

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

INDEX

FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

INDEX

FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

INDEX

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

INDEX

March 30, 1984

STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Tuesday
April 3, 1984
Senate called to Order by the President.

Prayer by the Reverend Relland P. Clark of the North Windsor Baptist Church.

REVEREND CLARK: Let us bow together for prayer. Our Father, we thank You for the beautiful day which Thou has given to us, and help us to rejoice and be glad in it.

We thank You, our Father, for the opportunities and challenges of this day which are before us. We pray for the Senate today, we ask that they may accept the opportunities and challenges of the day. We pray that You would lead them and guide them as they make decisions which will affect all of us. We ask, our Father, that You lead and guide and we'll give you the praise, for we pray in the name of Christ, our Saviour, Amen.

Reading of the Journal of Friday, March 30, 1984.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Allow State Party Committees to Establish the Time for Electing their Officers" H. P. 1784 L. D. 2350

In Senate March 29, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-625) in NON-CONCURRENCE.

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

It is a vote.

Non-concurrent Matter

Bill "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions" H. P. 1412 L. D. 1834

In House March 27, 1984 Report "A" Ought to Pass in New Draft Under New Title (H. P. 1795) (L. D. 2370) READ and ACCEPTED and the New Draft under New Title PASSED TO BE ENGROSSED.

In Senate March 29, 1984 Report "B" Ought to Pass in New Draft under New Title (H. P. 1796) (L. D. 2371) READ and ACCEPTED and the Bill in New Draft under New Title READ and ACCEPTED and the Bill in New Draft under New Title PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Comes from the House that Body INSISTED and asked for a COMMITTEE OF CONFERENCE.

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

SENATOR VIOLETTE: Mr. President, I move that the Senate Insist and Join In a Committee of Conference, with the House.

THE PRESIDENT: The Senator from Aroostook, Senator Violette, moves the Senate INSIST and JOIN IN A COMMITTEE OF CONFERENCE.

Is this the pleasure of the Senate?

It is a vote.

The President appointed the following Conferees on the part of the Senate:
Senator Violette of Aroostook
Senator Baldacci of Penobscot
Senator Hichens of York

Non-concurrent Matter

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

In Senate March 27, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-622) in NON-CONCURRENCE.

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

It is a vote.

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
House of Representatives
Augusta, 04333

March 30, 1984

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

The House voted today to Adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Health and Institutional Services on Bill "An Act to Allow Elderly Persons to have Pets in Public Housing" (S. P. 797) (L. D. 2132).

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication: (S. P. 895)
111th Legislature

March 30, 1984

The Honorable Richard L. Trafton
The Honorable Barry J. Hobbins
Committee on Judiciary
111th Legislature
State House
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated G. Arthur Brennan of York for appointment as a Superior Court Justice.

Pursuant to Title 4 M.R.S.A. Section 152, this nomination will require review by the Joint Standing Committee on Judiciary 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 JUDICIARY.
Sent down for concurrence.

The Following Communication: (S. P. 896)
111th Legislature

March 30, 1984

The Honorable Richard L. Trafton
The Honorable Barry J. Hobbins
Chairpersons, Committee on Judiciary
111th Legislature
State House
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Edward F. Gaulin of Saco for appointment as a District Court Judge.

Pursuant to Title 4 M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary 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 JUDICIARY.
Sent down for concurrence.

The Following Communication: (S. P. 897)
111th Legislature

The Honorable Paul E. Violette
The Honorable Dan A. Gwadodsky
Chairpersons, Committee on State Government
111th Legislature
State House
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Annalee Z. Rosenblatt of Scarborough for appointment to the State Personnel Board.

Pursuant to Title 5 M.R.S.A. Section 591, this nomination will require review by the Joint Standing Committee on State Government 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 STATE GOVERNMENT.
Sent down for concurrence.

Pursuant to the Statutes
Review Committee on Tax Conformity

Senator WOOD for the Review Committee on Tax Conformity pursuant to P.L. 1983, c. 590 ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide for Conformity with the United States Internal Revenue Code" (S. P. 893) (L. D. 2409) be referred to the Joint Standing Committee on TAXATION for public hearing and ordered printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED and the Bill referred to the Committee on TAXATION and ORDERED PRINTED pursuant to Joint Rule 18.

Sent down for concurrence.

COMMITTEE REPORTS
House
Leave to Withdraw

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

Bill "An Act to Amend the Maine Weatherization Program" H. P. 1536 L. D. 2021

Ought to Pass in New Draft

The Committee on EDUCATION on Bill "An Act Relating to Local Voting on School Administrative District Budgets" H. P. 1662 L. D. 2195

Reported that the same Ought to Pass in New Draft under same title. H. P. 1814 L. D. 2399

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 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 in concurrence.

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act Relating to Medicaid Reimbursement Rates for Ambulance Services" (Emergency) H. P. 1594 L. D. 2104

Reported that the same Ought to Pass in New Draft under same title. (Emergency) H. P. 1811 L. D. 2396

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 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 in concurrence.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Provide for Testing of Private Water Supplies for Chemical Contaminants where Chemical Contaminants are Suspected by State Agencies" H. P. 1555 L. D. 2054

Reported that the same Ought to Pass in New Draft under same title. H. P. 1815 L. D. 2400

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 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 in concurrence.

Ought to Pass in New Draft under New Title

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1985" (Emergency) H. P. 1503 L. D. 1979

Reported the same Ought to Pass in New Draft under New Title Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,635,000 and to Allocate those Funds for Fiscal Year 1985" (Emergency) H. P. 1809 L. D. 2391

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.

THE PRESIDENT: Is it 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 in concurrence.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Place Seven Affiliated Boards Within the Department of Business, Occupational and Professional Regulation" H. P. 1620 L. D. 2144

Reported the same Ought to Pass in New Draft under New Title Bill "An Act Regarding the Administration of Seven Boards Affiliated with the Department of Business, Occupational and Professional Regulation" H. P. 1813 L. D. 2398

Comes from the House with the Report READ and ACCEPTED and the Bill, in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-623).

