

# 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)**

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STATE OF MAINE  
 One Hundred and Eleventh Legislature  
 Second Regular Session  
 JOURNAL OF THE SENATE  
 In Senate Chamber  
 Tuesday  
 March 27, 1984  
 Senate called to Order by the President.

Prayer by The Honorable Walter Hichens of York

SENATOR HICHENS: May we pray. Our heavenly Father, as we bow before Thee on this spring morning we thank Thee for the privilege that Thou has given to us of serving our State in the Senate, but we realize with that privilege comes great responsibilities, that we must search our consciences as to what is best for the people we represent.

As we look at our Calendar today we realize there are going to be issues where there will be differences of opinion. We pray, Lord, that we may respect each others opinion, that we may have a spirit of empathy for those round about us, and consider their desires and their decisions which they shall make, even though they may be different than ours.

Help us and guide us today in Thy wisdom and in Thy love, for we ask in Thy name, Amen.

Reading of the Journal of Thursday, March 22, 1984.

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

Bill "An Act to Authorize County Commissioners to Establish Separate Voting Places in Unorganized Townships" S. P. 858 L. D. 2331

Committee on ELECTION LAWS suggested  
 In Senate March 20, 1984 Under Suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE

In House March 22, 1984 READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-573) WITHOUT REFERENCE TO A COMMITTEE in NON-CONCURRENCE

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

**House Papers**

Bill "An Act to Amend the Potato Price Stabilization Program" H. P. 1774 L. D. 2352

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

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

Bill "An Act to Allow Persons Holding Occupational Licenses in the State who Enter the Armed Forces to Obtain Inactive Licenses for Reduced Fees" H. P. 1775 L. D. 2353

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

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

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

THE PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the rules be suspended and that this bill be given its First Reading at this time without Reference to a Committee.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending the same Senator's motion to SUSPEND THE RULES

Resolve, to Establish a Select Committee

Concerning Forest Practices in the State (Emergency) H. P. 1776 L. D. 2354

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

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

Bill "An Act to Authorize Hospital Administrative District No. 1 and Hospital Administrative District No. 4 to Engage in a Joint Venture for the Purpose of Owning and Operating a Regional Mobile Computerized Axial Tomography Scan Unit" H. P. 1778 L. D. 2356

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

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

Resolve, Establishing a Task Force on Head Injuries H. P. 1777 L. D. 2355

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

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

**COMMUNICATIONS**

The Following Communication: (S. P. 871)

STATE OF MAINE

DEPARTMENT OF HUMAN SERVICES

March 21, 1984

The Honorable Gerard P. Conley

President of the Senate

Maine State Senate

State House

Augusta, ME 04333

Dear Mr. Conley:

Enclosed please find an Interim Report to the Governor and the Legislature as mandated by M.R.S.A. 22, sub-section 7106(2) (f), for 6 months of 1983. This is the first year this report has been compiled from data acquired from the state data information system rather than from sending law students out to manually collect data from court dockets. Under this system, the Uniform Traffic Ticket used throughout Maine has been amended to include all Operating Under the Influence, Habitual Offender, and Operating After Suspension required by sub-section 7106 (2) (f). This data is compiled and stored in the Division of Motor Vehicle computers and was retrieved by the Department of Human Services for purposes of this report.

This interim report covers the period from January 1, 1983-June 30, 1983, because many arrests which occurred in 1983 will not be adjudicated until March or April, 1984. As of February 1, 1984, the OUI data for the last six months of 1983 were only 70% complete. We felt it was better to prepare a 6-month report based on 95% of the 6 months of data rather than a 12-month report that was based on only 70% of 1983 data. By June 1, 1984, however, more than 95% of OUI data for 1983 will have been entered into the DMV computers, and we will compile and write the full year's OUI report without a statistically significant portion of the year's data being missing.

We are pleased by the trends this report documents in virtually every indicator for which data has been gathered.

Sincerely,  
 S/MICHAEL R. PETIT  
 Commissioner

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

Sent down for concurrence.

The Following Communication (S. P. 872)  
 11th Legislature

March 27, 1984

The Honorable Carroll E. Minkowsky

The Honorable Nathaniel J. Crowley, Jr.  
 Chairpersons, Committee on Marine Resources  
 State House

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Donald Wotton of Boothbay, Peter Inniss of Kennebunk and Louis J. Zglobicki, O.D., of Falmouth for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Which was READ and referred to the Committee on MARINE RESOURCES.

Sent down for concurrence.

**ORDER**

**Joint Resolution**

On motion of Senator DANTON of York (Cosponsors: Senator CONLEY of Cumberland, Speaker MARTIN of Eagle Lake) the following Joint Resolution: (S. P. 868)

JOINT RESOLUTION COMMEMORATING THE 25TH ANNIVERSARY OF THE ENTHRONEMENT OF THE ARCHBISHOP IAKOVOS

WHEREAS, April 1, 1984, marks the 25th anniversary of the enthronement of His Eminence Archbishop Iakovos as the Greek Orthodox Primate and Exarch of the Western Hemisphere, and November 25, 1984, marks 50 years from his ordination to the Holy Diaconate; and

WHEREAS, in his ministry, he has been an admirable role model for American Greek Orthodox Christians and has inspired many throughout the width and breadth of the Americas to strive for the attainment of social justice, racial equality and human rights for all people; and

WHEREAS, Archbishop Iakovos was the recipient of the Presidential Medal of Freedom bestowed by President Jimmy Carter; and

WHEREAS, Americans of Hellenic heritage and religious and civic leaders throughout our continent, including more than 550 parishes of the Greek Orthodox Church in the Americas, will participate in a year-long celebration of the achievements of Greek Orthodoxy in the Western Hemisphere; now, therefore, be it

RESOLVED: That We, the Members of the 11th Legislature in Second Regular Session assembled, commemorate the 25th anniversary of the enthronement of His Eminence Archbishop Iakovos and recognize the accomplishments of the Greek Orthodox Church in the Americas as a vital and integral member of the religious community of the United States; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and transmitted forthwith to Prokopios Nikas, Pastor of the Holy Trinity Greek Orthodox Church in Portland, Maine.

Which was READ and ADOPTED

Sent down forthwith for concurrence.

**COMMITTEE REPORTS**

**House**

**Ought Not To Pass**

The following OUGHT NOT TO PASS Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Relating to Funding of Thomaston Schools for 1984-85" H. P. 1648 L. D. 2182

**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 Appropriate Funds from the General Fund for Public Transportation" H. P. 1525 L. D. 2006

Bill "An Act Relating to Occupational Safety and Health of Agricultural Workers" H. P. 1474 L. D. 1935

Bill "An Act Providing for a Maine Labor Relations Law" H. P. 1663 L. D. 2196

Bill "An Act to Separate Seven Affiliated Boards from the Department of Business, Occupational and Professional Regulation" H. P. 1621 L. D. 2145

Bill "An Act to Provide for Conformity with the United States Internal Revenue Code" H. P. 359 L. D. 417

#### Ought to Pass

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Improve Cash Flow in the Department of Inland Fisheries and Wildlife" H. P. 1759 L. D. 2321

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1756).

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

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

#### Ought to Pass in New Draft

The Committee on LEGAL AFFAIRS on Bill "An Act to Prohibit any Type of Gambling Machine" H. P. 1432 L. D. 1877

Reported that the same Ought to Pass in New Draft under same title H. P. 1761 L. D. 2325

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-567).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-567) was READ and ADOPTED in concurrence.

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

The Committee on PUBLIC UTILITIES on Bill "Act to Clarify Utility Financing of Energy Conservation" H. P. 1406 L. D. 1828

Reported that the same Ought to Pass in New Draft under same title H. P. 1760 L. D. 2323

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

The Committee on PUBLIC UTILITIES on Bill "An Act Creating the Wiscasset Water District" H. P. 1328 L. D. 1765

Reported that the same Ought To Pass In Second New Draft under same title H. P. 1764 L. D. 2326

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

Which Report was READ and ACCEPTED, in concurrence.

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

#### Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Maine Lemon Law to Include Vehicles Such as Tractor Trailers" H. P. 1490 L. D. 1965

Reported that the same Ought Not To Pass.

Signed:

Senators:

CLARK of Cumberland  
CHARETTE of Androscoggin

Representatives:

TELOW of Lewiston  
POULIOT of Lewiston  
PERKINS of Brooksville  
CONARY of Oakland  
STEVENS of Bangor  
MURRAY of Bangor

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

BRANNIGAN of Portland  
MARTIN of Van Buren  
MacBRIDE of Presque Isle  
RACINE of Biddeford

Comes from the House with the Minority Ought To Pass report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-558)

Which Reports were READ

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

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

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

The Chair recognizes the Senator from Lincoln, Senator Sewall.

SENATOR SEWALL: I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator Clark of Cumberland to Accept the Majority Ought Not to Pass Report of the Committee, please rise and remain standing in their places until counted.

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

22 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion to ACCEPT the Majority OUGHT NOT TO PASS Report of the Committee in NON-CONCURRENCE, PREVAILED

Sent down for concurrence.

