

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
Senate

In Senate Chamber

Tuesday

April 2, 1985

Senate called to Order by the President.

Prayer by Father Joseph Holland, of the Augusta Mental Health Institute in Augusta.

FATHER HOLLAND: O Lord, our heavenly Father, as we, Your public servants, begin a new day of serious deliberations and decision-making that will affect the lives and welfare of many of our fellow citizens, we pause in silent meditation and prayer to invoke Your blessings on all we say and all we do.

We ask You to enlighten our minds that we may see the justice in every issue; to soften our tongues that our words may ring with the sincerity of truth, and to strengthen our wills that we may decide with honest convictions. We do not live in a perfect society, but with Your guidance we can make it a little better than it has been for the many.

Be with us today, so that today may represent our best efforts for our people. In this may we fulfill your will and the trust our citizens have placed in us. We ask this in Your holy Name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Resolve, Providing Support to the Regional Agriculture Committee (H.P. 845) (L.D. 1194)

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.

(Off Record Remarks)

Bill "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189)

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

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

Bill "An Act to Promote Aviation and Aerospace Technology in Maine Schools" (H.P. 840) (L.D. 1190)

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

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

Bill "An Act Relating to Retirement Compensation for Judges who Ceased to Serve Prior to December 1, 1984" (H.P. 841) (L.D. 1191)

Comes from the House, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

On motion by Senator CLARK of Cumberland referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act Requiring Impartial Summaries of Charter Amendments" (H.P. 842) (L.D. 1192)

Comes from the House, referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on

LOCAL AND COUNTY GOVERNMENT and **ORDERED PRINTED**, in concurrence.

Bill "An Act Establishing a Farm Equipment Tax Exemption Number" (H.P. 846) (L.D. 1195)

Bill "An Act to Amend the Definition of Income under the Elderly Householders Tax and Rent Refund Act and the Elderly Low Cost Drug Program" (H.P. 847) (L.D. 1196)

Bill "An Act to Repeal the Sales Tax on Text Books and Require a Sales Tax on Certain Magazines" (H.P. 843) (L.D. 1193)

Comes from the House, referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Relating to Reimbursements to No Spray Towns" (H.P. 848) (L.D. 1197)

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

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

Study Report
Committee on

LOCAL AND COUNTY GOVERNMENT

Report of the Committee on **LOCAL AND COUNTY GOVERNMENT** to which was referred by the Legislative Council the Study Relative to Regional Planning Commissions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Strengthen State-local Cooperation through Regional Councils" (H.P. 837) (L.D. 1181)

Be Referred to the Committee on **LOCAL AND COUNTY GOVERNMENT** for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LOCAL AND COUNTY GOVERNMENT** and **ORDERED PRINTED**.

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

The Bill **REFERRED** to the Committee on **LOCAL AND COUNTY GOVERNMENT**, and **ORDERED PRINTED** in 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 Appointment of the Commissioner of Inland Fisheries and Wildlife from Within the Department" (H.P. 334) (L.D. 449)

Bill "An Act to Regulate the Drilling of Wells" (H.P. 383) (L.D. 527)

Bill "An Act to Repeal Requirements that Swimming Pools be Enclosed" (H.P. 299) (L.D. 388)

Bill "An Act to Abolish the Insanity Defense but Permit a Verdict of Guilty but Suffering from Mental Disease or Defect" (H.P. 237) (L.D. 278)

Leave to Withdraw

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

Bill "An Act Relating to the Number of Voting Booths Required in Maine Elections" (Emergency) (H.P. 133) (L.D. 158)

Bill "An Act to Remove an Absolute Restriction on Law Enforcement Officials under the Liquor Laws" (H.P. 70) (L.D. 91)

Bill "An Act to Prohibit the Sale of Intoxicating Liquor on State Election Days" (H.P. 114) (L.D. 139)

Bill "An Act Relating to the Location of Agency Liquor Stores" (H.P. 10) (L.D. 8)