Which Report was READ and ACCEPTED, in concurrence.

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

House Amendment "A" (H-623) was READ and ADOPTED, in concurrence.

THE PRESIDENT: Is it 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 as Amended, in concurrence.

(OFF RECORD REMARKS)

Senate

Ought to Pass As Amended

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Require an Inventory, Permitting and Monitoring of Underground Tanks Containing Gasoline, Oil and Toxic Materials" (Emergency) S. P. 857 L. D. 2324

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-363).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-363) was READ and ADOPTED.

THE PRESIDENT: Is it 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 under New Title

Senator VIOLETTE for the Committee on JUDICIARY on Bill "An Act Requiring Proof of Financial Responsibility for Persons Who Have Been Convicted under the Drunk Driving Laws" S. P. 786 L. D. 2112

Reported the same Ought to Pass in New Draft under New Title Bill "An Act Requiring Proof of Financial Responsibility for 2nd and Subsequent Offenders Under the Drunk Driving Laws" S. P. 892 L. D. 2408

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

It is a vote.

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

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act Relating to the Quality of Milk" H. P. 1804 L. D. 2378

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

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

ENACTORS

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

AN ACT Regarding the Effective Date of Interest Charges on Overdue Contributions to the Unemployment Compensation Fund. H. P. 1718 L. D. 2277

AN ACT to Provide for Financial Solvency in the Unemployment Compensation Fund. H. P. 1773 L. D. 2341

AN ACT to Amend Certain Provisions of the Department of Environmental Protection Statutes. H. P. 1806 L. D. 2385

AN ACT to Provide for the Services of Bailiffs

and other Court and Jury Officers. S. P. 874 L. D. 2373

AN ACT to Require the Bureau of Public Lands to Report Annually to the Legislature on the Existence of Barriers to and Fees for Public Access to Public Reserved Lands. H. P. 1794 L. D. 2369

AN ACT to Clarify the Timber-Harvesting Provisions of the Allagash Wilderness Waterway Statutes. H. P. 1793 L. D. 2368

AN ACT Amending the Charter of the Telephone Workers Credit Union of Maine. H. P. 1779 L. D. 2344

AN ACT to Repeal a Statute which has been Declared Unconstitutional. H. P. 1698 L. D. 2252

AN ACT Concerning Benefits Under the Unemployment Compensation Act. H. P. 1755 L. D. 2315

AN ACT to Provide an Educational Clearinghouse for Information on Nuclear Usage. H. P. 1792 L. D. 2366

AN ACT to Recognize National Women's History Week. H. P. 1597 L. D. 2119 (C. "A" H-548)

AN ACT to Clarify the Licensing Authority of the Board of Registration in Medicine. H. P. 1665 L. D. 2197 (S. "B" S-341 to H. "A" H-512; H. "B" H-535)

AN ACT to Amend Provisions Relating to Violation of Probation or Parole. H. P. 1659 L. D. 2189 (C. "A" H-575)

AN ACT to Require Prisoners on Work Release to Pay for the Cost of Their Board in a Correctional Facility. H. P. 1657 L. D. 2187 (C. "A" H-580)

AN ACT to Amend the Licensing of Dental Radiographers. H. P. 1691 L. D. 2246 (C. "A" H-583)

AN ACT Concerning Hazardous Materials Control. H. P. 1666 L. D. 2198 (H. "A" H-515; H. "B" H-578)

AN ACT to Provide Medicaid Reimbursement for Substance Abuse Services. H. P. 1667 L. D. 2207 (C. "A" H-595)

AN ACT to Require State Agencies Authorized to Expend Proceeds of Bonds Approved by the Electorate to Report the Status of the Bonds to the Legislature Prior to the Date of Deauthorization as Provided in the Constitution of Maine. S. P. 819 L. D. 2199 (H. "A" H-588)

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

AN ACT to Provide for Repayment of Interest Charges Incurred on Federal Advances to the Unemployment Compensation Fund. S. P. 861 L. D. 2338 (H. "A" H-590)

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

AN ACT Relating to Changes in the Composition and Functioning of the Harness Racing Commission. S. P. 801 L. D. 2149 (H. "A" H-600 to C. "A" S-318; S. "A" S-323)

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

AN ACT to Revise the School Finance Act. H. P. 1765 L. D. 2327 (H. "A" H-586)

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

AN ACT to Amend the Criminal Extradition Act. H. P. 1622 L. D. 2146 (C. "A" H-584)

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

Emergency

AN ACT to Clarify the Laws Relating to Pri-

vate Business, Trade and Technical Schools. H. P. 1770 L. D. 2337

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

Emergency

AN ACT Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985. H. P. 1742 L. D. 2296

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENGROSSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT Concerning Striped Bass. H. P. 1693 L. D. 2248 (C. "A" H-579)

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENGROSSED and having been signed by the Secretary to the Governor for his approval.

Emergency

AN ACT to Provide for Equal Treatment of Special Fuel Used for Heating Purposes. S. P. 747 L. D. 2050 (S. "A" S-337 to C. "A" S-311)

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENGROSSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT to Authorize County Commissioners to Establish Separate Voting Places in Unorganized Townships. S. P. 858 L. D. 2331 (H. "A" H-573; S. "B" S-339)

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENGROSSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve

Resolve, Designating a Mountain in Andover North Surplus Township as Grady Mountain. S. P. 828 L. D. 2214 (H. "A" H-596)

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

Emergency Resolve

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. S. P. 844 L. D. 2291

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative was FINALLY 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, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1984. H. P. 1797 L. D. 2372

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative was FINALLY PASSED TO BE ENACTED and having been signed by the Pres-

ident, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative was FINALLY PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Tabled—March 30, 1984 by Senator CARPENTER of Aroostook.

Pending—The motion of Senator PRAY of Penobscot to RECEDE AND CONCUR.