#### Senate

##### Leave to Withdraw

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

Bill "An Act Authorizing the Public Advocate to Intervene in Health Insurance Proceedings before the Superintendent of Insurance and in the Proceedings of the Health Care Finance Commission" S. P. 822 L. D. 2202

#### Ought to Pass

Senator ERWIN for the Committee on

AGRICULTURE on Bill "An Act to Amend the Certified Seed Potato Law" S. P. 820 L. D. 2000

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 this Bill be given its Second Reading at this time by Title Only?

It is a vote.

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

Sent down for concurrence.

Senator TRAFTON for the Committee on JUDICIARY on Bill "An Act to Provide Immunity to Persons and Institutions who Act as Depositories for Wills" S. P. 834 L. D. 2235

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

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

It is a vote.

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

Sent down for concurrence.

Senator DANTON for the Committee on TRANSPORTATION on Bill "An Act Authorizing the Maine Turnpike Authority to Permit the Erection of Kiosks at Rest Areas on the Maine Turnpike." S. P. 829 L. D. 2215

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

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

It is a vote.

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

Sent down for concurrence.

#### Ought to Pass As Amended

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Provide Set-back Requirements for Disposal by a Property Owner on His Property of Septage from His Residence" S. P. 813 L. D. 2169

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-335)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-335) 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 USHER for the Committee on ELECTION LAWS on Bill "An Act to Allow Municipalities to Use Outgoing Voter Check Lists" S. P. 650 L. D. 1840

Reported that the same Ought to Pass in New Draft under same title (Emergency) S. P. 867 L. D. 2358

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.

**Ought to Pass in New Draft**

Senator USHER for the Committee on ELECTION LAWS on Bill "An Act to Allow Municipalities to Use Outgoing Voter Check Lists" S. P. 650 L. D. 1840

Reported that the same Ought to Pass in New Draft under same title (Emergency) S. P. 867 L. D. 2358

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.

Senator NAJARIAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, Providing Funding for Transitional Residential Programs for Adolescent Girls at Risk (Emergency) S. P. 710 L. D. 1956

Reported that the same Ought to Pass in New Draft under same title (Emergency) S. P. 866 L. D. 2357

Which Report was READ and ACCEPTED. The Resolve in NEW DRAFT READ ONCE.

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

It is a vote.

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

Sent down for concurrence.

**Ought to Pass in New Draft Under New Title**

Senator PERKINS for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year ending June 30, 1984" (Emergency) S. P. 795 L. D. 2131

Reported the same Ought to Pass in New Draft under New Title Bill "An Act Making Appropriations and Allocations for the Expenditures of State government for the Fiscal Years Ending June 30, 1984 and 1985" (Emergency) S. P. 864 L. D. 2343

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 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.

Senator HICHENS for the Committee on STATE GOVERNMENT on Bill "An Act Pertaining to the Disposition of Surplus Real Estate" S. P. 789 L. D. 2115

Reported the same Ought to Pass in New Draft under New Title Resolve, to Inventory all State Real Property and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property" S. P. 865 L. D. 2349

Which Report was READ and ACCEPTED.

The Resolve in NEW DRAFT under NEW TITLE READ ONCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules this Resolve be given its Second Reading at this

time by Title Only?

It is a vote.

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

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on JUDICIARY on Bill "An Act Providing for Change of Venue in Criminal Cases" S. P. 658 L. D. 1848

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-334).

Signed:

Senators:

TRAFTON of Androscoggin  
COLLINS of Knox  
VIOLETTE of Aroostook

Representatives:

HOBBS of Saco  
LIVESAY of Brunswick  
SOULE of Westport  
JOYCE of Portland  
HAYDEN of Durham  
BENOIT of South Portland

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

Signed:

Representatives:

DRINKWATER of Belfast  
REEVES of Newport  
CARRIER of Westbrook  
FOSTER of Ellsworth

Which Reports were READ

The Majority OUGHT TO PASS as Amended Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-334) 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.

**Divided Report**

The Majority of the Committee on EDUCATION on Bill "An Act Concerning the Teaching of Certain Subjects" S. P. 769 L. D. 2089

Reported that the same Ought to Pass in New Draft under same title S. P. 869 L. D. 2359

Signed:

Senators:

HAYES of Penobscot  
CLARK of Cumberland

Representatives:

THOMPSON of S. Portland  
SOUCY of Kittery  
BOTT of Orono  
MATTHEWS of Caribou  
BROWN of Gorham  
CROUSE of Washburn  
SMALL of Bath  
LOCKE of Sebec

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title S. P. 870 L. D. 2360

Signed:

Senator:

HICHENS of York

Representatives:

MURPHY, Jr. of Kennebunk  
RANDALL of E. Machias

Which Reports were READ

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending ACCEPTANCE OF EITHER COMMITTEE REPORT

**SECOND READERS**

The Committee on BILLS IN THE SECOND

READING reported the following:

**House As Amended**

Bill "An Act to Assure Greater Independence to the Certificate of need Advisory Committee and for Other Purposes" H. P. 1481 L. D. 1944 (C "A" H-539)

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 Relating to Penalties for Hunting without a License H. P. 1547 L. D. 2037 (H "A" H-531)

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

Senator BUSTIN of Kennebec moved the Senate RECONSIDER its action of March 22, 1984 whereby it ENACTED:

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-512; H "B" H-535)

(In House March 22, 1984 ENACTED)

(In Senate March 22, 1984 ENACTED)

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending THE MOTION BY SENATOR BUSTIN TO RECONSIDER ITS ACTION WHEREBY THIS BILL WAS PASSED TO BE ENACTED

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

Bill "An Act to Allow Persons Holding Occupational Licenses in the State who Enter the Armed Forces to Obtain Inactive Licenses for Reduced Fees" H. P. 1775 L. D. 2353

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

Pending—the same Senator's motion to SUSPEND THE RULES.

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

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

SENATOR PRAY: I now ask leave of the Senate to withdraw my motion to suspend the rules.

THE PRESIDENT: Senator Pray of Penobscot now requests Leave of the Senate to Withdraw his motion to Suspend the Rules.

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

It is a vote.

Is it now the pleasure of the Senate that this Bill be referred to the Joint Standing Committee on Business Legislation and ordered printed in concurrence?

The Chair recognizes the Senator from Oxford, Senator Twitchell.

SENATOR TWITCHELL: I move that L. D. 2353 be Indefinitely Postponed.

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

SENATOR CLARK: Thank you, Mr. President. Mr. President and Men and Women of the Senate, while I fully respect the motives of the good Senator from Oxford, Senator Twitchell, with particular reference to his recent motion, I hope that the Senate this morning will not support the pending motion of Indefinite Postponement.

This Bill addresses the need that people entering the Armed Services face when they are currently holders of occupational and/or trade licenses and this provides the Committee on Business Legislation with an opportunity to address the issue. It will require some input from the numerous boards which find their way to the Department of Business Regulations, Occupational Licensing and Practices, or

whatever the name of that Department is today. But, the necessary statutory language has to be developed and is currently being developed, our Legislative Assistant having recently, a few minutes ago, being charged with researching this issue.

I think it's something that people who are entering the military forces, at least, should be accorded an opportunity to retain their occupational and trade licenses, but on an inactive status, and many of our statutes don't provide for that currently. So, I think it is, indeed, an emergency, particularly, if we want to encourage our young men and women to seek the opportunities that our military services do provide.

Thank you, Mr. President.

**THE PRESIDENT:** The Chair will order a Division.

Will all those Senators in favor of the motion of Senator Twitchell of Oxford to Indefinitely Postpone, please rise and remain standing in their places until counted.

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

1 Senator having voted in the affirmative and 27 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.

On motion by Senator PRAY of Penobscot, there being no objections, all matters previously acted upon were sent forthwith

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

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

**SENATOR HICHENS:** Mr. President, I would like to make an inquiry of the Chair if I may.

**THE PRESIDENT:** You may state your inquiry.

**SENATOR HICHENS:** On L. D. 2334, 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", this was Tabled March 22, for a ruling of the Chair on the motion of Senator Twitchell to Indefinitely Postpone, and I notice that this Bill was been assigned tomorrow, as a cosponsor I have been notified, the Bill will be heard by the Legal Affairs Committee, and I was wondering what the ruling of the Chair and if action by the Senator doesn't have to be taken before this Bill can be heard.

**THE PRESIDENT:** the Chair intends to rule on that matter this morning.

#### ORDERS OF THE DAY

The President laid before the Senate:

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

Tabled—March 20, 1984 by Senator PRAY of Penobscot

PENDING—PASSAGE TO BE ENGROSSED

(In Senate March 20, 1984 The Minority Ought To Pass As Amended Report READ and ACCEPTED and the Bill as Amended READ A SECOND TIME)

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

#### SENATE AT EASE

The Senate called to order by the President

The President laid before the Senate:

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

Tabled—March 20, 1984 by Senator PRAY of

Penobscot

Pending—RULING OF THE CHAIR  
(Committee on BUSINESS LEGISLATION suggested)

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

(Senator SEWALL of Lincoln inquired if the Bill was properly before the Senate pursuant to Joint Rule 37)

**THE PRESIDENT:** The Chair will respond in the affirmative. The Bill is in violation of Joint rule 37, the Bill that was introduced in the last Session, and the one that's before us presently is exactly the same in scope, in words and omissions, and I think that is, with the exception of the one word that would be translated to mean exactly the same. The Chair, therefore, rules that it does violate Joint Rule 37.