Bill "An Act to Establish an Experimental Test for Control of Black Flies" (H.P. 142) (L.D. 176)

Bill "An Act to Create a New District for District Court" (H.P. 358) (L.D. 478)

Bill "An Act to Modify the Closed Period for the Taking of Lobsters" (H.P. 49) (L.D. 55)

Bill "An Act to Provide for Uniform Polling Times" (H.P. 363) (L.D. 483)

Change of Reference

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Prohibit Consumption of Alcoholic Beverages within 15 Feet of a Public Way" (H.P. 529) (L.D. 749)

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

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

The Bill **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Change of Reference

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Provide Police Officers with Copies of Certain Laws" (H.P. 759) (L.D. 1079)

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

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

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

The Bill **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Ought to Pass

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Relating to Retirement Benefits of Superior Court Employees" (H.P. 81) (L.D. 101)

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

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-52)**.

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

The Bill **READ ONCE**, House Amendment "C" (H-52) **READ** and **ADOPTED** in concurrence.

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

The Committee on **EDUCATION** on Bill "An Act to Clarify the Use of Vocational-technical Institutes' Facilities by Others" (H.P. 156) (L.D. 190)

Report 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 Bill **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

Ought to Pass As Amended

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Clarify the Fire Prevention Inspection Laws in Regard to Municipal Enforcement" (Emergency) (H.P. 365) (L.D. 485)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-42)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-42)**.

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

The Bill **READ ONCE**. Committee Amendment "A" (H-42) **READ**

and **ADOPTED**, in concurrence.

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

Ought to Pass in New Draft

The Committee on **EDUCATION** on Bill "An Act to Require the Posting of an American Flag Inside All Public School Classrooms" (H.P. 155) (L.D. 189)

Reported that the same **Ought to Pass in New Draft** under the same title (H.P. 828) (L.D. 1168)

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 to Create a Nonresident Property Owner Fishing License" (H.P. 27) (L.D. 28)

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

MATTHEWS of Kennebec
USHER of Cumberland
WEBSTER of Franklin

Representatives:

JACQUES of Waterville
ERWIN of Rumford
CLARK of Millinocket
ROTONDI of Athens
DUFFY of Bangor
SMITH of Island Falls

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

Signed:

Representatives:

WALKER of Norway
CONNERS of Franklin
GREENLAW of Standish
WEYMOUTH of West Gardiner

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

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

Senate

Change of Reference

Senator **TRAFTON** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Relating to Loitering on Public Sidewalks" (S.P. 416) (L.D. 1146)

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 **CARPENTER** for the Committee on **AGRICULTURE** on Bill "An Act to Provide for Licensing of Companies Who Apply Pesticides as Custom or Commercial Applicators" (S.P. 133) (L.D. 372)

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

The Bill **READ ONCE**.

Which Report was **READ** and **ACCEPTED**.

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

Ought to Pass As Amended

Senator **TUTTLE** for the Committee on **LABOR** on Bill "An Act to Require the Employer to Pay for Eye Examinations Under a Company Mandated Eyeglass Safety Program for Eyeglass Wearers" (S.P. 111) (L.D. 326)

Reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (S-36)

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-36) **READ** and **ADOPTED**.

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

Senator **KANY** for the Committee on **STATE GOVERNMENT** on Resolve, Regarding a Study of the Personnel Law (S.P. 168) (L.D. 436)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-35).

Which Report was **READ** and **ACCEPTED**.

The Resolve **READ ONCE**.