(In House March 27, 1984 Referred to the Committee on BUSINESS LEGISLATION)

(In Senate March 27, 1984 Bill and accompanying papers INDEFINITELY POSTPONED in NON-CONCURRENCE)

(In House March 29, 1984 that Body ADHERED)

On motion by Senator CARPENTER of Aroostook, RETABLED for 1 Legislative Day, pending the motion of Senator PRAY of Penobscot to RECEDE AND CONCUR.

SENATE AT EASE

The Senate called to order by the President.

(OFF RECORD REMARKS)

On motion by Senator CARPENTER of Aroostook,

RECESSED until 4 o'clock this afternoon.

RECESS

AFTER RECESS

The Senate called to order by the President.

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

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 Clarify the Sand Dunes Law" S. P. 840 L. D. 2264

Senator KANY of Kennebec was granted unanimous consent to address the Senate On the Record.

SENATOR KANY: Thank you, Mr. President and Members of the Senate, Senator Danton of York asked me to indicate On the Record the present status of our Sand Dune Law and the rules.

Senator Danton presented a bill to the Energy and Natural Resources Committee as a result of a very real problem that a number of his constituents are having as a result of the inflexibility of our rules regarding sand dunes. Our Committee members were most appreciative of that problem and extremely sympathetic.

We learned, consequently, a great deal about the formation of sand dunes and their ever-changing volatility and consequently, we do realize that the thirty-five miles of beach along Maine's coast certainly should be preserved. It is indeed a natural resource, an economic resource and something that is enjoyed by all people of Maine as they can.

Consequently, we let the Department of Environmental Protection know that while we understand how important it is to preserve this marvelous natural resource, that we do expect some flexibility from the Department, particularly regarding those who own buildings and have had a great deal of problems due to nature beyond the control of those homeowners. As a result, the Department of Environmental Protection indicated to our Committee that it did plan to come up with new rule making, including rebuttable presumption and possible variances for those who own buildings who have been effected by storms.

Therefore, our Committee decided to give this Bill a Leave to Withdraw with the firm understanding that if the inflexibility somehow continues that we would definitely entertain legislation next year.

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

ORDER

Joint Order

On motion of Senator PRAY of Penobscot, the following Joint Order: (S. P. 902)

ORDERED, the House concurring that when the House and Senate adjourn, they adjourn to Friday, April 6, 1984 at 9:00 o'clock in the morning.

Which was READ and PASSED.

Sent down for concurrence.

Ought to Pass As Amended

Senator ERWIN for the Committee on AGRICULTURE on Bill "An Act to Amend the Act to Protect the Public from Unsafe Pesticide Use" (Emergency) S. P. 848 L. D. 2306

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-364).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-364) was READ and ADOPTED.

THE PRESIDENT: Is it 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 under New Title

Senator VIOLETTE for the Committee on STATE GOVERNMENT on Bill "An Act Relating to Major Policy-influencing Positions in the Department of Human Services, Department of Mental Health and Mental Retardation, Department of Corrections and the Public Utilities Commission" S. P. 800 L. D. 2141

Reported the same Ought to Pass in New Draft under New Title Bill "An Act to Change the Titles of 3 Policy-influencing Positions and to Establish New Policy-influencing Positions within the Department of Corrections and the Department of Mental Health and Mental Retardation" S. P. 898 L. D. 2415

Which Report was READ and ACCEPTED.

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Equalize Taxation of Leased Aircraft used in Interstate Commerce" (Emergency) H. P. 1823 L. D. 2416

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.

ENACTORS

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

AN ACT to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human Services. H. P. 1658 L. D. 2188 (C. "A" H-593)

AN ACT to Increase Capital and Surplus Requirements of Insurers in Order to Hold a Certificate of Authority to Write Insurance. H. P. 1803 L. D. 2377

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

AN ACT to Amend the Potato Price Stabilization Program. H. P. 1774 L. D. 2352 (S. "A" S-347)

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

Resolve

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 (H. "A" H-608)

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

Emergency

AN ACT Relating to the Issuance of Registered Bonds. S. P. 885 L. D. 2402

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1985. H. P. 1668 L. D. 2208 (C. "A" H-594)

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1984. H. P. 1733 L. D. 2286 (H. "A" H-607)

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative was FINALLY PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

House
Leave to Withdraw

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

Bill "An Act to 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

Ought to Pass

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1984. (Emergency) H. P. 1822 L. D. 2414

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

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

THE PRESIDENT: Is it 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 Kennebec County for the Year 1984. (Emergency) H. P. 1821 L. D. 2413

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

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

THE PRESIDENT: Is it 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.

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

SENATOR BUSTIN: I present an Amendment and move its Adoption.

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

Senate Amendment "A" (S-369) was READ.

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

SENATOR DOW: Mr. President and Ladies and Gentlemen of the Senate, I would ask you to vote against this Amendment. I can't see amending the County budget on the Senate Floor. We have had numerous meetings on this, this is a Majority Report and when the vote is taken, I ask that it be taken by a Division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senate from Kennebec, Senator Bustin.

SENATOR BUSTIN: I find myself in a very bad position of being in opposition to the other good Senator from Kennebec, Senator Dow, but I would like the Body to know exactly why I am presenting this Amendment. It has to do with process again, something that we have been going through this Chamber and now I find going through the Committee on this particular thing.

We passed this budget and I signed the budget report, and I thought I was signing a report and I thought it was all through, and these cuts were put in the budget you have before you without my amendment, was the budget it was what was there, and that's what I

signed. Then all of a sudden, after all of those people who were in asking for money from us came to us, we gave them the money in front of them, then they went home, they then did have the opportunity to go to their towns, because I'm talking about Social Service agencies now, they did not have the opportunity to go to their towns and say "Look, we didn't get it from the County so now we need to ask you for it." We waited until after they could not go back to the towns because there are no more town meetings, I think Vassalboro is the only one in this District that has a town meeting in May or June. We cut them off at the knees and we said "Okay, now that we've said you can have it, we're now going to say you can't have it." So, all I am doing is restoring that fifteen thousand dollars or fifteen some odd dollars, back in that we told those social service agencies they could have. That's all I'm doing, I'm talking about process.

