)

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

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 Authorize a General Fund Bond Issue in the Amount of \$15,735,000 to Plan, Construct and Equip Pollution Abatement Facilities and to Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites" (Emergency) H. P. 1772 L. D. 2340

Comes from the House referred to the Committee on APPROPRIATIONS AND FINAN-

CIAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Establish an Excise Tax on Nuclear Fuel Assemblies" H. P. 1771 L. D. 2339

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

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

SENATOR COLLINS: Mr. President, a parliamentary inquiry. I have not found this L. D. in my book or on my desk and I would inquire whether this is a Governor's Bill or has some other status?

Senate at Ease

The Senate called to order by the President.

THE PRESIDENT: The Chair would state the Bill is presently at the printers. That the Bill was approved for introduction by the Legislative Council pursuant to Joint Rule 26.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President and Men and Women of the Senate, although I don't intend to make any motion on this Bill, and hope that it will be referred to our Committee, I would only point out that the sponsor of this Bill is the Speaker of the House of Representatives, that same Speaker who has been haranguing our Committee's to report bills out, who's been suggesting that maybe we should meet on Friday's, Saturday's and Sunday's, that same Speaker who has criticized the Governor for getting in bills late.

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

SENATOR TWITCHELL: Thank you, Mr. President. I move that this item be Indefinitely Postponed.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell moves that "Bill An Act to Establish an Excise Tax on Nuclear Fuel Assemblies", be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, though L. D. 2339 appears by sponsorship to be the concept and the idea of the presiding officer of the other Body, it is in fact my legislative proposal. Since it is a tax proposal and can't be sponsored by a Senator the good gentlemen aforementioned agreed to be the prime sponsor.

I believe that this is an issue that should be addressed, should be debated by the Taxation Committee, and that evaluation should be rendered shortly by that Committee which is known for doing the hard-work and is always been able to meet the deadline that it is charged with.

I would ask for a Division on the Indefinite Postponement.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, Men and Women of the Senate, I would agree with the kind remarks of the Majority Floor Leader, our Committee only has three bills in Committee and I am sure that we can do this. I would point out that probably the reason that we can do that is because of my ego, and my ability to have a Committee Clerk.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Twitchell that this Bill be Indefinitely Postponed.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Twitchell to Indefinitely Postpone, please rise and re-

main standing in their places until counted.

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

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE in NON-CONCURRENCE, PREVAILED.

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act to Strengthen the Audit and Program Review Processes" S. P. 783 L. D. 2109

Bill "An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration." S. P. 539 L. D. 1574

Ought to Pass

Senator HICHENS for the Committee on STATE GOVERNMENT on Bill "An Act to Require State Agencies Authorized to Expend Proceeds of Bonds Approved by the Electorate to Report the Status of the Bonds to the Legislature Prior to the Date of Deauthorization as Provided in the Constitution of Maine" S. P. 819 L. D. 2199

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 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.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Duties Performed which are Mandatory Nonfish and Nongame Related" (Emergency) H. P. 1758 L. D. 2320

Reported that the same Ought To Pass.

Signed:

Sensors:

USHER of Cumberland
DOW of Kennebec
REDMOND of Somerset

Representatives:

MacEACHERN of Lincoln
GREENLAW of Standish
RODERICK of Oxford
PAUL of Sanford
CONNERS of Franklin
ERWIN of Rumford
JACQUES of Waterville
CLARK of Millinocket
SMITH of Island Falls

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

Signed:

Representatives:

KELLY of Camden

Comes from the House with Reports READ the Bill and accompanying Papers referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS

Which Reports were READ.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS, in concurrence.

ORDERS OF THE DAY

The President laid before the Senate:

Bill "An Act to License Occupational Therapists" S. P. 837 L. D. 2243

Tabled—March 22, 1984 by Senator PRAY of Penobscot

Pending—FURTHER CONSIDERATION

(In Senate March 16, 1984 PASSED TO BE ENGROSSED)

(In House March 20, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-549) in NON-CONCURRENCE)

On motion by Senator CLARK of Cumberland the Senate RECEDED.

House Amendment "A" (H-549) was READ.

On motion by Senator CLARK of Cumberland, House Amendment "A" (H-549) was INDEFINITELY POSTPONED, in NON-CONCURRENCE.

THE PRESIDENT: The Senator has the floor.

SENATOR CLARK: Mr. President, I present Senate Amendment "A" under filing number S-331 and move its Adoption, and would speak briefly to my motion.

THE PRESIDENT: The Senator from Cumberland, Senator Clark presents Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-331) was READ.

THE PRESIDENT: The Senator has the floor.

SENATOR CLARK: Mr. President and Members of the Senate, if anyone is wondering why we have just Indefinitely Postponed House Amendment to L. D. 2243 and replaced it with a Senate Amendment, there was an unintentional wrong word incorporated into the House Amendment, it was just the most simple thing to do. Thank you very much.