Committee Amendment "A" (S-35) **READ** and **ADOPTED**.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act Concerning Salary Provisions for Automotive Industry Personnel (S.P. 70) (L.D. 121) (C "A" S-22)

An Act Relating to the Time of Penobscot Nation Trust Land Acquisition (S.P. 99) (L.D. 297) (C "A" S-23)

An Act to Amend the Maine Administrative Procedure Act to Require the Designation of Federal and State Statutes and Regulations (S.P. 138) (L.D. 377) (C "A" S-20)

An Act to Protect Tenants when Landlords Fail to Pay Utility Bills (S.P. 120) (L.D. 335) (C "A" S-30)

An Act to Allow the Use of Bid Bonds on State Highway Project (S.P. 124) (L.D. 364) (H "B" H-40 to C "A" S-26)

An Act to Conform Maine Committee on Aging Legislation with the 1981 Older Americans Act Amendments (S.P. 198) (L.D. 532) (C "A" S-27)

An Act to Clarify the Relationship between a Road Commissioner and the Municipal Officers (H.P. 118) (L.D. 143) (C "A" H-30)

An Act to Amend the Law Regarding Parking Brake Requirements on Motorcycles and Motor Driven Cycles (H.P. 305) (L.D. 394)

An Act to Establish the Stanwood Wildlife Sanctuary in the City of Ellsworth (H.P. 332) (L.D. 455) (S "A" S-33)

An Act to Amend the Social Services Planning and Expenditures Act (S.P. 409) (L.D. 1132)

An Act to Facilitate the Settlement of Tort Claims of \$1,500 or Less (H.P. 343) (L.D. 460) (C "A" H-31)

An Act to Assure Equitable Compliance with the Fair Credit Reporting Act (H.P. 436) (L.D. 618)

An Act Relating to Loans and Investments by Financial Institutions (H.P. 787) (L.D. 1102)

An Act to Amend the Statute Providing for the Appointment of Clerks of Judicial Courts (S.P. 125) (L.D. 365)

An Act to Change the Name of the University of Maine Blueberry Advisory Committee (S.P. 107) (L.D. 322)

An Act to Equalize Trapping Rights in Unorganized Territory (S.P. 21) (L.D. 25)

An Act to Conform Mortgage Lending Authority Among Financial Institutions (H.P. 788) (L.D. 1103)

An Act Concerning Certain Fines for Persons Under the Legal Drinking Age Under the Liquor Laws (H.P. 789) (L.D. 1104)

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

Emergency

An Act to Establish a Maine Rivers Grants Program (H.P. 100) (L.D. 125)

Comes from the House, **FAILING OF ENACTMENT**.

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

Senator **PEARSON:** Mr. President, I understand that Senator Violette has an Amendment on this Bill that allocates the money. Without this the Bill would raise the money, but the money could never be expended. Since he is out of the Chamber, I would ask that somebody table this Bill.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ENACTMENT**.

Resolve

Resolve, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells (S.P. 175) (L.D. 467)

Which was **FINALLY PASSED** 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 the Tabled and specially assigned matter:

Bill "An Act to Require Public Rest Rooms in all Shopping Centers" (H.P. 814) (L.D. 1140)
Tabled—April 1, 1985, by Senator **VIOLETTE** of Aroostook

Pending—**PASSAGE TO BE ENGROSSED** (In House, March 29, 1985, **PASSED TO BE ENGROSSED**.)

(In Senate, April 1, 1985, **READ A SECOND TIME**.)

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**.

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

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

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

Pending—**PASSAGE TO BE ENGROSSED AS AMENDED**

(In House March 29, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-36).

(In Senate April 1, 1985, **READ A SECOND TIME**.)

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

Senator **McBREAITY:** Mr. President and Honorable Members of the Senate, if this Bill passes no person who has attained a moose hunting permit may apply again for another permit until two years have elapsed since the issuance of the last permit. Now this limitation does not apply to a sub-permittee who may have been the person who shot the moose under the original permit.

If this Bill passes it will result in a loss of revenue for the Department of \$5,500 in fiscal year '86/'87 and \$11,000 each separate year thereafter.

The regular moose hunting season, as we know it today, began in the fall of 1982; therefore, there have actually been three hunts with 1,000 permits being issued each year. From the best information available at the present time, it appears that there have not been more than twelve repeat selections in that time. Twelve in the total time we've had a moose hunting season.