The reason that we came back with the report that's before you is because for some reason, and we had a meeting of the delegation, we decided not to go to the Committee, I mean not to go to the Commissioners, as far as I knew. All of a sudden the next thing I knew, the four members of the other Body had gone to the Commissioners decided on this report and then presented it to us again.

So, that's the way it was done, I objected to it, I'm submitting this amendment. I would appreciate your support. Thank you.

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

SENATOR VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. I simply wish a point of clarification here from some member of this County Budget. Is the Majority was this budget that we are voting on today without Senator Bustin's amendment voted upon by a Majority of the Members of the Kennebec County Legislative Delegation?

THE PRESIDENT: The Senator from Aroostook, Senator Violette, 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 Kennebec, Senator Dow.

SENATOR DOW: Mr. President, to answer that question, Yes, it was voted on by a majority. Yes, there was at least two meetings that I was aware of for a discussion and then the paper went around for the signatures, so it is a majority of the Committee.

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

SENATOR KANY: Mr. President and Members of the Senate, I'm sure we all apologize for having to put this upon you, you people are not interested in other County's budgets, no question about it, but I rise to support Senator Bustin of Kennebec's amendment and I do so representing nine towns in Kennebec County.

To answer Senator Violette's question, actually, two votes were taken. Two, supposedly final votes and the first one included these particular items that Senator Bustin is including in her Amendment, and at that time various social service agencies who had been told that the municipalities preferred funding them through the County budget instead of through the individual municipalities, that they should not go to those town meetings to attempt to get some matching funds from the towns. Subsequently, they did not and they lost their only opportunity to go to town meetings just because of when they are scheduled. Then, some of the municipalities within Kennebec County, decided that the Kennebec County Budget was too high, that they did not want to have property tax increases to fund the level of the Kennebec County budget. So those particular municipalities met with some of their representatives, particularly in the southern part of the County, and talked them into presenting another budget.

Now, some of us had other commitments,

hearing and work sessions, such as I had, since as far as I was concerned we were through with the Kennebec County budget and another vote was taken. Not all of the Kennebec County Delegation had a part in choosing what those cuts would be, it was after the fact. I believe it an unfair method, because it really is disturbing to those particular social services, like Mental Health Centers and so on not to be able to get matching shares since they had lost their opportunity.

I hope that you support Senator Bustin's Amendment.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A" (S-369), 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.

6 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion to ADOPT Senate Amendment "A" (S-369) FAILED.

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

SENATOR BUSTIN: I request the Yeas and Nays when the vote is taken.

THE PRESIDENT: The pending question before the Senate is the Engrossment of this Bill. A Roll Call has been requested.

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

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

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

The pending question before the Senate is Passage to be Engrossed.

A Yes vote will be in favor of Engrossment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Carpenter, Charette, Clark, Collins, Diamond, Dow, Dutremble, Emerson, Erwin, Hichens, McBreairty, Minkowsky, Najarian, Perkins, Pray, Sewall, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Bustin, Hayes, Kany, Pearson, Redmond, Teague.

ABSENT—Senators, Danton, Gill, Shute.

24 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 3 Senators being absent, the Bill was PASSED TO BE ENGROSSED in concurrence.

OFF RECORD REMARKS

Ought to Pass in New Draft

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption for Certain Residential Facilities" H. P. 1441 L. D. 1886

Reported that the same Ought to Pass in New Draft under same title. H. P. 1817 L. D. 2407

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

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it 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 in concurrence.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Air

Emission License Law" H. P. 1465 L. D. 1917

Reported that the same Ought to Pass in New Draft under same title. H. P. 1818 L. D. 2410

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 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 in concurrence.

The Committee on STATE GOVERNMENT on Bill "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" H. P. 1571 L. D. 2081

Reported that the same Ought to Pass in New Draft under same title. H. P. 1807 L. D. 2389

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

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

Senate Divided Report

The Majority of the Joint Select Committee on WOOD MEASUREMENT on Bill "An Act to Revise the Wood Measurement Law" S. P. 623 L. D. 1768

Reported that the same Ought to Pass in New Draft under Same Title. S. P. 889 L. D. 2404

Signed:

Senators:

CARPENTER of Aroostook
WOOD of York

Representatives:

KELLY of Camden
LOCKE of Sebec
HALL of Sangerville
JACQUES of Waterville
THERIAULT of Fort Kent

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Wood Measurement Law" S. P. 890 L. D. 2405

Signed:

Senator:

EMERSON of Penobscot

Representatives:

DAY of Westbrook
DEXTER of Kingfield

Which Reports were READ.

On motion by Senator WOOD of York the Majority OUGHT TO PASS in New Draft Report was ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it 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.

On motion by Senator CARPENTER of Aroostook, TABLED for 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

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

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 Abolish the Catastrophic Illness Program" (Emergency) S. P. 851 L. D. 2309

ORDERS OF THE DAY

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 30, 1984 by Senator HAYES of Penobscot.

Pending—ACCEPTANCE OF EITHER REPORT.

(In Senate March 27, 1984 Reports READ)

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

SENATOR HAYES: Mr. President, I move that the Senate Accept the Majority Report, Ought to Pass in New Draft, L. D. 2359.

THE PRESIDENT: The Senator from Penobscot, Senator Hayes, now moves that the Senate accept the Majority Ought to Pass in New Draft under same title Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

SENATOR HICHENS: Mr. President, Members of the Senate. I hope that you will not accept the Majority Report, but instead, will accept the Minority Report on L. D. 2360, the New Draft of 2089.

The present law on the books, although an antique law so called, is not antiquated as to its value in these times in which we live. In fact, like many antiques, it is more valuable in this day and age than perhaps it was when originally enacted.