The President laid before the Senate:

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

Tabled—March 22, 1984 by Senator PRAY of Penobscot

Pending—RULING OF THE CHAIR

(In House March 22, 1984 referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED)

(In Senate March 22, 1984 motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE Bill)

(Senator PRAY of Penobscot inquired as to whether the Bill was properly before the Senate pursuant to Joint Rule 24)

**THE PRESIDENT:** The Chair would state that this Bill should not have come into the Senate under the Departments, that it is a Bill that was introduced by the Governor, and therefore, is not subject to rules of Joint Rule 24, and therefore, is not in violation of the rules.

The Chair at this time would state that the motion presently before us is a motion by the Senator from Oxford, Senator Twitchell, that this Bill be Indefinitely Postponed. The Chair would, also, state that this Bill has been printed and has been advertised for public hearing tomorrow afternoon at the Legal Affairs Committee Room.

Secondly, it is my understanding that if this Bill fails to meet that we'll have it again tomorrow as the Governor intends to have this Bill heard at a public hearing.

The Chair recognizes the Senator from Penobscot, Senator Pray.

**SENATOR PRAY:** Mr. President, Ladies and Gentlemen of the Senate, while I have no intention of challenging the ruling of the Chair, I believe it was proper. In the format that it is, we have been informed it is a Bill from the Chief Executive, and of course, he has a right to submit legislation whenever possible, but I do believe that we, those of us who devise the rules of which we operate, will have to look at this matter to greater detail since, when one looks at the Bill, it does say that it was submitted by the Department of Public Safety.

The comments of the Chair in reference to the fact that this Bill would be back up again before us if the action of the body was to reject it, probably is true. I do think that this is an issue that, probably, should go out to public hearing. We should allow the public their opportunity to come down here and express their desire to increase the drinking age to twenty-one, forty-five, sixty, whatever it may be. Thus, for that purpose I will not be supporting the motion of the Senator from Oxford, Senator Twitchell. Thus, I would ask for a Division on that motion.

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

**SENATOR DANTON:** Mr. President, on another matter in reference to this Bill, I know that the ambitious Senate Chairman of Legal Affairs has already advertised and the Bill is

scheduled for hearing, but after giving this Bill a little bit of thought, you know, I can't help but wonder whether Legal Affairs is the proper committee for this Bill to go to.

This is not a matter of legal age. I think drinking now has become a health problem. I think this should be in front of the Health and Institutions Committee and I'm not going to take and upset the apple cart, but in the future when we talk about increasing the drinking age: I don't think that the legal age in Maine is eighteen years old to drink now it's twenty and we want to make it twenty-one, perhaps next year we'll want to make it twenty-two; we have gotten all kinds of medical information that the drinking and the problems start and are there between eighteen and twenty-four; I think we should know what the ramifications are, I'm going to let it go on today, Mr. President, but I think in the future we should perhaps put these bills where they belong and come out with the right reports on them.

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

The Chair recognizes the Senator from Kennebec, Senator Bustin.

**SENATOR BUSTIN:** Thank you, Mr. President. Men and Women of the Senate, I can't let those comments go, I also have to remind the Senator from York, Senator Danton, that there is a Joint Select Committee on Alcoholism where this Bill could, also, possibly go.

However, I would like to remind you people that what we do is set policy there and care, yes about the health issues, but what those Committees are committed to do is to take care of the problems that are created, perhaps, by the laws that we set or the limitations that we set, especially the age limitations, but we have never been the committees' that do set those age limitations. I think it's properly before the Legal Affairs Committee as other bills having to do with the sale and dispensing of liquor and all those kinds of bills, and so I suggest that it stay there and be heard.

**THE PRESIDENT:** A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Twitchell, to Indefinitely Postpone, please rise and remain standing until counted.

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

18 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE in NON-CONCURRENCE, PREVAILED

Sent down for concurrence.

On motion by Senator PRAY of Penobscot, 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.

**THE PRESIDENT:** The Chair will appoint as conferees on the part of the Senate, on Bill "An Act concerning Menhaden Fishing in Casco Bay" H. P. 928 L. D. 1207:

Senators:

DUTREMBLE of York  
NAJARIAN of Cumberland  
COLLINS of Knox

OFF RECORD REMARKS

Senator COLLINS of Knox 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.

On motion by Senator CARPENTER of Aroostook  
RECESSED until the sound of the Bell  
RECESS  
AFTER RECESS  
The Senate called to order by the President.

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

**COMMITTEE REPORTS**  
**Senate**

**Ought to Pass As Amended**

Senator CHARETTE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Maine Consumer Credit Code" S. P. 762 L. D. 2070

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-336)

Which Report was READ and ACCEPTED  
The Bill READ ONCE.  
Committee Amendment "A" (S-336) 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 PEARSON for the Committee on WHITEWATER RAFTING on Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" S. P. 779 L. D. 2098

Reported that the same Ought to Pass in New Draft under same title (Emergency) S. P. 873 L. D. 2367

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.

Senator COLLINS for the Committee on JUDICIARY on Bill "An Act to Provide for the Services of Bailiffs and other Court and Jury Officers." S. P. 874 L. D. 2373

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 ONCE and PASSED TO BE ENGROSSED.

Sent down for concurrence.

**Ought to Pass in New Draft**  
**under New title**

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Providing for the Abandonment of the State-owned Dam on Dead River, Androscoggin County" S. P. 804 L. D. 2152

Reported the same Ought to Pass in New Draft under New Title Resolve, Requiring the Department of Agriculture, Food and Rural Resources to Review and Report on the State-owned Dam on Dead River, Androscoggin County S. P. 875 L. D. 2374

Which Report was READ and ACCEPTED  
The Resolve, in NEW DRAFT under NEW TITLE, READ ONCE.

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

It is a vote.

Under suspension of the rules the Resolve 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 reports the following:

**House as Amended**

Bill "An Act to Prohibit any Type of Gambling Machine" H. P. 1761 L. D. 2325 (H "A" H-567)

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 Clarify the Eligibility Provisions for Accident and Sickness or Health Insurance Program for State Employees S. P. 846 L. D. 2292

AN ACT to Clarify the Congregate Housing Program for Maine's Elderly S. P. 816 L. D. 2193 (C "A" S-321)

AN ACT to Amend Certain Definitions in the Maine Emergency Medical Services Treatment Act of 1982 S. P. 845 L. D. 2293

AN ACT Relating to Scallop Fishing H. P. 1510 L. D. 1985 (C "A" H-526)

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

AN ACT Concerning Registration Certificates for Long-term Trailers and Semitrailers H. P. 1725 L. D. 2271

AN ACT Establishing Penalties for Violations of the Disconnection and Despoit Regulations of the Public Utilities Commission H. P. 1735 L. D. 2288

AN ACT Relating to the Issuance of Bonds by Sanitary District H. P. 1738 L. D. 2290

AN ACT Concerning the Disclosure of Licensing Records Regarding Adult and Child Care Programs H. P. 1740 L. D. 2294

AN ACT to Repeal the Law Requiring Adult Children to Care for Parents According to Ability H. P. 1752 L. D. 2314

AN ACT to Clarify Certain Provisions in the Recodification of the General Assistance Law S. P. 717 L. D. 1963 (C "A" S-324)

AN ACT to Provide for Filling Vacancies in the Office of Presidential Electors Nominated by Petition S. P. 785 L. D. 2111

AN ACT to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court S. P. 812 L. D. 2162 (H "A" H-540) (S "A" S-307)

AN ACT to Amend the Highway Transportation Reform Act H. P. 1456 L. D. 1908 (C "A" H-538)

AN ACT to Amend the Waiting Period Between Recording Intentions of Marriage and Receipt of a Marriage License H. P. 1602 L. D. 2127 (C "A" H-553)

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

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 (H "A" H-546)

AN ACT to Give the Department of Marine Resources the Authority to Charge Fees for Lobster Trap Tags H. P. 1709 L. D. 2237 (H "A" H-557)

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 Concerning Application of Fuel Tax

Laws H. P. 1440 L. D. 1885 (C "A" H-536)

On motion by Senator DANTON of York placed on the SPECIAL HIGHWAY APPROPRIATIONS TABLE, pending enactment

AN ACT Concerning Maine Farm Wineries S. P. 787 L. D. 2113 (H "A" H-547) (C "A" S-319)

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

AN ACT Requiring Non-owner Spouses to Record Claims to Marital Property under Divorce Laws, and Clarifying the Need for the Non-owner Spouse to Sign Conveyances in General S. P. 855 L. D. 2313

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

AN ACT to Increase the Potato Tax H. P. 1645 L. D. 2179 (C "A" H-561)

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

AN ACT to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act S. P. 170 L. D. 525 (C "A" S-312)

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

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)

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

SENATOR MINKOWSKY: Mr. President, regarding L. D. 1975, "An Act to Permit Possession of Soft-shell Clam Stocks 2 Inches or Greater in the Largest Diameter", I would like to put on the Legislative Record what the intent was and it is as follows:

That there is no intention that this Legislation expand the licensing authority of municipalities beyond the licensing of the taking of shell fish. This legislation is not designed to, nor is it intended to expand the power of municipalities to include the licensing of wholesale and retail shellfish dealers. The municipalities now have the power to license shellfish diggers and will retain this power under this legislation.