Now, we have a Department down there that's in financial trouble. To take away \$11,000 of income that comes in willingly and voluntarily just to prevent maybe three or four repeats a year, I think is too expensive. I ask for a Division and hope that you vote against this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS**: Mr. President, I sincerely hope you will see fit to go with the Majority Report on this Bill. We went around and around in the Committee with a tough issue. The good Representative, Mr. Callahan, came before the Committee presenting an issue I think all of us have heard of. Those of us in Aroostook County, as well as Kennebec and all over the State of Maine.

There are many sportsmen across the State of Maine who are very concerned that those who do get another attempt in another year to hunt moose—those as the good Senator, Senator **McBreairty**, has mentioned—those twelve who were repeat hunters, is a real concern to many sportsmen across the State of Maine. It has been an issue that I certainly have heard voiced in Kennebec and Somerst Counties, when I traveled around the District extensively.

I sincerely hope that the Members of this Senate will see fit to hold to the Committee Report, and I would ask that the Secretary of the Senate read the Committee Report.

THE PRESIDENT: The Senator from Kennebec, Senator Matthews has requested that the Committee Report be read.

The Committee Reports were **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

HELD BILL

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

Senator **BUSTIN**: Mr. President, is the Senate in possession of L.D. 1141?

THE PRESIDENT: The Chair would answer in the affirmative the Bill having been held at the request of the Senator:

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)

(In House March 29, 1985, **PASSED TO BE ENGROSSED**.)

(In Senate April 1, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

On motion by Senator **BUSTIN** of Kennebec, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On motion by the same Senator, Tabled for 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**.

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

(Off Record Remarks)

On motion by Senator **CLARK** of Cumberland **RECESSED** until 5 o'clock this afternoon.

After Recess

The Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered 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 Concerning Limitation of Actions Against Land Surveyor" (H.P. 111) (L.D. 136)

Ought to Pass

The Committee on **AGRICULTURE** on Bill "An Act to Extend the Sunset Provision of the Potato Price Stabilization Law" (H.P. 551) (L.D. 823)

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 Bill **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Clarify the Law Enforcement Responsibilities of the Forest Fire Control Division" (H.P. 407) (L.D. 560)

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 Bill **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Transfer from the Bureau of Public Lands to the Baxter State Park Authority the Designation as the Agency of the State to Receive Funds Donated by Governor Percival P. Baxter" (H.P. 340) (L.D. 457)

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 Bill **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Amend Provisions Governing the Procedures of the Maine Health Care Finance Commission" (H.P. 459) (L.D. 659)

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 Bill **TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **UTILITIES** on Bill "An Act to Dissolve the Eastport Utilities District" (H.P. 141) (L.D. 166)

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 Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Measure Mileage Payments to Jurors" (H.P. 63) (L.D. 81)

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-45).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-45)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-45) **READ** and **ADOPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-45) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Permit the Sale of Liquor on Days on Which Statewide General Election is Held" (H.P. 362) (L.D. 482)

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-46).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-46)**.

Which Report was **READ**.

On motion by Senator **PERKINS** Hancock, Tabled until Later in Today's Session, pending **ACCEPTANCE OF THE COMMITTEE REPORT**.

The Committee on **STATE GOVERNMENT** on Bill "An Act Relating to the Membership of and the Payment of Per Diem to Boards" (H.P. 333) (L.D. 448)

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-48).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-48)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-48) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

The Committee Amendment on **STATE GOVERNMENT** on Bill "An Act to Establish a Business Assistance Referral Program Within the State Development Office" (H.P. 76) (L.D. 96)

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-49).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-49) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft

The Committee on **UTILITIES** on Bill "An Act Relating to the Protection of Underground Facilities under the Public Utility Law" (H.P. 126) (L.D. 1179)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 835) (L.D. 151)

Comes from the House, with 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**.

