

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Monday
April 1, 1985
Senate called to order by the President.

(Off Record Remarks)

S/ JOHN E. BALDACC
Senate Chair
S/ HARRY L. VOSE
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Joint Standing Committee on **UTILITIES** has recommended that the nomination of **Cheryl Harrington** be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee of **UTILITIES** be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, None
NAYS:—Senators, Andrews, Berube, Black, Brown, Bustin, Carpenter, Clark, Diamond, Dow, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Maybury, McBreairey, Perkins, Sewall, Shute, Stover, Trafton, Twitchell, Violette, Webster, The President—Charles P. Pray

ABSENT:—Senators, Baldacci, Chalmers, Danton, Dutremble, Matthews, Najarian, Pearson, Tuttle, Usher

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 9 Senators being absent, and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Cheryl Harrington** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue on the Amount of \$3,000,000 for Acquisition and Development of State Parks, Historic and River Access Sites" (S.P. 425) (L.D. 1182) (Presented by Senator **PEARSON** of Penobscot) (Cosponsored by: Representative **McGOWAN** of Canaan, Representative **BEAULIEU** of Portland, Representative **L. HIGGINS** of Scarborough)

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

Sent down for concurrence.

Bill "An Act Concerning Inspection of Boarding Care Facilities" (S.P. 426) (L.D. 1183) (Presented by Senator **MAYBURY** of Penobscot) (Cosponsored by: Senator **GILL** of Cumberland, Representative **PINES** of Limestone, Senator **BERUBE** of Androscoggin)

Bill "An Act to Provide Adequate Medical Services for Victims of Rape, Gross Sexual Misconduct or Sexual Abuse" (S.P. 427) (L.D. 1184) (Presented by Senator **ANDREWS** of Cumberland) (Cosponsored by: Senator **DOW** of Kennebec, Representative **NELSON** of Portland, Representative **SMALL** of Bath)

Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Amend the Juvenile Laws to Reflect the Change from Probation and Intake Workers to Juvenile Caseworkers" (S.P. 428) (L.D. 1185) (Presented by Senator **CHALMERS** of Knox) (Cosponsored by: Representative **ALLEN** of Washington, Senator **BUSTIN** of Kennebec, Representative **NELSON** of Portland) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

House Papers

Bill "An Act to Provide for Certain Discounts on Over-the-Counter Medication Purchased by Elderly Persons" (H.P. 833) (L.D. 1177)
Committee on **HUMAN RESOURCES** suggested.

Comes from the House referred to the Committee 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 Amending the Billboard Law" (H.P. 829) (L.D. 1173)

Bill "An Act to Clarify the Determination of Fair Return Allowances for For-profit Hospitals" (H.P. 830) (L.D. 1174)

(See Action Later Today)

Bill "An Act to Protect Health Benefits for Divorced Spouses" (H.P. 831) (L.D. 1175)

Comes from the House referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Establish a Vehicle Rental Agency in the Department of Conservation" (H.P. 834) (L.D. 1178)

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

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

Bill "An Act Relating to the Establishment of a Maine Children's Trust Fund" (H.P. 832) (L.D. 1176)

Committee on **HUMAN RESOURCES** suggested.

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.

COMMUNICATION

The Following Communication:
COMMITTEE ON UTILITIES
112th LEGISLATURE

March 29, 1985

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Utilities has had under consideration the nomination of Cheryl Harrington of Winthrop, as a Commissioner to the Public Utilities Commission.

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

YEAS: Senators 2
Representatives 8
NAYS: 0
ABSENT: 3 (Sen. Webster of Franklin;
Rep. Baker of Portland; Rep.
Willey of Hampden)

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Cheryl Harrington of Winthrop, as a Commissioner to the Public Utilities Commission be confirmed.

Sincerely,

Prayer by the Reverend Clayton Alward of the Full Gospel Assembly in North Monmouth.

REVEREND ALWARD: Shall we pray? Gracious Heavenly Father, we thank You this morning that we can come before Your presence to ask direction for another day.

Lord, we count it a privilege and an honor to be here this morning with these great men and women, Lord, that make the rules and regulations for our State.

We ask you Lord that You'll impart wisdom and knowledge to each one of them. Enable them, Lord, to make proper decisions that will glorify Your name, Lord, that will bond us together, make us a closer family in this great State of Maine. We ask in Jesus Name, these favors for Your glory, Amen.