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

AN ACT to Provide for Tuberculin Testing of Cattle to Insure Out-of-State Markets for Maine S. P. 854 L. D. 2312

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

**Resolve**

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

**Emergency**

AN ACT to Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes S. P. 843 L. D. 2266

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

**Emergency**

AN ACT An ACT Concerning Tax Exempt Status of Property owned by the Farmington Village Corporation H. P. 1561 L. D. 2063 (H "A" H-514; H "B" H-541)

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

#### Emergency

AN ACT to Provide More Venture Capital to Maine Business H. P. 1608 L. D. 2124 (C "A" H-560)

This being an emergency measure and having received the affirmative vote of 29 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.

#### Emergency

AN ACT to Amend the Provisions for Clam Regulation in the Unorganized Territories H. P. 1604 L. D. 2129 (H "A" H-556)

This being an emergency measure and having received the affirmative vote of 29 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.

#### Emergency

AN ACT Providing for Maintenance of Certain Roads in Baxter State Park S. P. 805 L. D. 2153 (S "A" S-326)

On motion by Senator DANTON of York placed on the SPECIAL HIGHWAY APPROPRIATIONS TABLE, pending ENACTMENT

#### Emergency

AN ACT to Amend the Early Payment Provision of the Workers' Compensation Act with Respect to Payments for Impairment and Medicals-only Claims H. P. 1660 L. D. 2190 (C "A" H-554)

This being an emergency measure and having received the affirmative vote of 29 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.

#### Emergency Resolve

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law" H. P. 1720 L. D. 2260

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE, pending FINAL PASSAGE

#### Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1984 H. P. 1724 L. D. 2270

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with 2 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.

#### Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1984 H. P. 1722 L. D. 2268

This being an emergency measure and having received the affirmative vote of 28 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.

#### Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1984 H. P. 1749 L. D. 2305

This being an emergency measure and having received the affirmative vote of 28 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.

#### Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1984 H. P. 1730 L. D. 2283

This being an emergency measure and having received the affirmative vote of 28 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.

#### Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1984 H. P. 1731 L. D. 2284

This being an emergency measure and having received the affirmative vote of 28 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.

#### Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1984 H. P. 1734 L. D. 2287

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with 1 Senator 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.

#### Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1984 H. P. 1757 L. D. 2322

This being an emergency measure and having received the affirmative vote of 29 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.

#### Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution of Maine to Provide that, Beginning with the Property Tax Year 1984, All Watercraft as Defined by the Legislature shall be exempt from Taxation as Personal Property, Provided That Certain Watercraft as Defined by the Legislature shall be Subject to An Excise Tax to be Collected and Retained by the Municipalities H. P. 1623 L. D. 2147 (C "A" H-534)

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE, pending FINAL PASSAGE

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

AN ACT to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act S. P. 170 L. D. 525 (C "A" S-312)

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

Pending ENACTMENT.

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

SENATOR CLARK: Thank you, Mr. President. The weekend before last I was subject to a barrage of phone calls regarding my opposition to L. D. 525 and questioned why I was opposed to a bill which would do what this Bill is purported to do. At the time, and when I am talking about a barrage of phone calls, I really mean a barrage of phone calls! They even called me at Maggie's General Store and Sunoco Station which interfered with my performance of my duties at that august place of business.

I asked the people who called me why they were calling me and asked them to explain the

intent of the Bill, for I truly wasn't aware of what L. D. 525 was. I did recognize the number as being a low number and it was obviously a bill that must have been heldover from the First Regular Session of this, the 111th Maine Legislature, but I truly was not apprised of the intent or the ramifications of the content of the measure, and had a list of people to whom I was to return phone calls following my return to Augusta on the following Monday morning.

When I came into the Chamber the beginning of that week, I found a letter addressed to Legislators from the Department of Personnel signed by the Commissioner. I read it and it caused me some concern, but it really didn't, it really didn't apprise me of the ramifications of L. D. 525. I sought some answers, not that morning but the following day, and as the result of some of those questions undoubtedly, we all received, also on our desk, a question and answer, or response, prepared by the Department of Personnel.

My point in rising at this time, Mr. President, is to ask from anyone who would care to respond, for an answer to my question, which is as follows: would someone please explain what the intent of L. D. 525 is and the ramifications on Maine's Collective Bargaining Law?

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

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President and Members of the Senate, I'd be only too glad to answer the question of the good Senator from Cumberland, Senator Clark, and also shed a little light on L. D. 525 for the rest of us.

As you know, in 1975, the State employees in this State were given the right to bargain collectively, and at that time, it was clearly the intent of this Legislature that job classification and pay scale would be items that would be subject to negotiations. Unfortunately, well, first of all, fortunately, from 1975 to 1981-82, those items were items of negotiations, and it doesn't seem that there were any serious ramifications that had been suggested by the Commissioner in his letter. There didn't seem to be any long delays or there didn't seem to be a whole slew of reclassifications that were being brought to the table to be reopened for negotiations, but rather there only was a selected handful of classifications that were being brought to the table. Nevertheless, in 1982, the administration decided they weren't going to bargain these issues and because of that, the State Employees' Association challenged them. They challenged them in the Maine Labor Relations' Board and they won' and it was taken to Superior Court and, again, the State Employees' Association won; and finally, it was taken to the Supreme Court where they lost, but they lost on a technicality of the law and not on the merit of the issue itself.

This Bill here would just simply reinstate the intent of the Legislature as it was passed in 1975, and that is that job classification and pay scales, two basic fundamental principles of collective bargaining, shall be items of negotiations between the administration and the employees.

Finally, I might want to point out that there is no cost to this Bill, and it is very difficult to assess future costs. Thank you.

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

SENATOR CLARK: Thank you, Mr. President. Mr. President and Men and Women of the Senate, I would thank the good gentlemen from the County of York, Senator Dutremble, for his response to my question.

I was here in 1975 serving in the other Body, and I supported the bill that would provide collective bargaining rights to State employees, but I disagree with him in that there is no cost to the implications and the implementation of



L. D. 525, because there is one thing that I do understand, having been on both sides of the labor negotiations table in my lifetime perhaps on one side more frequently than the other, but I have had experience on both sides, and that is that State agencies, at least from my perspective and my understanding and I'm always ready to be corrected, are going to have some difficulty in planning their budgets, and that difficulty is going to, if only by the ripple effect, find its way to the Legislative process.

While I am not a member of the Joint Standing Committee on Labor nor do I have any experience in that Committee over my 12 years of legislative service, we here this afternoon and early evening, as Members of the Maine Senate, have an issue which is particularly difficult for some of us: there is one group of State Senators who have historically and traditionally supported the position of labor on labor issues; and there is another group who have historically and traditionally supported the side of management, and the quandary that I find myself in today, as I have found myself in before, is the roll of a State Senator representing the taxpayers and the citizens, many of which include State employees, and on which side do I come down?

On this issue on L. D. 525, simply because following my return of those phone calls to which I had earlier referred when I was standing before you a moment ago, the response from those people to my explanation of the Bill was that why then are you opposed to it? At that time I wasn't opposed to the Bill, but I am opposed to the passage of this measure today. Why? Well, because of the tenuous situation that State Senators find themselves in. Are we, in fact, going to be advocates for employees or are we, as State Senators, going to represent the taxpayers of the State, which in fact include State employees, who ultimately must pay the cost not only for our salary and our expenses here as we laboriously move through the legislative process, but ultimately, the end product of the collective bargaining process, and that is the contract and the salaries of all State employees?

Following my response to my constituents, all of those people who called me were my constituents with the exception of one, I again initiated, because I was more confused than ever, action and made an appointment with the Commissioner of the Department of Personnel, and said I really need some help. I am being vilified and I don't know for what I am being vilified and it really is an uncomfortable position. It wasn't as uncomfortable, it isn't as uncomfortable today as it was uncomfortable then for I take great offense at being painted as an opponent to a measure when in fact I had never opposed it, never voted against it and never have spoken against it.

Perhaps there was some incentive to those phone calls for it did take me off my comfortable seat and move me through the tunnel to the State Office Building, where I was apprised of, indeed, that the passage of L. D. 525 would mean to us as a State. L. D. 525 as I now understand it would be: as I've heard in the debate in the other Chamber an attempt to second guess the Maine Supreme Court, the good Senator from York, Senator Dutremble, has clarified that, saying that the Supreme Court reversed the lower courts' decision on a technicality, and I'm not aware of what that technicality was; that we, as a State Legislature, are about to hand away a hard-won management right. That's the difficulty that I find myself in, for I guess my record would indicate that more times than not, I would be supporting the position of what we consider or refer to as the labor position.

What L. D. 525 would, also, do would be to make Maine the only State in the Country, that I know of and I pretend to be not an expert, to expressly provide for this topic, to which the good Senator from York referred, reclassifica-

tion and reallocations in its collective bargaining laws, and if nothing else, to jeopardize the equity of the State pay system.