SECOND READERS

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

House

Bill "An Act to Clarify the Use of Vocational-technical Institutes' Facilities by Others" (H.P. 156) (L.D. 190)

Bill "An Act to Require the Posting of an American Flag Inside All Public School Classrooms" (H.P. 828) (L.D. 1168)

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

concurrence.

House As Amended

Bill "An Act to Clarify the Fire Prevention and Inspection Laws in Regard to Municipal Enforcement" (Emergency) (H.P. 365) (L.D. 485) (C "A" H-42)

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

Bill "An Act Relating to Retirement Benefits of Superior Court Employees" (H.P. 81) (L.D. 101) (H "C" H-52)

Which was **READ A SECOND TIME**.

On motion by Senator **DANTON** of York, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "C" (H-52).

THE PRESIDENT: The Senate has the floor.

Senator **DANTON:** I offer Senate Amendment "A" (S-38) to House Amendment "C" (H-52) and move its Adoption.

THE PRESIDENT: The Senator from York, Senator Danton offers Senate Amendment "A" (S-38) to House Amendment "C" (H-52) and moves its Adoption.

Senate Amendment "A" (S-38) to House Amendment "C" (H-52) was **READ** and **ADOPTED**.

House Amendment "C" (H-52) as Amended by Senate Amendment "A" (S-38) thereto was **ADOPTED**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Senate

Bill "An Act to Provide for Licensing of Companies Who Apply Pesticides as Custom or Commercial Applicators" (S.P. 133) (L.D. 372)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Require the Employer to Pay for Eye Examinations Under a Company Mandated Eyeglass Safety Program for Eyeglass Wearers" (S.P. 111) (L.D. 326) (C "A" S-36)

Resolve, Regarding a Study of the Personnel Law (S.P. 168) (L.D. 436) (C "A" S-35)

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

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Resolve

Resolve, Authorizing the York County Commissioners to Expend \$687,319 from Unappropriated Surplus for the Purpose of Building an Addition to the York County Jail (H.P. 844) (L.D. 1186)

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected membership of the Senate 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 considered the following:

SENATE PAPERS

Bill "An Act Relating to Alcohol-related Birth Defects" (S.P. 431) (Presented by Senator **BUSTIN** of Kennebec) (Cosponsored by: Senator **GILL** of Cumberland, Representative **DIAMOND** of Bangor, Representative **MASTERMAN** of Milo)

Which was referred to the **JOINT SELECT COMMITTEE ON ALCOHOLISM SERVICES** and **ORDERED PRINTED**.

Sent down for concurrence.

(See Action Later Today)

Bill "An Act to Amend the Maine Education Statute to Prohibit the Teaching of Alternative Lifestyles in Maine's Public Schools" (S.P. 432) (Presented by Senator **HICHENS** of York) (Cosponsored by: Representative **RICHARD** of Madison, Senator **WEBSTER** of Franklin, Representative **C.B. SMITH** of Island Falls)

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

Sent down for concurrence.

Bill "An Act to Further Protect Significant and Outstanding Rivers and to Equalize their Treatment in Organized Municipalities and Plantations" (S.P. 433) (Presented by Senator **McBREAIRTY** of Aroostook) (Cosponsored by: Senator **USHER** of Cumberland, Representative **JACQUES** of Waterville, Representative **DEXTER** of Kingfield)

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

Sent down for concurrence.

Bill "An Act to Reduce the Costs of Workers' Compensation" (S.P. 434)

(Presented by Senator **DOW** of Kennebec) Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Involve the Legislature in Establishing Equal Pay for Jobs of Comparable Worth in State Government" (S.P. 435) (Presented by President **PRAY** of Penobscot) (Cosponsored by: Representative **DIAMOND** of Bangor, Senator **PERKINS** of Hancock, Representative **T. MURPHY** of Kennebunk)

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

Sent down for concurrence.

Bill "An Act to Require Public Utilities Commission Approval of Significant Agreements and Contracts by Public Utilities" (S.P. 436) (Presented by Senator **KANY** of Kennebec) (Cosponsored by: Senator **BALDACCI** of Penobscot, Representative **McHENRY** of Madawaska, Representative **DAGGETT** of Manchester)

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

Sent down for concurrence.