Reading of the Journal of Friday, March 29, 1985.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Establish a Maine Wild Turkey Hunting Season" (S.P. 127) (L.D. 367)

In Senate March 27, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-28)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-28) AS AMENDED BY HOUSE AMENDMENT "A" (H-38)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Bill "An Act Relating to Agricultural Apprenticeship and Training" (S.P. 52) (L.D. 71)

In Senate March 22, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-19) AS AMENDED BY SENATE AMENDMENT "A" (S-24)** thereto.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-19) AS AMENDED BY SENATE AMENDMENT "A" (S-24) AND HOUSE AMENDMENT "A" (H-37)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Bill "An Act to Amend the Weir Licensing Laws" (Emergency) (H.P. 677) (L.D. 939)

In Senate March 14, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-17)** in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-17) AND HOUSE AMENDMENT "A" (H-41)** in **NON-CONCURRENCE**.

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

Senator **BROWN:** Mr. President, I don't want to interfere with the Recede and Concur motion that will take place regarding this issue, but I would like to state that I do not believe that the amendment that is being offered is in the best interest to the weirman of specifically Washington County. Although they have met and agreed in a letter which I have gone along with to support the amendment that is being added on, I think that is not in their best interest and I want that stated for the Record. Thank you, Mr. President.

The Senate **RECEDED** and **CONCURRED**.

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

COMMITTEE REPORTS

House

Ought Not To Pass

The following **Ought Not to Pass** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Provide for a Truth in Testing Act" (H.P. 260) (L.D. 314)

Bill "An Act Concerning Decisions on Student Eligibility to Participate in Interscholastic Activities" (H.P. 387) (L.D. 531)

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 Provide that Electric Service is not a Basic Necessity Under the General Assistance Laws After the Winter Period" (H.P. 575) (L.D. 846)

Bill "An Act Concerning Absentee Balloting by Persons 65 Years of Age or Older" (H.P. 273) (L.D. 343)

Bill "An Act to Clarify the Definition of a Vocational Region" (H.P. 103) (L.D. 128)

Bill "An Act to Provide Teacher Recognition Grants for Private and Parochial Teachers" (H.P. 163) (L.D. 197)

Bill "An Act Relating to Unemployment Compensation Claimant's with both Seasonal and Nonseasonal Earnings" (H.P. 592) (L.D. 862)

Ought to Pass in New Draft

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Require Public Restrooms in all Shopping Centers" (H.P. 255) (L.D. 309)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 814) (L.D. 1140)

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

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill in **NEW DRAFT READ ONCE**.

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

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act Relating to Deferred Payments and Terms and Schedules for Repayment of Loans under the Maine Consumer Credit Code" (H.P. 293) (L.D. 382)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 815) (L.D. 1141)

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

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill in **NEW DRAFT READ ONCE**.

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

Divided Report

The Majority of the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act Concerning Eligibility to Hunt Moose" (H.P. 52) (L.D. 65)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-36).

Signed:

Sensors:

MATTHEWS of Kennebec

WEBSTER of Franklin

USHER of Cumberland

Representatives:

JACQUES of Waterville
CLARK of Millinocket
ROTONDI of Athens
DUFFY of Bangor
WALKER of Norway
CONNERS of Franklin
WEYMOUTH of West Gardiner

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

Signed:

Representatives:

ERWIN of Rumford
GREENLAW of Standish
SMITH of Island Falls

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-36).

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-36) was **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought Not To Pass

The following **Ought Not to Pass** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Provide Local Regulation of Swimming Pool Fencing" (S.P. 95) (L.D. 293)

Bill "An Act to Amend the Workers' Compensation Act to Permit a Member in Good Faith of an Employee's Household to Collect Death Benefits Under Certain Conditions" (S.P. 347) (L.D. 942)

Leave to Withdraw

The following **Leave to Withdraw** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Resolve, to Instruct the State Planning Office to Conduct a Study as to the Feasibility and Effect of a Constitutional Amendment to Value and Assess all Real Property at its Current Use" (S.P. 255) (L.D. 650)

Bill "An Act to Reduce Primary Election Costs" (S.P. 158) (L.D. 425)

Bill "An Act to Change the Date of the Primary Election" (S.P. 334) (L.D. 822)

Bill "An Act to Change Election Dates" (S.P. 339) (L.D. 925)

Bill "An Act to Alleviate the Excess Work in the Court System" (S.P. 276) (L.D. 734)

Change of Reference

Senator **KANY** for the Committee on **STATE GOVERNMENT** on Bill "An Act to Clarify the Laws Relating to Notary Public" (S.P. 140) (L.D. 379)

Reported that the same be referred to the Committee on **JUDICIARY**.