My education didn't stop in the State Office Building. I, also, was apprised of the testimony of the Brennan Administration at the public hearing on this measure, and it is my understanding that the current Administration has taken the position that individual classification and reclassifications are not negotiable subjects. I've had two, I've had many, many, many years of experience in issues which are not negotiable. The Maine Supreme Court, as referred to, whether it's based on a technicality or it isn't concurred with the position of the current Administration. In the majority opinion the Court rules, and I quote: "We conclude that to require resolution of particular requests for reclassifications and reallocations through the collective bargaining process would be in derogation of or contravene the spirit and intent of the Personnel Law." Despite the Courts' ruling, for I have listened at length to the debate in the other Chamber, we are being asked to make here, today, a first major change in the State Employee Labor Relations Act, that Act, as the good Senator from York has referred, which was passed back in 1975. This change means that in addition to negotiating general wage and salary increases for all employees in a bargaining unit, the State of Maine now must also negotiate the pay rates of individual job classifications.

Now, it doesn't seem so bad, but what will it do? We all know that the State has an obligation to maintain a compensation system that provides equal pay for equal work. That means that there must be an objective and consistent way to evaluate jobs in State Government which will provide internal pay equity. That's a terribly difficult task and here we are, as a State Senate and as a State, dealing with the internal relationships of something like 1400 classifications of employees and these classifications many of us are not even aware of. The State I would surmise would find it particularly difficult to negotiate the pay range of one classification without looking at the pay rates of similar jobs. I am aware of that responsibility, and it is one of particular complexity. It is my assumption that once you start to bargain over the pay rates of individual classifications, you are no longer applying objective, and I emphasize that word, "objective", consistent criteria.

I have been apprised that the current evaluation system is based on job content. Any employee today has the right to request a job evaluation and each request is handled in a similar fashion and manner. The system today provides for final and binding arbitration. The present system isn't perfect, (Boy, I guess we all know that!) but I don't know what collective bargaining system is. In fact, not much in life is perfect, but it is fair and equitable and has worked. Bargaining over classifications and reclassifications, in addition, runs in direct conflict with a labor-management committees task to deal with the issue of comparable work, and the State and this Maine Senate, as I see it on one hand, is trying to work with the Employees' Association, the M.S.E.A., to prevent or correct any sex-based discrimination in the classification system. Yet, it's my further understanding, at this time anyway, that M.S.E.A.'s previous pay-rate demands were aimed primarily to upgrade the male dominated classes.

Well, I guess the real issue before us this evening is that we might characterize it as "two bites of the apple". Two bites on behalf of one side of the table which do not reflect positively on the other side of the table which is responsible for paying the bill. First, labor wants to negotiate the terms of a general salary increase. That's perfectly fine with me, in fact, that's much the main focus of the present law and the reason that I supported the Collective Bar-

gaining Law passage in 1975, but also, labor wants to negotiate the pay range that the job would be paid at. While I hate to end a sentence with a preposition, I don't know how else to phrase it. I really don't blame labor for wanting to get as much as they can, because that's their job and that's their position as advocates for their members and the employees of the State. They are concerned with the people they represent and not particularly with the merit system, as perhaps should be the responsibility of this Body.

They are concerned, I hope, with internal equity as is the State of Maine, but we have to be concerned also with the State's financial ability and the public interest. That's what separates Maine Senators from labor on this issue. State Government represented, in large part, by this Body also must be concerned with those issues because that's our obligation. This Bill, L. D. 525, does nothing to help State Government address the concerns.

The State appropriately is not interested in the bilateral management of the States' classification system, and I see nothing but a can of worms should L. D. 525 ultimately pass. Especially if it means that the amount of influence an employee or a group of employees' pay rate rather than what the employee actually does as a public servant.

L. D. 525, in effect, sets aside a Maine Supreme Court ruling in the State Employee Labor Relations Act. It takes away, as I mentioned earlier, what is perceived to be a hard-fought, and costly to Maine's taxpayers, management right. It does ignore the issue of internal pay equity and essentially establishes dual management in the classification system, and it is that last feature which made by determination to stand and question and challenge this Bill this afternoon.

These aren't minor issues, in fact, they are major issues. I trust that this Maine Senate this afternoon and early evening will weigh these considerations and agree with me that we should, at this time, Indefinitely Postpone this Bill. That we should, in fact, act responsibly on behalf of all Maine taxpayers, as I mentioned, who will ultimately foot the bill for this. In that light, Mr. President, I would move Indefinite Postponement of L. D. 525 and all accompanying papers and would request a Roll Call. Thank you.

THE PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: Men and Women of the Senate, I would like to speak only briefly to this Bill, L. D. 525, and to bring to your attention some of the debate that was carried on in the House April 14, 1976, which is presented to us on the Legislative Record.

In this debate the Commissioner of Labor, Commissioner Bustin, speaking, he says "It amused me today to listen to the procedural arguments that are raised in defense of the anti-labor position. We know what is really behind those arguments, and that is a bad deal for State employees." He continues, "The reclassification, to my way of thinking, is a subject of collective bargaining, you don't shove this kind of thing down the throats of workers." And he continues, "There are two ways that people react to pressure, one is to cave into it, the other is to stand up to it. The victories belong to those who can get people to cave into it", and that is what is happening to us here today. We are all under intense pressure to go along with this measure. People are thinking about going along with it not because they think there is equity in this bill, but because they think it is fair but for wrong reasons. There are a lot of people depending upon us in the House of Representatives. I think we really have to consider whether caving into that pressure is of a higher priority than defending the rights of the people who are depending

upon us.

This dispute belongs in a neutral forum where people have a chance for justice and are not whipped around by political whims. It's amazing how far some people can drift depending on the position they're in and the job they hold. I submit to you that L. D. 525 simply restores the rights to workers that have been taken from them by a relatively minor decision of the courts, and I would oppose the Indefinite Postponement of this Bill.

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

SENATOR BUSTIN: Mr. President and Members of the Senate, I look around this Chamber and I see a lot of seats vacated and that always tells me one thing, people have already made their mind up on the issue. So I won't take a good deal of your time, but I would like to point out one thing about negotiations and the interim period between when the Maine Labor Relations Board decided that it was okay to negotiate these items, and the Maine Supreme Court decided to turn that over, and that is three items were negotiated.

I want you to pay particular attention to those three items that were: One was the Comparable Worth Study. It will be coming up in the fall of 1984. The Comparable Worth Study that addresses those issues of whether women are being paid comparable to men. That is an important piece that was negotiated.

The Second one was the procedure for individual reclassifications. That, in fact, was set up during that negotiation period, had it not been set up I wonder what we would have done with the reclass up to this time? I wonder what would have happened?

Then we did, in fact, negotiate some of the pay rate ranges. So, negotiations did mean some difference, it does make a whole lot of difference.

The other thing that I would like to leave you with is that this is definitely a labor-management issue. I don't think anybody should take any issue with that at all, it definitely is labor-management. Fortunately or unfortunately, I've always come down on the side of labor. Maybe I haven't been in a management position enough to understand all of the problems, but I do understand that labor in this state needs to be supported, it needs to have somebody speaking for it to say that they deserve an adequate level of living.

I always remember one person who used to negotiate for unions and then went over to management side, but he still felt very strongly about labor getting their just pay, and that was when he was sitting down at a negotiating table and they were saying "well, labor wants all this, they want to live like this, this and this." And, what the man said to the negotiating table at that time was "look, when you people have your Cadillacs and my people have a Chevrolet, that's when you can say that but not until and my people don't have a Chevrolet yet." What I am saying about negotiating about pay rates and pay ranges is that, that is a negotiable item and should be.

The reason the Maine Supreme Court decided in favor of management, as I understand it and I do not consider myself a labor expert, is for one little line in the statute that said the Department of Personnel "could" negotiate the pay rates, and so that the Supreme Court decided that that was issue enough to overturn the decision of the Maine Labor Relations Board.

I do not consider this "a can of worms", as the good Senator from Cumberland has referred to it as (and I'm ending my sentence, also!), because I don't consider any labor-management issue "a can of worms". I consider it a very serious business, I consider it something that labor and management must negotiate and must sit down in a setting and discuss and come to some agreement on.

I firmly believe in this Bill, I hope you defeat

the pending motion.

THE PRESIDENT: Is the Senate ready for the question?

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 risen a Roll Call is ordered.

The pending question before the Senate is the motion of the Senator from Cumberland, Senator Clark, that "An Act to Clarify the Negotiability by Pay Rates Under the State Employees Labor Relations Act" be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

#### ROLL CALL

YEAS—Senators, Brown, Clark, Collins, Danton, Emerson, Gill, Hichens, Minkowsky, Najarian, Redmond, Trafton, The President—Gerard P. Conley

NAYS—Senators, Baldacci, Bustin, Carpenter, Charette, Diamond, Dow, Dutremble, Erwin, Hayes, Kany, McBrearty, Pearson, Perkins, Pray, Sewall, Shute, Twitchell, Usher, Violette, Wood

ABSENT—Senator, Teague

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent, the motion to INDEFINITELY POSTPONE, FAILED

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

SENATOR NAJARIAN: I move that this L. D. be placed on the Special Appropriations Table.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now moves that this Bill lie upon the Special Appropriations Table.

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: I request a division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator NAJARIAN of Cumberland to place the Bill on the Special Appropriations Table, please rise and remain standing until counted.

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

17 Senators having voted in the affirmative and 14 Senators having voted in the negative the motion by Senator NAJARIAN of Cumberland to place the Bill on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT, PREVAILED.