Senate at Ease

The Senate called to order by the President.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action of earlier in today's session whereby it referred to the **JOINT SELECT COMMITTEE ON ALCOHOLISM SERVICES** and **ORDERED PRINTED**.

Bill "An Act Relating to Alcohol-related Birth Defects" (S.P. 431)

On further motion of same Senator referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

(Off Record Remarks)

ORDERS OF THE DAY

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

Emergency

An Act to Establish a Maine Rivers Grants Program (H.P. 100) (L.D. 125) (H "A" H-26; C "A" H-12)

Tabled—April 2, 1985, by Senator **CLARK** of Cumberland

Pending—**ENACTMENT**

(In Senate March 28, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-26) AND COMMITTEE AMENDMENT "A" (H-36)**.)

(In Senate April 1, 1985, **FAILED OF**

ENACTMENT.)

On motion by Senator **KANY** of Kennebec of Senate **SUSPENDED THE RULES**.

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

THE PRESIDENT: The Senator has the floor.

Senator **KANY:** I offer Senate Amendment "B" and move its Adoption.

THE PRESIDENT: The Senator from Kennebec, Senator Kany offers Senate Amendment "B" and moves its adoption.

Senate Amendment "B" (S-37) **READ** and **ADOPTED**.

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

Senator **BLACK:** Mr. President and Members of the Senate, it had been my intention to present an amendment to this Legislation which had been reproduced under filing number (S-31).

The purpose of this amendment would have been to prohibit State Officials and employees from soliciting donations, bequests or gifts for the Maine Rivers Protection Fund. After consulting with a number of individuals, I've decided not to present my amendment, but rather place my remarks into the Record. As to the purpose of this Bill, it is not my intent or is it the intent of the Legislature that permits be held hostage for any donations to the protection fund.

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

Sent down for concurrence.

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

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

Tabled—April 2, 1985, by Senator **CLARK** of Cumberland

Pending—**PASSAGE TO BE ENGROSSED** (In House, March 29, 1985, **PASSED TO BE ENGROSSED**.)

(In Senate, April 1, 1985, **READ A SECOND TIME**.)

The Bill **PASSED TO BE ENGROSSED**, in concurrence.

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

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

Tabled—April 2, 1985, by Senator **CLARK** of Cumberland

Pending—**PASSAGE TO BE ENGROSSED AS AMENDED** (Division Requested)

(In House March 29, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-36)**.)

(In Senate April 1, 1985, **READ A SECOND TIME**.)

THE PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** I request a Roll Call and would like to speak briefly to my motion.

THE PRESIDENT: The Senator has the floor.

Senator **MATTHEWS:** Mr. President and Members of the Senate, I sincerely hope that you will see fit to pass this Bill and send it on its way.

As mentioned earlier, very briefly, this morning this Bill "An Act Concerning Eligibility to Hunt Moose" was heard extensively in the Committee. It is an issue—I just ask all of you that are not familiar with the issue to go to sportsmen and those that are concerned about the moose season, and ask the people you represent whether or not they feel moose hunting and receiving an application should be a one-time affair and not for a repeat people that get an advantage to hunt moose a couple

of times.

We, again, extensively went over this issue in the Committee Room. It was a Majority Report out of the Committee. I sincerely hope that you will send this Bill on its way. It is definitely a Bill that is supported by the vast majority of sporting enthusiasts and those who want the honor and the privilege of joining in on the moose hunt.

The good Senator from Aroostook has raised some questions that I would just mention to all of you here—have been debated in the Committee and heard in the Committee. This Bill will only allow for one who receives a moose permit to wait two years before he can apply for another permit.

His concerns I believe have been addressed and I sincerely hope that the Senate will see fit to pass this Bill on its way. Thank you.