With the conditions now existing in the world, our nation and our State today, the need for this morality law so called, is greater than ever before. Although the Majority redraft report before you is considerably modified from the original bill presented, the Minority of the Committee do not think that it is an improvement in any way over the present law. The Minority Report takes care of the scripture reading clause ruled unconstitutional by the U.S. Supreme Court.

With over two hundred people present at the hearing on the Bill, nine of every ten people present, or even a greater percentage opposed any revision of the present law. Moral groups so called, legionnaires, humane society members, and ordinary citizens protested any change whatsoever. The good Senator from Penobscot has received scores of letters opposing his Bill.

In the March edition of the MAINE TEACHER, an article entitled TEACH MORALITY IN THE SCHOOLS states "Almost alone in testifying in support of the Hayes Bill was the M.T.A." The main objection the M.T.A. expressed was a one-half hour requirement imposed on teachers. This sentence has been omitted in the Minority new draft.

More than fifty years ago at Dusseldorf, Germany, the Communists lists of rules for evolution was found. On that list were the following clauses: "Corrupt the young, get them away from religion, get them interested in sex, make them superficial, destroy their ruggedness. (2) Divide the people into hostile groups by constantly harping on controversial matters. (3) By specious argument cause the breakdown of the old moral virtues, honesty, sobriety, confidence, faith in the pledged word, ruggedness."

The United States Senate has turned down the bill which would permit voluntary prayers in the schools. Now we have the bill to lower the responsibility for the teachers of morality, sobriety and so forth in our public schools in Maine. We keep hearing people harp on the separation of church and state, claiming that religion should not be taught in the schools, yet humanism has been determined to be a religion by the United States Supreme Court. Maine parents are justly concerned about the teaching of humanism in the public schools and the trend toward christian schools is an indication of these concerns.

I could go on and on this afternoon presenting examples of why the law should remain as it is, with the minor changes presented. With these thoughts in mind I urge rejection of the Majority Report and acceptance of the Minority Report, and when the vote is taken, Mr. President, I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: Mr. President, Men and Women of the Maine Senate, this Bill is properly known as the "Morality Bill." It concerns Chapter 3, Religion and Morals of Title 20, and it was introduced to repeal Section 1221 to 1231 of Title 3, particularly, the section dealing with a teaching of virtue and morality. Much of this section of Title 20 is very old, predating the Bill of Rights, the Statehood of Maine and, according to some, goes back to the 1647 Delude of Satan Laws.

The hearing on this Bill was truly charged, colorful, and interesting. There were fears that flags would be removed from school buildings, animals would no longer be treated with kindness, that citizens would not be loyal to this country and that society would sink into degradation and ruin. These fears, however, proved unfounded for the Bill was designed to simply remove language that was antiquated, irrelevant or unconstitutional, and to provide new language providing a philosophy of education in the 21st Century.

As in most cases, the new Committee draft is somewhat less adventuresome than the initial bill. Basically, L. D. 2359 in New Draft, preserves much of the language of the old 18th Century Law 1221, deleting the requirement of one-half hour instruction devoted to teaching certain subjects and deleting the terms slavery, degradation and ruin, and much to my chagrin, our Committee kept in the phrase "perfect a Republican Constitution."

The Majority Report also provides for modernization of the release time provisions of 1224 to 1231 and brings those provisions into conformity with the Constitution of this State. I might add that the creative language of the philosophy of education was also removed from the new draft.

This bill reflects both the strength and the weakness of the legislative process. The creativity and the innovative qualities have been muted and a consensus has been reached with those costs. So today the various interests which were so alarmed by the initial bill, the animal welfare people, the fundamental christians, the American Legion and others, even the Civic League, now find that these redrafted versions are reasonably satisfactory. I would urge your support for the bipartisan Majority Report, L. D. 2359.

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 arisen

a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Hayes, to Accept the Majority Ought to Pass in New Draft Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Dow, Erwin, Hayes, Kany, Najarian, Pray, Trafton, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Collins, Diamond, Dutremble, Emerson, Hichens, McBreairty, Pearson, Perkins, Redmond, Sewall, Teague, Twitchell, Usher.

ABSENT—Senators, Gill, Minkowsky, Shute.

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion to ACCEPT the Majority Ought to Pass in New Draft (S. P. 869) (L. D. 2359) Report of the Committee, PREVAILED.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it 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 HICHENS of York was granted unanimous consent to address the Senate On the Record.

SENATOR HICHENS: Thank you, Mr. President. Just as an after thought on the vote which has just been taken, I draw your attention to the Bangor paper report given to us last week in which it says that "Hayes predicted the Senate will most likely approve of the Majority Report and sent it over to the House for their action." I would suggest that Jean Dixon move over.

The President laid before the Senate:

Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (Emergency) S. P. 873 L. D. 2367

Tabled—March 29, 1984 by Senator PRAY of Penobscot.

Pending—PASSAGE TO BE ENGROSSED.

(In Senate March 29, 1984 RECONSIDERED ENGROSSMENT)

On motion by Senator PEARSON of Penobscot, RETABLED for 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

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 Concerning the Funding of the Department of Inland Fisheries and Wildlife" (Emergency) H. P. 1769 L. D. 2336

In House March 29, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "E" (H-577) "F" (H-581) "H" (H-599) and "M" (H-612).

In Senate March 29, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "E" (H-577) "F" (H-581) "H" (H-599) and SENATE AMENDMENT "B" (S-360) in NON-CONCURRENCE.

Comes from the House that Body ADHERED.

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

It is a vote.