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

#### COMMITTEE REPORTS

##### House

##### Ought Not To Pass

The following OUGHT NOT TO PASS report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Repeal the Definition of Air Pollution" H. P. 1672 L. D. 2211

##### Leave to Withdraw

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

Bill "An Act Relating to Itemized Telephone Bills" H. P. 1674 L. D. 2219

Bill "An Act to Establish Boards of Overseers for the University of Maine" H. P. 1566 L. D. 2075

Bill "An Act to Establish Centers of Excellence in the University of Maine System" H. P. 1652 L. D. 2177

##### Ought to Pass

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

Reported that the same Ought To Pass

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolution READ ONCE.

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

It is a vote.

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

The Committee on STATE GOVERNMENT on Resolve, Authorizing the Commissioner of Mental Health and Mental Retardation to Enter into Agreements to Supply Water to Neighbors of Pineland Center Whose Wells are Contaminated (Emergency) H. P. 1675 L. D. 2220

Reported that the same Ought To Pass

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

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

It is a vote.

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

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1984 (Emergency) H. P. 1781 L. D. 2346

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 Under Suspension of the Rules the Resolve READ TWICE AND PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

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

It is a vote.

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

##### Ought to Pass As Amended

The Committee on PUBLIC UTILITIES on Bill "An Act to Amend the Charter of the Passamaquoddy Water District" (Emergency) H. P. 1614 L. D. 2136

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-564).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-564).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-564) 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.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Agency Clients" (Emergency) S. P. 1559 L. D. 2061

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-559).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-559) 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.

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Establish Farm Programs at Correctional Facilities" H. P. 1656 L. D. 2186

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-566).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-566) 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.

The Committee on ELECTION LAWS on Bill "An Act to Provide Voter Information on Ballot Questions" H. P. 1588 L. D. 2095

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-568).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-568) 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.

The Committee on ELECTION LAWS on Bill "An Act to Amend the Political Action Commit-

tee Registration and Reporting Law" H. P. 1651 L. D. 2176

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-569).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-569).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-569) 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.

#### Ought to Pass in New Draft under New Title

The Committee on EDUCATION on Bill "An Act to Authorize the Commissioner of Educational and Cultural Services to Adopt Comprehensive Rules for the Regulation of Schools of Barbering and Schools of Hairdressing and Beauty Culture" (Emergency) H. P. 1545 L. D. 2035

Reported the same Ought to Pass in New Draft under New Title Bill "An Act to Clarify the Laws Relating to Private Business, Trade and Technical Schools" (Emergency) H. P. 1770 L. D. 2337

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill, in NEW DRAFT under NEW TITLE, READ ONCE.

On motion by Senator PRAY of Penobscot TOMORROW ASSIGNED FOR SECOND READING

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

#### PAPERS FROM THE HOUSE

##### Non-concurrent Matter

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

In Senate March 20, 1984 PASSED TO BE ENGROSSED

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-551) in NON CONCURRENCE

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

It is a vote.

##### House Papers

Bill "An Act to Protect Agricultural Lands" H. P. 1789 L. D. 2364

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

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

SENATOR COLLINS: May I inquire under which Rule this Document comes before us?

THE PRESIDENT: The Chair would respond to the inquiry of the good Senator from Knox, Senator Collins, by stating that I read on the Jacket of the Bill that this Bill comes from the Governor.

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

Bill "An Act to Provide a Transition Period for Certain Educational Equivalence Provisions in the Psychologists License Law" H. P. 1786 L. D. 2362

Comes from the House referred to the Com-

mittee on BUSINESS LEGISLATION and ORDERED PRINTED.

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

Bill "An Act TO Clarify the Licensure of Administrators of Medical Care Facilities Other than Hospitals" (Emergency) H. P. 1790 L. D. 2365

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

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

SENATOR PRAY: Mr. President, I move that the Rules be suspended and the 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 the rules this Bill be given its First Reading at this time without reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

On motion by Senator PRAY of Penobscot, under suspension of the rules, the bill READ ONCE without reference to Committee and ORDERED PRINTED.

The Bill TOMORROW ASSIGNED FOR SECOND READING

Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) H. P. 1787 L. D. 2363

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

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

#### Study Reports

##### Committee on ELECTION LAWS

Report of the Committee on ELECTION LAWS to which was referred by the Legislative Council the Study Relative to Campaign Finance have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Place Limitations on the Contributions which Candidates may Receive from Political Action Committees" (H. P. 1785) (L. D. 2351) be referred to the Joint Standing Committee on ELECTION LAWS for public hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED, and the Bill referred to the Committee on ELECTION LAWS and ORDERED PRINTED

Which Report was READ and ACCEPTED, in concurrence.

On motion by Senator TWITCHELL of Oxford L. D. 2351 was INDEFINITELY POSTPONED in NON-CONCURRENCE

Sent down for concurrence.

#### Joint Resolution

The Following Joint Resolution: (H. P. 1791) JOINT RESOLUTION ON ECONOMIC DEVELOPMENT RESEARCH IN MAINE

WHEREAS, Maine has indigenous natural resources which, if properly managed and promoted, will increase economic development in Maine; and

WHEREAS, economic development research, finance and technical service by public agencies are fragmented among various State, regional and local jurisdictions, as well as the University of Maine; and

WHEREAS, there is a need to develop a coordinated and long-term approach to making the most of the State's opportunities for economic development; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature, now assembled in Second Regular Session, recommend and urge Governor Joseph E. Brennan to direct the appropriate executive officials to:

1. Review and summarize the state of research on economic development of the State's natural resources;

2. Examine the structure of public economic development research, finance and technical services in the State, its efficiency and effectiveness;

3. Identify ways to improve the delivery and coordination of such research, finance and technical services; and

4. Report their findings to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 1, 1985, together with appropriate recommendations for implementing needed changes in the structure and operation of State Government to this end.

Comes from the House READ and ADOPTED. Which was READ

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

#### SENATE AT EASE

Senate called to order by the President.

#### COMMUNICATIONS

The Following Communication:

March 27, 1984

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

The House voted today to adhere to its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Labor on Bill "An Act Establishing the Emergency Service Personnel Arbitration Act" (H. P. 1299) (L. D. 1724)

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

March 27, 1984

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

House Paper 1355, Legislative Document 1791, AN ACT to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Forty-four voted in favor and ninety-nine against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

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

Which was READ and ORDERED PLACED ON FILE.

#### SENATE PAPERS

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) S. P. 877

Presented by Senator TRAFTON of Androscoggin  
Cosponsor: Representative HOBBS of Saco

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

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

Sent down for concurrence.

Bill "An Act to Authorize the Department of

Business, Occupational and Professional Regulation to Hire Legal Counsel" S. P. 876

Presented by Senator CONLEY of Cumberland

land  
Cosponsor: Speaker J. MARTIN of Eagle Lake Submitted by the Department of Business, Occupational and Professional Regulation pursuant to Joint Rule 24

Committee on STATE GOVERNMENT suggested.

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

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Twitchell.

SENATOR TWITCHELL: I move that S. P. 876 be Indefinitely Postponed.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell, now moves this Bill be Indefinitely Postponed.

The Chair will order a Division

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Twitchell, that S. P. 876 be Indefinitely Postponed, please rise and remain standing until counted.

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

10 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE, FAILED

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

(See Action Later Today)

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

SENATOR PRAY: Thank you, Mr. President, I realize the hour is getting late. Mr. President, in reference to S. P. 876, may I inquire as to the action that we just took?

THE PRESIDENT: The action taken was "referred to the Joint Standing Committee on State Government and Ordered Printed".

SENATOR PRAY: Mr. President, I believe I had asked to have the rules suspended for the purpose of giving the Bill its First Reading at this time, without reference to a Committee.

On motion by Senator PRAY of Penobscot the Senate voted to RECONSIDER its action whereby it referred to the Committee on STATE GOVERNMENT:

Bill "An Act to Authorize the Department of Business, Occupational and Professional Regulation to Hire Legal Counsel" S. P. 876

THE PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that S. P. 876 be given its First Reading at this time without reference to committee.

Is this the pleasure of the Senate?

It is a vote

On motion by Senator PRAY of Penobscot under suspension of the rules, the Bill READ ONCE without reference to committee and ORDERED PRINTED.

Under further suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED without reference to a Committee.

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 Increase the Fee for the Alco-

hol Education Program Conducted by the Department of Human Services" S. P. 799 L. D. 2140

#### Ought to Pass As Amended

Senator BALDACCI for the Committee on PUBLIC UTILITIES on bill "An Act to Ensure Universal Telephone Service for Maine People" S. P. 778 L. D. 2097

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-340)

Which Report was READ and ACCEPTED  
The Bill READ ONCE.

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

SENATOR VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, I'd like to pose a question to the Chairman of the Committee if he might, very briefly, just outline the pertinent points of this service.

THE PRESIDENT: The Senator from Aroostook, Senator Violette, has posed a question through the Chair to the Senator from Penobscot, Senator Baldacci, who may respond if he so desires.

SENATOR BALDACCI: Mr. President and Members of the Senate, if you look on your Senate Amendments, numbered Senate-340, you'll see the amendment that the Committee drafted which was to insure and maintain, as much as possible, the universal telephone service, and to require that the task force that was established by the Governor Executive Order would be coming back with a report on these questions and how to deal with them, take up the issue of how best to maintain universal telephone service.