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

Senator **CARPENTER:** Mr. President, Ladies and Gentlemen of the Senate, I'm kinda torn here I think like some of the Members are.

The good Senator from Aroostook, Senator McBreairey—many of us haven't read the Bill in any depth—Senator McBreairey said this morning that if this passed there would be a two-year moratorium or reapplication for a license; and that in the three moose hunts that we've had thus far there have been twelve repeat hunters; and that for those twelve repeat hunters it was going to cost the Department of Inland, Fisheries and Wildlife, (and heavens knows, we debated their financial woes enough last year) as I understood it, it was going to be a \$5,000 loss of revenue this year and \$11,000 in the second year. I would ask some Members of the Committee, if in fact those figures are accurate? If so, why are we willing to, for only twelve people, cost the Department almost a thousand dollars per person? I just don't understand where the Committee came from on this, and I'd just like to have that answered if they would, please.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter, has posed a question that any Senator may respond to.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** Mr. President and Members of the Senate, I guess I'd be glad to try to respond to that question.

Senator McBreairey, from Aroostook, was quite correct in his projections this morning of the loss of revenue to the Department. I would just reiterate that that loss as he mentioned \$5,000 is rather a small amount of money.

One reason for me supporting this Bill, and I think the majority members of the Committee supporting this Bill in Committee, was that when the moose season was instituted a few years ago, this was an oversight—not taken care of at that time by the moose season—in putting together a moose hunting season.

It was, as I understand it from the good Senator from Cumberland, Senator Usher and other Members of the Fisheries and Wildlife Committee distinguished Members who worked diligently on this, that unfortunately this issue of a waiting period was to the debate in the Committee, that this is merely taking care of an oversight that was intended to give everybody across the State of Maine an opportunity to enjoy the privilege of hunting moose and some mechanism to do that.

I would reiterate, too, that the Department of Fisheries and Wildlife took no position—I will stand corrected if I am wrong—I believe they took no position on the Bill. The loss in revenue, I think, is insignificant when you think about the issue at hand, which is representation of the vast majority of sportmen that are concerned that everybody be given a chance.

Personally, I have never had a chance, and I've tried three or four years to get an application, but I have never had that opportunity yet.

I was a sub-permittee myself one time. It's an enjoyable experience and one which, I think, is pretty unique to have the privilege of moose hunting, and let's give an opportunity to everybody. If it doesn't work, we can change it. Thank you.

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

Senator **GILL:** May I request permission to pose a question to someone from the Committee?

THE PRESIDENT: The Senator may state her question.

Senator **GILL:** If I were indeed a permit holder and my sub-permittee shot the moose would that sub-permittee be permitted to enjoy that privilege another year? And would I not be able to?

THE PRESIDENT: The Senator from Cumberland, Senator Gill has posed a question through the Chair to any Senator that may respond to if they so desire.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** Thank you, Mr. President and Members of the Senate, the answer is "yes." That sub-permittee would get that opportunity again—this pertains to the permit.

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

Senator **MCBREAIREY:** Honorable Members of the Senate, the hour is late and I will try to brief.

I sponsored the moose bill three times: the first time Governor Longley vetoed it, the next time it was an experimental season for one year, and the third time it was for the annual season that we have.

This issue was discussed many times and always put aside. Now, not only do I see loss of revenue here, but I see other serious problems.

If I get a permit I may not get a moose. As we go along and moose get more accustomed to being hunted there will be less successful people. So I may get a permit, as Senator Gill just brought out, if my sub-permittee does get the moose he can still apply and I cannot. So there's an inequity.

This is not going to be easy to administer as many people think. Even though they in fine print, put on that application that "if you have received one the year before, you shouldn't apply," there are going to be people that won't read that and they will apply. This is going to create a problem. If they get drawn, they'll be told that it was illegal and they'll have to be turned down. I would hope that you would vote against this Bill.