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:

ENACTORS

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

AN ACT Concerning the Counting of Absentee Ballots in Towns with Voting Machines. S. P. 708 L. D. 1954

(See Action later today)

AN ACT Concerning Maine Farm Wineries. S. P. 787 L. D. 2113 S. "B" S-350 to C. "A" S-319

AN ACT to License Occupational Therapists. S. P. 837 L. D. 2243 H. "B" H-611; S. "A" S-311

AN ACT Requiring Nonowner 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 (S. "A" S-351)

AN ACT to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums. S. P. 878 L. D. 2379

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

AN ACT to Increase the Number of Superior Court Justices and District Court Judges. S. P. 842 L. D. 2262 S. "A" S-338 to H. "B" H-544

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

AN ACT to Assure Appropriate Placement and Service Provisions to State Assisted Residents of Boarding Homes and Adult Foster Homes. S. P. 883 L. D. 2388

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

AN ACT to Amend the Maine Consumer Credit Code. S. P. 762 L. D. 2070 (H. "A" H-617; C. "A" S-336)

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

SENATOR DIAMOND: Mr. President, I move that the rules be suspended for the purpose of reconsideration.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond, moves that the Senate suspend its rules for the purpose of reconsideration.

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: I object.

THE PRESIDENT: There is an objection.

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

Resolve

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

Which was FINALLY 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 Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes. S. P. 843 L. D. 2266 (S. "A" S-349)

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in

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

Emergency

AN ACT Amending the Charter of the Boothbay-Boothbay Harbor Community School District. S. P. 849 L. D. 2307

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT to Establish a Poultry Disease Control Fund. H. P. 1741 L. D. 2295

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs. H. P. 1739 L. D. 2304 (C. "A" H-613)

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

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

COMMUNICATIONS

The Following Communication: (H. P. 1836)
111th Maine Legislature

April 2, 1984

Members of the Senate
Members of the House
of Representatives
State Capitol
Augusta, Maine 04333
Dear Members:

Pursuant to the provisions of Joint Rule 13, all bills must be reported out of all Committees by 5:00 p.m. Thursday, April 5, 1984 except the Joint Standing Committee on Appropriations and Financial Affairs.

Very Truly Yours,
S/ GERARD P. CONLEY
President of the Senate
S/ JOHN L. MARTIN
Speaker of the House

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in 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 Authorize the Department of Business, Occupational and Professional Regulation to Hire Legal Counsel" S. P. 876 L. D. 2381

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Appropriate Funds to the University of Maine to Implement Collective Bargaining Agreements" (Emergency) H. P. 1825 L. D. 2420

Comes from the House referred to the Com-

mittee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

Bill "An Act to Fairly Apportion the Cost of Canceled Electric Generating Facilities" H. P. 1826 L. D. 2421

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

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

Bill "An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems" H. P. 1831

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.

COMMITTEE REPORTS

Senate

Ought to Pass

Senator COLLINS for the Committee on JUDICIARY on Bill "An Act to Clarify the Definition of "Traffic" with Respect to Growing and Cultivating Marijuana" S. P. 841 L. D. 2265

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

THE PRESIDENT: Is it 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.

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Initiate Programs to Improve the Quality of Education in Maine Schools" H. P. 1641 L. D. 2174

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

Bill "An Act to Repeal the Sales Tax on Meals and Lodging and to Establish a Meals and Lodging Tax for the Purpose of Stabilizing the Property Tax" H. P. 1188 L. D. 1584

Ought to Pass As Amended

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Resolve, Establishing a Task Force on Head Injuries. H. P. 1777 L. D. 2355

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-635).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-635).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-635) was READ and ACCEPTED, in concurrence.

THE PRESIDENT: Is it 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 as Amended in concurrence.

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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-636).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-636).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-636) was READ and ADOPTED, in concurrence.

THE PRESIDENT: Is it 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 TAXATION on Bill "An Act to Update and Clarify Certain Provisions of the Mining Excise Tax" H. P. 1638 L. D. 2167

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-633).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-633).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-633) was READ and ACCEPTED, in concurrence.

THE PRESIDENT: Is it 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 LEGAL AFFAIRS on Bill "An Act to Protect Tenants from Lack of Heat" H. P. 1683 L. D. 2228

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-628).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-628) was READ and ADOPTED, in concurrence.

THE PRESIDENT: Is it 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

The Committee on AGRICULTURE on Bill "An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry" H. P. 1646 L. D. 2180

Reported that the same Ought to Pass in New Draft under same title. H. P. 1816 L. D. 2406

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 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.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

SENATOR PERKINS: Mr. President, I present Senate Amendment "A" to L. D. 2406, under filing number S-368 and move its Adoption.

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

Senate Amendment "A" (S-368) was READ and ADOPTED.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Amend Certain Motor Vehicle Laws" H. P. 1444 L. D. 1889

Reported that the same Ought to Pass in New Draft under same title. (Emergency) H. P. 1819 L. D. 2411

Signed:

Senators:

DIAMOND of Cumberland
EMERSON of Penobscot
DANTON of York

Representatives:

MACOMBER of S. Portland
CARROLL of Limerick
REEVES of Pittston
NADEAU of Lewiston

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title. (Emergency) H. P. 1820 L. D. 2412

Signed:

Representatives:

McPHERSON of Eliot
MOHOLLAND of Princeton
THERIAULT of Fort Kent
CAHILL of Woolwich
STROUT of Corinth
CALLAHAN of Mechanic Falls

Comes from the House, the Minority Ought to Pass in New Draft report READ and ACCEPTED and the Bill in New Draft (H. P. 1820) (L. D. 2412) PASSED TO BE ENGROSSED.

Which Reports were READ.

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

SENATOR DANTON: Mr. President, I move that the Senate accept the Majority Ought to Pass Report.

THE PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

SENATOR EMERSON: I would like to ask for a Division on this and I would like to speak on the matter.

Mr. President, and Ladies and Gentlemen, I am just a little mite embarrassed because I changed my mind, and I'd like to try to explain why.

The disagreement in this Report is in one area, it's in the area of fines for the charge to truckers for overloading. Before last year, when a trucker registered his truck for seventy or eighty thousand pounds or whatever, he was allowed a ten percent tolerance for hauling, overweight tolerance for hauling, certain commodities, bulk commodities and lumber, forest products, and I don't know what others, but there is a list of commodities. Last year when we changed the registration fees for

trucks, we disallowed the ten percent tolerance for commodities, certain commodities, but we did allow them to buy that tolerance for ten percent.