Committee Amendment "A" (S-340) was READ

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

SENATOR PEARSON: Mr. President, I'd like to pose a question. I'm confused, is this a study or what is it?

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

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACCI: Thank you, Mr. President. Mr. President and members of the Senate, again, reiterate the point of this Bill as amended, it recognizes the importance of universal telephone service "period". It does not specify any solution, if that is threatened, as judged by the Commission.

What it does do is it allows the Governors' Executive Committee, that he established by an Executive Order which has three members of the Legislature, to answer the following questions. How many basic telephone costs best be structured to ensure universal voice service in Maine? The task force is to report to the Governor with a proposed statement of state telecommunications policy and any draft legislation by January 1, 1985.

It was felt by the Committee that with long distance revenues, interstate revenues, still a part of the pie, and with no access charge question at this time as far as residential phone service, that universal telephone service did not require a rate-setting solution by the Legislature, but deferred judgment to that Cabinet Department. Thank you, Mr. President.

Committee Amendment "A" (S-340) was ADOPTED

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

SENATOR COLLINS: Mr. President, in view of the explanations that we've had it seems to me that this matter is now a duplication of the Executive Branch effort and I would move its Indefinite Postponement.

THE PRESIDENT: The Senator from Knox, Senator Collins, now moves that L. D. 2097 be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President and Members of the Senate, I hope that you vote against the motion for Indefinite Postponement.

I rise as a second Senate Member of the Public Utilities Committee and would like to assure you that what this really is a policy statement, really, which states that the Legislature is interested in maintaining the present level of universal telephone service, which by the way, is not 100% at all, but closer to 90% level of universal telephone service.

It is not clear to us today before the pending rate cases are completed whether, indeed, those who perhaps need telephone service, and obviously not all people need it, will be adversely affected by the case. At that time, if the Committee then sees that those perhaps who can only reside in their homes if they have telephone service, or otherwise would have to be in a nursing home or something like that, for whom it is a lifeline, if they are affected adversely by the outcome then we would hope to take legislation action.

It was a reflection by all Members of the Public Utilities Committee, conservatives and liberals, democrats and republicans alike, that this was something that should be our legislative policy. I do hope you vote against the pending motion and I ask for a Division.

THE PRESIDENT: A Division has been requested. Is the Senate ready for the question?

Will all those Senators in favor of the motion of the Senator from Knox, Senator Collins, that L. D. 2097n be Indefinitely Postponed, please rise and remain standing until counted.

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

8 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE FAILED

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

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

#### COMMITTEE REPORTS

##### Senate

##### Ought to Pass

Senator EMERSON for the Committee on TRANSPORTATION on Resolve, Authorizing and Directing the Department of Transportation to Continue to Study and Report on the condition of State and Local Bridges on the Local and Collector Systems and to Recommend Strategies for Improving their Overall Condition (Emergency) S. P. 844 L. D. 2291

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 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.

Sent down for concurrence.

##### Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing the Exchange of Certain Public Reserved Lands S. P. 810 L. D. 2168

Reported that the same Ought to Pass

Signed:

Senators:

KANY of Kennebec  
McBREAIRTY of Aroostook  
PEARSON of Penobscot

Representatives:

JACQUES of Waterville  
MICHAEL of Auburn  
MICHAUD of East Millinocket

RIDLEY of Shapleigh  
BROWN of Livermore Falls  
MITCHELL of Freeport  
DEXTER of Kingfield  
McGOWAN of Pittsfield

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

Signed:

Representative:

KIESMAN of Fryeburg

Which Reports were READ

The Majority OUGHT TO PASS Report was ACCEPTED

The Resolve READ ONCE

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

It is a vote.

Under suspension of the rules the Resolve READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

#### ORDERS OF THE DAY

The President laid before the Senate:

Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" S. P. 842 L. D. 2262 (H "B" H-544)

Tabled—March 22, 1984 by Senator PRAY of Penobscot

Pending—FURTHER CONSIDERATION

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

(In House March 22, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-544) in NON CONCURRENCE)

On motion by Senator TRAFTON of Androscoggin, the Senate voted to RECEDE

House Amendment "B" (H-544) was READ

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

SENATOR TRAFTON: Thank you, Mr. President. I now present Senate Amendment "A" with filing number S-338 and move its Adoption.

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

Senate Amendment "A" (S-338) to House Amendment "B" (H-544) was READ and ADOPTED

House Amendment "B" (H-544) as Amended by Senate Amendment "A" (S-338) thereto was ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

The President laid before the Senate:

##### 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)

Tabled—March 22, 1984 by Senator PRAY of Penobscot

PENDING—ENACTMENT

(In House March 22, 1984 PASSED TO BE ENACTED)

On motion by Senator CARPENTER of Aroostook, the Senate voted to SUSPEND ITS RULES.

On further motion by the same Senator, the Senate voted to RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by the same Senator, the Senate voted to FURTHER SUSPEND ITS RULES.

On further motion by the same Senator, the Senate voted to RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (S-311).

THE PRESIDENT: The Senator has the floor. SENATOR CARPENTER: I offer Senate Amendment "A", filing S-337 to Committee Amendment "A" and moves its Adoption.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-337) to Committee Amendment "A" (S-311) was READ

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

SENATOR CARPENTER: Mr. President, what this Amendment does, it increases the exemption from 110 gallons to 275 gallons for those persons who cannot get deliveries of home heating fuel, they may buy it at a dealer, at a pump, if they sign a statement that their not going to use it and are not allowed to, in fact, use it as fuel oil. There is no loss of revenue on this and it is designed as a way to protect those small users and this would put the exemption up to 275 gallons. Thank you.

Senate Amendment "A" (S-337) to Committee Amendment "A" (S-311) was ADOPTED

Committee Amendment "A" (S-337) as Amended by Senate Amendment "A" (S-311) thereto was ADOPTED, in NON-CONCURRENCE.

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

Tabled—March 22, 1984 by Senator PRAY of Penobscot

Pending—The Motion of Senator DIAMOND of Cumberland to RECONSIDER whereby the Bill and accompanying papers were INDEFINITELY POSTPONED in NON-CONCURRENCE

(In House March 22, 1984 referred to the Committee on TAXATION and ORDERED PRINTED)

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

SENATOR DIAMOND: Mr. President and Ladies and Gentlemen of the Senate, I request Leave of the Senate to Withdraw my Motion to Reconsider.

THE PRESIDENT: Senator Diamond of Cumberland now requests Leave of the Senate to Withdraw his motion to Reconsider.

It is the pleasure of the Senate to grant this Leave?

It is a vote.

The Bill and accompanying papers, INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act to Authorize County Commissioners to Establish Separate Voting Places in Unorganized Townships" S. P. 858 L. D. 2331

Tabled—March 27, 1984 by Senator PEARSON of Penobscot

Pending—FURTHER CONSIDERATION

(Committee on ELECTION LAWS suggested) (In Senate March 20, 1984 Under Suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE)

(In House March 22, 1984 READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-573) WITHOUT REFERENCE TO A COMMITTEE in NON-CONCURRENCE)

On motion by Senator McBREAIRTY of Aroostook the Senate voted to RECEDE

House Amendment "A" (H-573) was READ and ADOPTED, in concurrence.

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

SENATOR McBREAIRTY: Mr. President, I present Senate Amendment "B" to L. D. 2331 and move its Adoption.

THE PRESIDENT: The Senator from Aroostook, Senator McBreairty, now offers Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-339) was READ and ADOPTED

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

The President laid before the Senate:  
Bill "An Act to Amend the Potato Price Stabilization Program" H. P. 1774 L. D. 2352  
Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending—REFERENCE  
(In House March 22, 1984 referred to the Committee on AGRICULTURE AND ORDERED PRINTED.)

On motion by Senator CARPENTER of Aroostook, RETABLED for 1 Legislative Day, pending REFERENCE

The President laid before the Senate:  
Resolve, to Establish a Select Committee Concerning Forest Practices in the State (Emergency) H. P. 1776 L. D. 2354

Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending—REFERENCE  
(In House March 22, 1984 referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.)

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

SENATOR PRAY: Mr. President, I move that under suspension of the rules that 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 L. D. 2354 be given its First Reading at this time without reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

On motion by Senator PRAY of Penobscot, under suspension of the Rules the Bill READ TWICE

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

SENATOR PRAY: Mr. President, I offer Senate Amendment "A" under filing number S-343, and move its adoption. I would like to speak to that motion.

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

Senate Amendment "A" (S-343) was READ

THE PRESIDENT: The Senator has the floor.

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, this is a Resolve that expresses some concerns about the forest practices of cutting, clear-cutting and so forth, throughout the State of Maine. It was setting up a Select Committee that was made up originally of four members of the Energy and Natural Resources Committee, four members of the Fisheries and Wildlife Committee, one member from the Bureau of Forestry, one from the Industry and one member of the general public.

My amendment, as it now stands, would change the legislative composition from eight to six. It would increase the public member from one to three. In other words, we would have: three from Energy and Natural Resources, three from Fisheries and Wildlife, three from the general public, one from the Department of Forestry and one from the Forestry Industry. These individuals would be appointed by the presiding officers, of course, except for that which works for the Bureau of Forestry.