Which Report was **READ** and **ACCEPTED**. The Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

Ought to Pass

Senator **KANY** for the Committee on **ENERGY AND NATURAL RESOURCES** on Resolve, Approving the Standards and Regulations Adopted Under the Chemical Substance Identification Law" (S.P. 106) (L.D. 321)

Reported that the same **Ought to Pass**.

Which Report was **READ** and **ACCEPTED**. The Resolve **READ ONCE**.

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

Ought to Pass As Amended

Senator **TWITCHELL** for the Committee on **TAXATION** on Bill "An Act to Extend the Date for Determining the Maine Tree Growth Tax Law Forest Land Values to Apply in 1985" (Emergency) (S.P. 234) (L.D. 596)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-34).

Which Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Committee Amendment "A" (S-34) was **READ** and **ADOPTED**.

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

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Amend the Laws Relating to Games of Chance" (H.P. 813) (L.D. 1134)

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

House As Amended

Bill "An Act to Require a Trespass Reminder on Hunting and Fishing Licenses" (H.P. 84) (L.D. 104) (C "A" H-33)

Bill "An Act Relating to Restrictions on Firearms while Hunting with Bow and Arrow" (H.P. 168) (L.D. 202) (C "A" H-34)

Bill "An Act to Simplify the Appointment of Directors to the Maine Municipal and Rural Electrification Cooperative Agency" (H.P. 345) (L.D. 462) (C "A" H-35)

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

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

Senator **PEARSON:** Mr. President, is the Senate in possessions of L.D. 383?

THE PRESIDENT: The Chair would respond in the affirmative, the Bill having been recalled from the Governor's Desk pursuant to Joint Order S.P. 410:

RECALLED FROM THE GOVERNOR'S DESK

An Act to Assess the Impact of Agricultural Chemicals and Practices on Ground Water (H.P. 294) (L.D. 383) (C "A" H-24)

In Senate March 26, 1985, **PASSED TO BE ENACTED** in concurrence.

Recalled from the Governor's Desk pursuant to Joint Order: (S.P. 410)

On motion by Senator **PEARSON** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby the bill was **PASSED TO BE ENACTED**.

On further motion by the same Senator, placed on the **SPECIAL APPROPRIATIONS TABLED**, pending **ENACTMENT**.

On motion by Senator **VIOLETTE** of Aroostook the Senate **RECONSIDERED** its action whereby it referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**:

Bill "An Act to Clarify the Determination of Fair Return Allowances for For-profit Hospitals." (H.P. 830) (L.D. 1174)

(In House referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.)

On motion by the same Senator, Tabled until later in Today's session, pending **REFERENCE**.

Senate at Ease

The Senate called to order by the President.

Senator **HICHENS** of York was granted unanimous consent to address the Senate Off

the Record.

Senator **HICHENS** of York was granted unanimous consent to address the Senate On the Record.

Senator **HICHENS**: "When I was young and gay and bold—I thought folks seventy very old.

But nearing that age, I admit, my thoughts haven't changed a bit

for thinking back on years gone past (and time has moved very fast)

so many things have come to change—my way of life to rearrange.

New views are often forced on me—and it is very plain to see

that things aren't like they were back then when I was but a lad of ten.

Sometimes I get a bit perplexed and with some changes oft am vexed,

but when I look around and see—three colleagues here older than me,

who seem to take life in their stride and with these changes do abide,

I feel challenged to go on with battles daily to be won.

And one of these fine gentlemen from whom we hear from now and then

who seems to have vitality that oft ain't seen at seventy,

observes his birthday on the morrow—from him a lesson we may borrow.

Give all you've got and in return you'll get rewarded—so we learn

from his experience 'tis true—a model for both me and you.