Well, the problem arises that when they get picked up for being overloaded they go back to the original weight and charge them a fine which is quite excessive, sometimes. In one example I have here, which I will try to explain and this one helped me change my mind, I had a fellow call me this afternoon and he's in the forest business in hauling forest products, and he has one of these what they call Tri-axle truck, has three axles on the rear and one axle on front. He paid \$758.00 to register this truck to haul sixty-nine thousand pounds. He bought a special commodity permit which allowed him to haul ten percent over on forest products and he paid \$362.00 for that. That would allow him to haul a total limit of seventy-five thousand nine hundred pounds, but that doesn't mean that he can't haul all that weight on the rear axles, it has to be distributed. I think about twelve thousand pounds of that has to be on the front axle. So, on the tri-axle, without the commodity permit he can haul forty-eight thousand pounds, but with the commodity permit, which he paid \$362.00 for, he can haul sixty-four thousand pounds on the rear axles. Well, this person was caught for hauling seventy-one thousand pounds, which would be four thousand pounds less than the road limit which he was licensed for, but because he was overweight on his rear axles, they went back when they fined him, they went back to the forty-eight thousand pounds, which meant that he was forty-seven percent overweight and paid a fine of a \$1,000.00. If he'd gone back to the sixty-four thousand pound, he would have paid a fine of \$100.00.

Well, they feel that this is very unfair. They feel that they've bought this permit to haul ten percent over but when they are fined that doesn't count, it goes back to the original weight. Like I say, they think this is unfair, and I'm convinced it's unfair, too. I'd like to have you not accept the Majority Report and accept the Minority Report which would be the Majority Report if I was on it.

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

SENATOR PEARSON: Mr. President and Men and Women of the Senate. I'm not on the Transportation Committee and I know very little about their particular items of discussion but I must say that the gentleman, Senator Emerson, was kind enough to tell me that the gentleman that he referred to comes from my district and I know exactly where he comes from. In the town where he comes from there are really only two roads, two main roads, that you can take in there and that's Route 6, which goes from Lincoln to Topsisfield, or Route 2 that goes from Lincoln to Houlton. Both of those roads, I've been to ten town meetings in the last several several weeks, and the last two that I have been to, one in Springfield and one in Mattawamkeag, the number one complaint they had was that their roads were just devastated, destroyed.

In Springfield, it is so bad that the town selectmen have asked me if I would arrange to have the Commissioner of Transportation come up, which I'm going to try to do, and they're going to have some pictures taken with five or six people standing around the middle of the road with fishing poles in the puddle that's in the middle, which is every bit as big as half of the well of this House. The road is just a mess.

Then, the other selectmen in the Town of Mattawamkeag has been complaining to me because the roads between Mattawamkeag and Lincoln are a mess and I can't ignore him because he's my cousin and he keeps telling me and telling me and telling me and finally, the Commissioner of Transportation told me that he would go up there and look at them, but I

pointed out to him that even further north than that town, in Haynesville and Hodgdon, it's a cow-path. The tar is gone, it's right down to the dirt in some of those areas, and the trucks are what's doing that. I understand that, nobody understands any better than I do, or Senator Carpenter, or any of those of us who come from pulp and paper areas that the trucks are vital, but they also have to use the roads and they can't destroy the roads by putting too much weight on them, especially during this period of year. It's one of those things of having your cake and wanting to eat it too. It seems to me that the truckers have got to be reasonable about this, too.

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

SENATOR DANTON: Mr. President and members of the Senate. If there is anything I don't like to do is disagree with the distinguished Senator from Penobscot, Senator Emerson, we both sit on corners and we both have nice silver hair and it's hard for me to disagree with him.

But, you know, about a year ago, and it has been just about a year, we took and passed a highway package here. In order to get a highway package together, and let me be the first to admit to you that what I know about trucking you can write on a pin head, we took and got all of the groups together, whether they were trailer trucks or pulp trucks or construction trucks, and that's how we came to truck weights and as to what should be allowed on our roads, as to what axles they should have, as to what the tolerances should be, because there was no sense for us to come together and have a highway package if we weren't going to take and distribute loads so they wouldn't tear up the roads after we raised the gas tax by a nickel, and went along and paved them and rebuilt them.

I know that it's a year later and the trucking industry has had a chance to think this over but let us not forget this, that they were all agreeable a year ago, agreeable to what the law is today. You know, this amendment would tend to reverse the movement toward improvements of the equity of user fees that was brought by the legislation we passed last year.

Now, I could go on and read five pages about why the truck law we have today is a fair law, but after I get through reading it I probably wouldn't understand anymore than you would after I read it. The only thing I can tell you is this, if we're going to have a Department of Transportation, and if we're going to have high paid quality qualified people there to take and sit down with the trucking industry and get together so what the weights would be and what the axles should be and then adopt it as laws, then we should let it go, we should try it out, not unravel the entire highway program in a years time. I think this is a little too soon, I think it's in the right track, I think the Majority Report should be accepted, I know there might be some hardship on some of the truckers but this was understood when it was all agreed for us to have a highway program. So I would hope you would support me, accept the Majority Ought to Pass Report and allow our highway program to stay in place. Thank you very much.

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

SENATOR DIAMOND: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I fully understand why the gentleman from Penobscot, the good Senator Emerson, probably had a tendency to change his mind because I didn't get to call someone back home, but I did have a chance to talk with several lobbyists, or they talked with me, also some truckers and some friends of mine on the Committee and I was leaning that way as well, and I went down and talked with the people in Transportation and also the people in our own Legislative staff, to find out the answers to some of these questions that were being posed. I would like to

share with you just some of that information because I think it's very, very, important.