It also makes reference to the fact that it allocates the money, the \$3,000, to the Legislative Account.

Senate Amendment "A" (S-343) was ADOPTED

The Bill was PASSED TO BE ENGROSSED as Amended in NON-Concurrence  
Sent down for concurrence.

The President laid before the Senate:  
Resolve, Establishing a Task Force on Head

Injuries H. P. 1777 L. D. 2355

Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending—REFERENCE  
(In House March 22, 1984 referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED)

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

SENATOR TWITCHELL: I move this Bill be Indefinitely Postponed.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell, now moves that this Bill be Indefinitely Postponed.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, I would request a Division and would like to speak briefly.

THE PRESIDENT: The Senator has the floor.

SENATOR WOOD: Mr. President and Men and Women of the Senate, it's of some concern to me that we, in the last couple of days, have been taking the attitude of Indefinitely Postponing bill on Reference and, also, passing bills without reference to a committee.

I think in my ten years down here I have seldom seen this, in fact, I can only recollect one time that a bill was killed on reference. I realize the frustrations that people have, I share those frustrations in receiving bills this late date in the Session. I'm not sure this is the appropriate way to deal with that problem. I think that it is going to have a chilling effect on the process and in the future it will be much easier to kill be on reference right early in the session. We will establish a precedent and feel very comfortable doing that. I think that my attitude is that bills deserve some kind of public input, that they were sponsored for a reason and that reason should be fulfilled with some kind of public hearing.

I also, in the same vein, am a little concerned when we pass bills without reference to a committee because when we act as a committee of the whole, I think we leave ourselves open to possibly not reviewing the bills as closely as possible. I think I rely very much on other committee and their expertise to review a bill and make sure its perfect. When we assume to take on that duty, I think we are going to run into some problems. An example would be on Item Three, setting up the Forest Practices Committee, that seemed to be to all of us to be a worthwhile goal then we referred it without a committee hearing, or without reference to a committee. When it comes to establishing a task force on head injuries, we don't think that an appropriate thing and we would like to kill it. I would just argue that I think that we should refer these bill to committee, I know that it's frustrating, I know that this has not been a very pleasant session but I think that in the end the process would be better served by doing that than trying to kill them on reference.

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

SENATOR PRAY: Mr. President, Ladies and Gentlemen of the Senate, I only wish to reply to the comments that were made by the Senator from York, Senator Wood, since he had brought into reference item number three, "A Resolve to Establish a Select Committee Concerning Forest Practices in the State." There was a bill introduced earlier in this Session by the same sponsor who had introduced this, and it is my understanding that this Resolve comes out of a Bill that was earlier introduced as a better way to go to handle this situation and the concern, because there was a lack of knowledge within the Legislative system at this time as to what the actual impact of that would be. Thus, in all essence, I believe that the earlier item had had a public hearing.

While the following issue, the following item which is now being considered for Indefinite Postponement, is again, the establishment of a task force and while I believe that we could

have a public hearing on this, the concerns that I have in reference of looking at the bill as it now stands, if they want to defeat it and change it. I do have some concerns with the existing bill that states that membership of this commission, which will be twelve, or this task force will be twelve: will be a designee of the Commissioner of Human Services, a designee of the Commissioner of Mental Health and Mental Retardation, a designee of the Commissioner of Education and Cultural Services, one Senator, one Representative, five representatives form the Maine Head Injury Foundation, a representative of the Maine Medical Association, and a representative of a Community Based Consumer Orientated Provider of Care.

If someone could interpret that last one for me, perhaps I might change my mind on following the lead of the Senator from Oxford, Senator Twitchell. If somebody could define what a Community Based Consumer Orientated Provider of Care might be, that would be willing to serve on this task force?

THE PRESIDENT: The Senator from Penobscot, Senator Pray, 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 Wood.

SENATOR WOOD: Mr. President, just a clarification, I was not singling out item three, I think we have done a number of items today that we suspended the rules and passed them. I just happened to reflect on the one that we'd done previously.

In terms of analyzing the Bill. I think we're using a different standard if we now are going to pick apart the bills on reference. I would contend that the questions that were raised by the good Senator are the questions that should be raised at the committee level. They should be worked out in a committee. If we are now going to use a different standard for even whether a bill should be referred, when we historically have simply said whatever has been presented should, in most cases, be referred, I think we're just heading down a path that none of us want to go down.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Senator from Oxford, Senator Twitchell to Indefinitely Postpone L. D. 2353, please rise and remain standing in their places until counted.

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

13 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE, FAILED

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

The President laid before the Senate:  
Senate Reports from the Committee on EDUCATION on Bill "An Act Concerning the Teaching of Certain Subjects" S. P. 769 L. D. 2089

Majority Report Ought To Pass In New Draft under same title S. P. 869 L. D. 2359

Minority Report Ought To Pass In New Draft under same title S. P. 870 L. D. 2360

Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending — ACCEPTANCE OF EITHER REPORT

On motion by Senator CARPENTER of Aroostook, RETABLED for 1 Legislative Day pending ACCEPTANCE OF EITHER REPORT

The President laid before the Senate:  
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-512; H "B" H-535)

Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending—The motion of Senator BUSTIN to RECONSIDER ENACTMENT

(In House March 22, 1984 ENACTED)

(In Senate March 22, 1984 ENACTED)

On motion by Senator BUSTIN of Kennebec, the Senate voted to RECONSIDER its action whereby the Bill was PASSED TO BE ENACTED.

On further motion by the same Senator, the Senate SUSPENDED ITS RULES

On further motion by the same Senator, the Senate voted to RECONSIDER its action whereby the Bill was passed to be engrossed.

On further motion by the same Senator, the Senate SUSPENDED ITS RULES.

On further motion by the Senator, the Senate voted to RECONSIDER its action whereby it ADOPTED House Amendment "A" (H-512) as Amended by Senate Amendment "A" (S-309) thereto.

On further motion by the same Senator, the Senate FURTHER SUSPENDED ITS RULES.

On further motion by the same Senator, the Senate voted to RECONSIDERS its action whereby it ADOPTED Senate Amendment "A" (S-309) to House Amendment "A" (H-512).

On further motion of the same Senator, Senate Amendment "A" (S-309) was INDEFINITELY POSTPONED, in NON-CONCURRENCE

THE PRESIDENT: The Senator has the floor. SENATOR BUSTIN: I now offer Senate Amendment "B" to House Amendment "A" (H-512) and move its Adoption.

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

Senate Amendment "B" (S-341) to House Amendment "A" (H-512) was READ.

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

SENATOR BUSTIN: Mr. President, just to clear up all of the legislative falderal that we were doing, I just want to let you know that all we were changing was a phrase that said "shall receive a passing score", meaning that we had to give a passing score, to "shall achieve a passing score".

Senate Amendment "B" (S-341) to House Amendment "A" (H-512) was ADOPTED.

House Amendment "A" (H-512) as Amended by Senate Amendment "B" (S-341) thereto was ADOPTED, in NON-CONCURRENCE.

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

Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending—PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate March 20, 1984 The Minority Ought To Pass As Amended Report READ and ACCEPTED and the Bill as Amended READ A SECOND TIME)

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

SENATOR WOOD: I offer Senate Amendment "A" (S-342) and move its Adoption.

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

Senate Amendment "A" (S-342) was READ and ADOPTED.

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

SENATOR TRAFTON: Thank you, Mr. President. In light of the informal polls which have been taken in public housing projects in the City of Auburn, which are almost unanimously opposed to this Bill, I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of Passage to

be Engrossed as Amended, please rise and remain standing until counted.

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

17 Senators having voted in the affirmative and 13 Senators having voted in the negative the Bill was PASSED TO BE ENGROSSED, as Amended

Sent down for concurrence.

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

Bill "An Act to Provide a Transition Period for Certain Education Equivalence Provisions in the Psychologists License Law" H. P. 1786 L. D. 2362

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

Pending—REFERENCE

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. 2362 be Indefinitely Postponed.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell, now moves that this Bill 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, I would hope that all of you would enthusiastically join with me in supporting the fine motion tendered by the good Senator from Oxford, Senator Twitchell, to Indefinitely Postpone this Bill and all accompanying papers.

On motion by Senator TWITCHELL of Oxford, INDEFINITELY POSTPONED in NON-CONCURRENCE.

Sent down for concurrence.

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

A JOINT RESOLUTION ON ECONOMIC DEVELOPMENT RESEARCH IN MAINE S. P. 1791

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

Pending ADOPTION

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, I present Senate Amendment "A" (S-344) and move its Adoption.

THE PRESIDENT: The Senator from Aroostook, Senator Violette, presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-344) was READ and ADOPTED

The Resolution was ADOPTED as Amended, in NON-CONCURRENCE

Sent down for concurrence.

#### SENATE AT EASE

The Senate called to order by the President

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

An ACT to Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes S. P. 843 L. D. 2266

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

Pending ENACTMENT

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

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

Senator CHARETTE of Androscoggin was granted unanimous consent to address the Senate Off the Record

On motion by Senator CARPENTER of Aroostook,

ADJOURNED until Thursday, March 29, 1984 at 9 o'clock in the morning.