Senate Amendment "A" (S-331) was ADOPTED.

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

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance" (Emergency) H. P. 1516 L. D. 1991

Tabled—March 22, 1984 by Senator MINKOWSKY of Androscoggin

Pending—The motion of Senator BROWN of Washington to RECONSIDER acceptance of the Minority Ought Not to Pass report in NON-CONCURRENCE

(In House March 20, 1984 the Majority Ought to Pass as Amended by Committee Amendment "A" (H-527) report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527) AS AMENDED BY HOUSE AMENDMENT "A" (H-542) THERETO)

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

SENATOR BROWN: A parliamentary inquiry. Is the motion in order for me to withdraw my motion to Reconsider?

THE PRESIDENT: The Chair would respond in the affirmative.

SENATOR BROWN: I would like to do that Mr. President.

THE PRESIDENT: The Senator from Washington, Senator Brown asks leave of the Senate to Withdraw his motion to Reconsider its action whereby the Senate Accepted the Majority Ought Not to Pass Report.

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

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President, I now move the Senate Reconsider the Acceptance of the Minority Ought Not to Pass, I would like to speak to my motion.

Senate at Ease

The Senate called to order by the President.

THE PRESIDENT: The Senator from Androscoggin, Senator Minkowsky now moves that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President and Members of the Senate, in behalf of the Committee on Marine Resources I think that it is of significant value to state to the Senate this afternoon that everybody is not in opposition to this particular bill. We debated it quite fully this morning and I think that I brought out the areas of concern on all parts of the fisheries involved.

In speaking to some of the concerned parties this afternoon it became very clear to me that they are not opposed to the bill in its entirety, they are only opposed to one section of the bill which is the Committee Amendment. That would be the part about opening up purse sein-ing in Washington County.

Now I know there is an area of compromise that can be struck on this particular document, and I would hope the Senate in its wisdom would accept the Majority Ought to Pass Report reject the Minority Report which we accepted this morning and allow us to find an area of compromise in which to solve this particular dilemma.

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

SENATOR BROWN: Mr. President, I request a Division on the good Senator's motion.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Androscoggin, Senator Minkowsky to Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report, please rise and remain standing until counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: I would 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 Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Mr. President I would pose a question to the good Senator from Androscoggin, Senator Minkowsky, if I may.

THE PRESIDENT: The Senator may state her question.

SENATOR CLARK: Thank you, Mr. President. Is it the intent of the potential compromise to remove that section from the Committee Report which is so offensive to a certain County on coastal Maine?

THE PRESIDENT: The Senator from Cumberland, Senator Clark, has posed a question through the Chair to the good Senator from Androscoggin, Senator Minkowsky who may respond if he so desires.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President and Members of the Senate, the answer is a tentative Yes based upon what compromised can be reached.

I would call the Senator's attention to a Senate Amendment which has not been adopted which are in our books this afternoon under filing S-332 which specifically addresses the objection of some of the people in Washington

County and the statement of fact really clears it up, it says: "the purpose of this amendment is to remove from the bill any provisions which relate to open up purse seines." Had this been the case this morning where we accepted the Majority Ought to Pass Report of our hard-working Committee on Marine Resources, that went on-site and discussed this thing to the ultimate degree with all parties concerned chances are something of this nature would have materialized insofar as a compromise.

I can speak maybe from the part of the Senate and maybe the Senate Members on the Marine Resources Committee, but I can't speak as to what would happen in the other Body.

So the answer is that it is quite feasible and practical that a compromise as I mentioned earlier could be struck.

THE PRESIDENT: Is the Senate ready for the question.

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report.

A Yes vote will be in favor of Reconsideration whereby the Senate Accepted the Minority Ought Not to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Kany, Minkowsky, Najarian, Shute, Trafton.

NAYS—Senators, Brown, Bustin, Charette, Clark, Emerson, Hichens, McBreairty, Pearson, Perkins, Pray, Redmond, Sewall, Teague, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—Senators, Baldacci, Carpenter.

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion to RECONSIDER ACCEPTANCE of the MINORITY OUGHT NOT TO PASS, FAILED.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate Off the Record.

Senator DIAMOND of Cumberland moved the Senate RECONSIDER its action of earlier in today's session whereby it INDEFINITELY POSTPONED:

Bill "An Act to Establish an Excise Tax on Nuclear Fuel Assemblies"

H. P. 1771 L. D. 2339

On motion by Senator PRAY of Penobscot TABLED for 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator DIAMOND, to RECONSIDER where the Senate INDEFINITELY POSTPONED L. D. 2339.

(Off Record Remarks)

There being no objections all items previously acted upon with the exception of 2 items previously held were sent forthwith.

The ADJOURNMENT ORDER having been returned from the House, READ and PASSED, on motion by Senator PRAY of Penobscot, ADJOURNED until Tuesday, March 27, 1984 at 9 o'clock in the morning.