The gentleman from York, Senator Danton, has hit it right on the head that this issue of the Transportation budget is very, very delicate and very important. I would caution us all about picking away and taking various pieces away if it might, just to relieve, if that's the correct word, one segment. First of all, right now if their licensed for eighty thousand pounds a truck, licensed for eighty thousand pounds, if they want to go and get an extra load, they'll by a commodity for ten percent, which means they can drive with eighty-eight thousand pounds on the truck. So we have an eighty thousand regular for example, ten percent more gives them eight-eight, all right, and they pay for that ten percent. Now, what they're paying for, as well they should, what they're paying for is a special commodity to haul pulpwood or lumber or soils, there's a whole list in the statutes, farm produce, all these things, and that's why they want to pay and be able to carry eight thousand more at ten percent.

If they go above that, though, then they're penalized, and they should be. The question before us now is, is it fair, under current law, that they're penalized, if they go to ninety-four thousand, for example, they're penalized for the excess weight all the way back to eighty thousand? So that's the question before us right now. Should they be penalized all the way back to eighty or should they be penalized only as far back as eighty-eight? That's the issue, and those, as Senator Emerson spoke of, from Penobscot, they feel you should only go back as far as eighty-eight.

Well, the reason that that's wrong is two-fold. If we don't have a strict law that says "Hey, wait a minute, eighty thousand is really what we're telling you to do, but we'll give you ten percent more that goes to eighty-eight," and also in the law, ladies and gentlemen, is a little thing that says if you go two thousand pounds beyond that, and it's unintentional, no fee. So that takes care of the arguments about rain, and load shifts, and all those things that might cause this person to have a load that then becomes a little bit extra, and the argument was forwarded that, "My word, if I have a little bit extra, it's not my fault that it rains or the temperature changes, or I have several logs and they shift over, you're not going to be fined. So, I think we've come a long way to help the truckers.

This bill also, what's not been mentioned yet, also has a phrase in it that talks about those trucks that are ten years old and older, that was another issue that they had, saying ten year old trucks are just as good as two year old trucks, and we changed that for the truckers, so we helped them in that way as well. It's just, my only point is we just can't unravel the whole thing, this is a fair law, it discourages those who would like to cheat and go above and beyond, I think there is a leeway in there now of two thousand pounds. I think it is fair and I think we ought to stay with our budget and not let it be picked apart. Thank you, Mr. President.

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

SENATOR EMERSON: Mr. President and Ladies and Gentlemen, one point. It was said that the truckers supported the new law and I believe they did, but I think they were unaware that when they got caught for overloading that they would go back to the original weight. I think they figured they'd have the advantage of the ten percent. That's what the truckers have been telling me and they're telling me that right now.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of the Senator from York, Senator Danton, to accept the Majority Ought to Pass in New Draft Report, please rise and remain standing until

counted.

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

The Chair recognizes the Senator from Penobscot, Senator Emerson.

SENATOR EMERSON: I request a Roll Call.

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

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

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

The pending question before the Senate is the motion by the Senator from York, Senator Danton, that the Senate Accepted the Majority Ought to Pass in New Draft Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Durtremble, Kany, Najarian, Pearson, Pray, Teague, Trafton, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Carpenter, Collins, Emerson, Erwin, Hayes, McBreairty, Perkins, Redmond, Shute, Twitchell.

ABSENT—Senators, Gill, Hichens, Minkowsky, Sewall, Usher.

18 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 5 Senators being absent, the motion to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT (H. P. 1819) (L. D. 2411) Report in NON-CONCURRENCE PREVAILED.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it 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.

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

ENACTORS

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

Emergency

AN ACT to Clarify the Licensure of Administrators of Medical Care Facilities Other than Hospitals. H. P. 1790 L. D. 2365

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

SENATE AT EASE

The Senate called to order by the President.

On motion by Senator DANTON of York, the Senate voted to remove from the Table:

Bill "An Act to Amend Certain Motor Vehicle Laws" (Emergency) H. P. 1444 L. D. 2411

Tabled earlier in today's session, on motion by Senator DANTON of York.

Pending PASSAGE TO BE ENGROSSED.

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

Sent down for concurrence.

On motion by Senator WOOD of York, the Senate RECONSIDERED its action whereby it PASSED TO BE ENACTED:

AN ACT Concerning the Counting of Absentee Ballots in Towns with Voting Machines. S. P. 708 L. D. 1954

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

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

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

SENATOR WOOD: Mr. President, I offer Senate Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-365) was READ and ADOPTED.

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

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on HEALTH AND INSTITUTIONAL SERVICES on 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

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

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

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Amend the Judicial Commitment Statute" (Emergency) H. P. 1800 L. D. 2393

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

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

The Committee on STATE GOVERNMENT on Bill "An Act to Extend the Reporting Date for the Select Workers' Compensation Study Commission" (Emergency) H. P. 1702 L. D. 2240

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules 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 As Amended

The Committee on TAXATION on Bill "An Act to Amend the Law Related to Tax Increment Financing" H. P. 1039 L. D. 1364

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-643).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-643).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-643) was READ and ADOPTED, in concurrence.

THE PRESIDENT: Is it 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 PUBLIC UTILITIES on Bill "An Act to Amend the Charter of the Winthrop Water District" (Emergency) H. P. 1753 L. D. 2317

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-634).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-634).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-634) was READ and ADOPTED, in concurrence.

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

It is a vote.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law" H. P. 1589 L. D. 2099

In Senate March 29, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565) AND HOUSE AMENDMENT "A" (H-576) in CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565) AND HOUSE AMENDMENT "A" (H-576) AND HOUSE AMENDMENT "B" (H-629) in NON-CONCURRENCE.

On motion by Senator BUSTIN of Kennebec, the Senate RECEDED and CONCURRED with the House.

SENATE AT EASE

The Senate called to order by the President.

OFF RECORD REMARKS

The ADJOURNMENT ORDER having been returned from the House, READ and PASSED, in concurrence, on motion by Senator CARPENTER of Aroostook, Adjourned until Friday, April 6, 1984 at 9 o'clock in the morning.