So I ask that you now join with me in wishing Jim McBrearity,

A Happy Birthday. Many more to add to his ten and three score.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Resolve, Authorizing the York County Commissioners to Expend \$687,319 from Unappropriate Surplus for the Purpose of Building an Addition to the York County Jail (Emergency) (H.P. 844)

Committee on **LOCAL AND COUNTY GOVERNMENT** suggested.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED** without reference to a Committee and **ORDERED PRINTED**.

Which was under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED** without reference to Committee and **ORDERED PRINTED**, in concurrence.

Senate at Ease

The Senate called to order by the President.

(Off Record Remarks)

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

On motion by Senator **KANY** of Kennebec, **RECESSED** until 5 o'clock this afternoon.

After Recess

The President called to order by the President.

Out of order and under suspension of the Rules the Senate considered the following:

SENATE PAPERS

Bill "An Act to Provide for Service Foresters" (S.P. 429) (Presented by Senator **McBREAIRTY** of Aroostook) (Cosponsored by: Representative **LORD** of Waterboro)

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

Sent down for concurrence.

Bill "An Act to Provide Disclosures to Nurs-

ing Home and Hospital Residents Transferring Property" (S.P. 430) (Presented by Senator **BERUBE** of Androscoggin) (Cosponsored by: Representative **POULIOT** of Lewiston, Representative **JALBERT** of Lisbon, Senator **GAUVREAU** of Androscoggin)

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

Sent down for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act Relating to Deferred Payments and Terms and Schedules for Repayment of Loans Under the Maine Consumer Credit Code" (H.P. 815) (L.D. 1141)

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

Bill "An Act to Require Public Rest Rooms in all Shopping Centers" (H.P. 814) (L.D. 1140)

Which was **READ A SECOND TIME**.

On motion by Senator **VIOLETTE** of Aroostook Tabled for 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**.

House As Amended

Bill "An Act Concerning Eligibility to Hunt Moose" (H.P. 52) (L.D. 65) (C "A" H-36)

Which was **READ A SECOND TIME**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled for 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED, AS AMENDED**.

Senate at Ease

The Senate called to order by the President.

Senate

Resolve, Approving the Standards and Regulations Adopted Under the Chemical Substance Identification Law" (S.P. 106) (L.D. 321)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Extend the Date for Determining the Maine Tree Growth Tax Law Forest Land Values to Apply in 1985" (Emergency) (S.P. 234) (L.D. 596) (C "A" S-34)

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

Sent down for concurrence.

ORDERS OF THE DAY

The President laid before the Senate the tabled and specially assigned matter:

SENATE REPORTS—from the Committee on **TRANSPORTATION** on Bill "An Act to Prohibit Radar Detectors" (S.P. 45) (L.D. 62)

Majority Report—**Ought Not to Pass**

Minority Report—**Ought to Pass**

Tabled—March 29, 1985, by Senator **CLARK** of Cumberland

Pending—**ACCEPTANCE OF EITHER REPORT**

(In Senate March 29, 1985, Reports **READ**.)

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

Senator **DANTON**: Mr. President, I move the Senate Accept the Minority Ought to Pass Report.

THE PRESIDENT: The Senator from York, Senator Danton moves the Senate **ACCEPT** the Minority **OUGHT TO PASS REPORT** of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE**: Mr. President, and Ladies and Gentlemen of the Senate as a Member of the Transportation Committee I would urge you not to accept the Ought to Pass Report.

Then, do the same thing what we have done for the past ten years and accept the Ought Not to Pass Report on this Bill.

This Bill is a fairly strong piece of legislation. I notice on the second page of the Bill it says that anyone that has a radar detector, or fuzzi buster, or whatever you want to call them in their automobile the State Police can confiscate the radar detector and either sell or destroy it. I suppose they wouldn't sell it because they wouldn't want anybody to have it, thus destroy it.

That, of course, wouldn't only be hard for Maine people, but the million visitors that we have in the State each year, of course it would be the same for them.

As I remember from the hearing and I stand corrected if I am wrong only three states now have a law banning fuzzi busters in their state. Probably the reason for that is this law is now in the Federal Courts being challenged because of the 1934 Federal Communications Act which says that people can receive radio signals.

Now the fuzzi buster is a device that receives signals and doesn't transmit signals. So they are lawful.

I don't own one, so it doesn't make any difference to me because I think they are very unreliable, you go by a bank and they go off, you go by an office that has an alarm system and they'll go off. So, I think that they are fairly unreliable.

The State Police did state in the public hearing on this Bill that they couldn't attribute any accidents or fatalities to fuzzi busters in our State. I asked this of two State Policemen and the Captain of the State Police, and they said that they have no record of people who had fuzzi busters that were in accidents.

Also, one of the Members of the Transportation Committee called a maker of the radar detectors, this company also makes the radar machines, themselves, then they make the radar detectors too, "Escort." The company said that in about three months they would be coming out with a portable radar detector that you put in your shirt pocket and you recharge it at night like a rechargeable shaver. Now, how are the State Police going to enforce this law? I don't see how they possibly could, they certainly aren't going to search people every time that they stop them on the highway.

I am just afraid that if the Bill is passed, the next thing that we'll be doing is outlawing satellite antennas from receiving signals from NBC or ABC, or whomever. Then we'll be outlawing computers because a few children, or whiz-kids have gone into a computer bank and stolen information from some company. Certainly we are not going to outlaw home computers and all that. I would hope that you would go against the minority report and accept the majority report. Thank you.

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

Senator **CARPENTER**: Mr. President and Ladies and Gentlemen of the Senate, for those of you who have read the Bill you'll notice that my name is on as the prime sponsor. This is not the first time that I have sponsored this Bill. This time I didn't out it in on my own, it was put in for the Department of Public Safety. That doesn't mean however that I don't support it.

You know it is one of those bills, and we have them, that it is just something that you happen to believe in, and I do happen to believe in it.

I would just ask you to mull a couple of things over in your mind. First of all, if I were able to stand here on this Floor and prove to you, and I especially want the sportsmen, and sportswomen in this Chamber to hear me here, if I were able to stand here and prove to you that the only thing that you could do with a gun was to break the law, how many of you would be willing to vote for legislation banning guns? I submit to you that most everybody

in this Chamber would be up-in-arms if the only thing you could do with a gun was to break the law. Obviously there are other uses. CB radios, satellite antennas, computer and the arguments we've heard time and time again, all of those things if anybody brought in a bill to suspend or prohibit their use, I would like to think that I would be one of the first people on my feet.

We get called to this Chamber every year in January, when the snow is flying, to create new laws and to bolster existing laws. Now what do we do when we find out that a law is being routinely ignored. Normally, we increase the penalty or we change it to get at those people who are ignoring the law.

This seems to me to be one instance where we are just falling down a little bit. We recently faced a situation, in this State, where we were threatened with the cut off of a substantial number of highway dollars because of the percentage of people surveyed in the State of Maine that were breaking the speed law.

I happen to be in the minority. I happen to believe in the 55 mile an hour limit. I set my cruise control on slightly about 55, I am not going to deny it. I set in on to the point were the tolerance is a given. I am not revealing anything here that we all don't do. While I am sitting there I see one of my ultraconservative friends, normally, with a Lincoln Continental with a four hundred cubic engine and a fuzzi buster setting on the dash going by me like I'm going backwards. That makes me mad! From a conservation standpoint, from a safety standpoint, from a law enforcement standpoint, it makes me very angry.

Senator Shute said, "How are we ever going to enforce this?" Now they are going to come out with the kind that you're going to put in your pocket. Well, if we worry about how we are going to enforce any of the laws we pass in this Chamber, we'll be in here a lot longer than a hundred days.

I think that we all operate on the theory that about eighty percent, hopefully more, but about eighty percent of the people will obey the law as it is written, once they are notified of it. Three other states have this law, it has not been proven unconstitutional in any state that I am aware of. We are allowing the use of a device the only purpose for which is to break the law. Now you may hear all kinds of arguments about, well, it helps me keep my speed down. I love that argument, about it is so unreliable. I love that argument, people are going to go out and pay three to five hundred dollars for something that is unreliable, then they are going to write to the Legislators and have them stop this Bill because they are all unreliable. Now come on, who are we kidding?

We have something just south of Houlton and you'll see it if you go north of Augusta, we have a big sign that says, "55," "55 slow down you are going too fast." Last year we had an accident caused by that. A woman was going down the highway, that thing came on and she hit the brakes and off the road she went. I was told today in fact, by a member of the Maine State Police, a fairly high ranking member, that just last week there was an accident attributed to a fuzzi buster. The person was going down the road, and the fuzzi buster went off, he jammed on his brakes, and eighteen wheeler truck went off into the medium strip to avoid climbing over this particular car. So, I would argue that there is a safety issue involved.

I am not going to waste a great deal of political capital standing up here, I just want all of my law and order friends in this Chamber who believe in obeying the law, who believe that people ought to sign up for the Selective Service and obey the law, that people ought to obey all the other laws. I just hope that you're all with me today, like I was with you a couple of weeks ago. Mr. President, I would ask for a Division. Thank you.

THE PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. Mr. President and Members of the Senate, I have the greatest respect for my colleague and friend from Aroostook, Senator Carpenter, however on this one particular issue I strongly disagree with him.

There is something about this Bill that makes me cringe. This Legislation has been into this Legislative Branch time and time again, and has been thrown in the ash can where it belongs.

I'm just getting a little carried away with some of the antics that are being carried on, on some of Maine's highways today. I stated the other day I didn't love the Commissioner of Public Safety as much as I love our Governor. That's not quite true, I really do, I have a great deal of affection for him. In fact, I kid him quite frequently, if anybody has felt the barb of Gerry Conley, they know it's always in good taste, I was kidding him.

In fact, I heard the other day that the Commissioner of Public Safety would like to have another airplane. They've already got their own air force, you know. They're flying down the highways now, monitoring the speed. Well, I said "don't give them one, given them six so they can fly formation down the highways and do a better job."

I wonder how many of you, as you travel back and forth on Route 95 or 295 or whatever it is, at least travel it quite frequently, you know, remember back a few years ago that this State was awarded a plaque from Washington, commending the State for its design of a section of 95 highway, up in the Winslow/Waterville area, and we took great pride in the beauty of the 95 system that was constructed.

I go down south now and I feel like throwing-up, because of the Maine State Police and what they've done to the esplanade from Gardiner all the way down through south to where the guard rails commences on 6A, thanks to the good Senator from York, Senator Danton, and former Senator Marcotte. It's a disgrace, what's happening to our esplanade. We spend thousands and thousands of dollars to make them beautiful, so that the visitors who come to this State, but more important that the natives of this State can enjoy it. We've got State Troopers who can't wait to tear it up, going from one lane to the next.

It's nothing that I haven't talked to the Commissioner of Public Safety about. I have told him once more, Arthur, and you except to hear the wrath of one Gerard P. Conley, from Senate District 9. I hope he's listening this morning! I am tired of going down 95 to follow a State Trooper, who in the past have been following me, but I learned the hard way that we have a speed limit of 55, and the Conley policy is to adhere to 55, and I hope that the State Police will and I hope that the Commissioner of Public Safety will, also.

The fact is that every time I go down 95 and I ride somehow or another in back of a State Trooper, he disappears. I say where is he and he's gone into the gully, tearing up his tires and he's back onto the northbound lane going 55 miles per hour and no place else.

Mr. President, I think that the State Police are doing an excellent job in bringing in offenders of speeding into the courts, but I think that we can go just a little too far. I think this piece of Legislation is one that we do not have to entertain. I think we've wasted enough time on it. Therefore, I would urge the Senate to vote against the pending motion.

I case, Mr. President and Ladies and Gentlemen of the Senate you didn't recognize those remarks they are indeed the remarks of one, Gerard P. Conley of District 9, better known as the conscience of the Senate, and much loved immediate past President of the Senate.

I chose to echo his remarks because I

remembered his speech on the issue, not because I was a member of this Body at the time. I was waiting with Senator Muskie in the wings for him to speak while Senator Conley was giving his speech on that January day in 1980. I agreed with Senator Conley then, I agree with him now. Thank you.

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

Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate, I am not going to belabor the point. We've all had our fun and we've all heard from somebody that we know and love dearly, but that is not the point. Let's get back to the point, okay? We all know, we all have our personal biases and we all know people who used to be in this particular Chamber had their personal biases, the instance that was just read into the Record here for the second year, apparently in a row, are the personal biases of our dear friend Gerry Conley. Gerry Conley is not here voting, I am glad that he isn't here voting because that probably would be one vote against me. Nevertheless we've all had fun and I kept the thing in a very light manner, but nevertheless let's keep in mind that when the Bill that you are continuing to allow the usage of something on the highways the only purpose for which is to break the law.

I just wish that you could think of another example where we would allow that to happen. If we had a statute on the books dealing with sexual abuse of children, a very serious subject, and there was something in this State that was being sold and the only thing that this item could be used for would be to allow people to get around our statutes dealing with children, we'd be up-in-arms, we would be angry. Probably it wouldn't be on the Record. It is a little bit lighter subject, a little bit different subject, the principle is the same. Thank you.

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

Senator **DANTON:** Mr. President and Members of the Senate, first, once again I would like to ask you to support my pending motion to Accept the Minority Ought to Pass.

I wasn't going to speak on this issue because I have been here many terms and I have voted every possible which way for this fuzzi buster, radar detector, up, down and every other which way.

The theme throughout the Country is safety on our highways. We can get up and have some remarks made that are somewhat humorous, but the one thing that we can't deny is that people are getting killed every day on our highways. This Bill here is just one of the many that will be coming along to provide that safety on our highways, it is just an extension of that.

Only the good Senator from Waldo, Senator Shute could take with just a few words take a little four inch fuzzi buster and make it into a big satellite where you can't get TV at home. I want to compliment him and commend him on that, but the truth of the matter is that people do use these radar detectors to go fast.

Now, I can tell you that I don't have a confidence in them. I have an experience that I perhaps could share with you but I am not going to because it is too length, and I know that it is more important that we get this matter going to the other Body.

The Bill is not perfect, as the good Senator from Waldo, Senator Shute did say, but that is one thing that we can do with amendments. We can take and put amendments on. But let's get this Bill out of the Maine Senate. Let the Maine Senate send a signal to the State of Maine that we are aware of the hazards that are on our highways. Let's let the Maine people know that we are for safety on our highways. That is why I ask you today vote with me to Accept the Minority Ought to Pass Report.

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

Senator **ERWIN:** Mr. President, Ladies and Gentlemen of the Senate, in the three years that I have been here, I've learned to respect the distinguished Senator from Aroostook, Senator Carpenter. I've watched him very skillfully make his points and I know that this country lad can carry his water bucket, I can only briefly point out a few things to you.

Colonel Clark pointed out at our hearing and work session that very few people, very few people, similar to a bill that passed here last week, very few students refuse to register, very few people are using this radar detector.

Another point, the detectors are a receiving device. This is contrary to what I believe and I think many of you have believed in the past. I always thought that the trooper with the radar could tell when someone had a radar detector. He can't unless he sees it. Right now most of them are sizeable units and they sit up on the dash so they can be easily seen.

I would like to read to you from an ad that is in **American Legion** magazine: "Compact just 3 and $\frac{3}{4}$ by 1 and $\frac{1}{4}$ by 3 and $\frac{1}{4}$." That is a very small object, this can be clipped to our visor, it can be on your dash and how is the trooper going to see it?

In addition, you heard mention that Representative Callahan has called the factory. They have a unit similar, I don't think the one I just described is it, that is on the market now, and Colonel Clark said that he knew because he had heard about it that they are coming out with one that is extremely small, battery powered and you could have it in your pocket. You could have it under the visor of your car, and who is going to know that it is there?

When the trooper uses a radar, is he going to know it? No. How is he going to see it under the visor? Is this the kind of bill that we want to pass, something that is impossible to enforce?

Are we just going to put another law on the books just because somebody wants it? I would say, No and I ask you to vote accordingly.

THE PRESIDENT: A Division has been requested.

The pending question before the Senate is the motion by the Senator from York, Senator **DANTON** to **ACCEPT** the Minority **OUGHT TO PASS** Report.

Will all those Senators in favor of Accepting the Minority Ought to Pass Report, please rise and remain standing in their place until counted.

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

13 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion of Senator **DANTON** of York to **ACCEPT** the Minority **OUGHT TO PASS** Report **FAILED**.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**.

Sent down for concurrence.

The President laid before the Senate the Tabled and specially assigned matter:

Bill "An Act to Clarify the Determination of Fair Return Allowances for For-profit Hospitals" (H.P. 830) (L.D. 1174)

Tabled—April 1, 1985 by Senator **VIOLETTE** of Aroostook

Pending—**REFERENCE**

(In House, March 29, 1985, referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.)

(In Senate April 1, 1985, **RECONSIDERED** reference to the Committee on **BUSINESS AND COMMERCE**, in concurrence.)

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **MATTHEWS** of Kennebec,

ADJOURNED until 9 o'clock tomorrow morning.