I attended two meetings this year. Once, the first time, with a room full of sportsmen; they were from all over the State. When it was explained what very few people get repeats, and the loss of revenue, they voted either unanimous or nearly unanimous in opposition to this Bill. The second time, with less people there, they still voted the same way.

If the sportsmen in the State of Maine knew what this Bill did, they would be overwhelmingly in opposition to it.

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

Senator **MATTHEWS:** Mr. President and Members of the Senate, I ask permission to withdraw my motion for a roll call.

THE PRESIDENT: The Senator from Kennebec, Senator Matthews has request Leave of the Senate to withdraw his request for a roll call.

Is this the pleasure of the Senate?

It's a vote.

On motion by Senator **CLARK** of Cumberland, Tabled for 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED as Amended.** (Division requested)

The Chair laid before the Senate the Tabled and Later Today assigned matter:

COMMITTEE REPORT—Committee on LEGAL AFFAIRS on Bill "An Act to Permit the Sale of Liquor on Days on Which Statewide General Election is Held" (H.P. 362) (L.D. 482)

Reported that the same **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-46)**

Tabled—April 2, 1985, by Senator **PERKINS** of Hancock.

Pending—**ACCEPTANCE OF THE COMMITTEE REPORT.**

(In House, **PASSED TO BE ENGROSSED AS AMENDED BY AMENDMENT "A" (H-46).**)

(In Senate, April 2, 1985 Report **READ**)

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

Senator **HICHENS:** Mr. President and Members of the Senate, here we go again! L.D. 482, "An Act to Permit the Sale of Liquor on Days in which Statewide General Election is Held."

A further increase in the sales of liquor in the State of Maine. A State that boasts that we have the most tough drunk driving laws of any state in the Nation, and yet, we're increasing in every way we can the sale of liquor, so that people can consume it—so people can get out and drive after they have consumed it.

This law was passed a great many years ago because so many people were buying votes by purchasing liquor for someone to get out and vote. Throughout our Nation, many states have had problems that way, and have so voted that they would not be able to sell liquor on election days just for that reason.

We understand by the fiscal note here that the sale of liquor on these days—will increase revenue \$213,000.

I remember a former Senator getting up and saying, "I'll vote for anything that will bring more money into the State of Maine." Perhaps that's the reason some of you will be voting on that issue today.

What are the consequences? Is it worth bringing more money into the State of Maine by selling liquor all day on election days and facing the problems which we know we are going to be facing?

The following Bill in our books is L.D. 483 which increases the uniform polling time in our State from 7 a.m. to 8 p.m. So, that means after the bars are open at daylight, people will be drinking all day long while these polls are open, and you can realize what the consequences are going to be.

I move that this Bill and all its accompanying papers by Indefinitely Postponed and I ask for a roll call.

THE PRESIDENT: The Senator from York, Senator Hichens moves that L.D. 482 be Indefinitely Postponed and has requested a roll call.

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

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

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

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate, I'll take but a very little time tonight. But, this is an issue which is of much interest to me because less than a year ago on Election Day, the Liquor Commission or their representatives, used some tactics that I felt were uncalled for. As a matter of fact, I think that many of you might have experienced the same thing.

I believe it was the June primary of last year, but it could have been November, regardless, the Liquor Commission promptly went throughout the State and in my old House District, apprehended three of those dirty villians who were selling alcohol on Election

Day. The irony behind the whole issue was that all three of those people, I would trust with all my goods and livelihood. Some of the tactics that were used at that time disgusted me—any way that they could bring a bottle of alcohol up. At one store it was at six o'clock in the morning. They came up and bought alcohol and the storeowner just obviously forgot the day was Election Day.

It bothered me at the time and I received a number of calls; and I know of some other Legislators who did; and at that time, I told the three people in my District that the reason that there was this big push was because the Legislature was going to be discussing doing away with no sale of alcohol on Election Days, and changing it to what this Bill would do.

I said that that is what you are going to see. When the time comes I am going to be voting to keep the law the way that it is.

I find that the process frustrating some times. I think that we all like to win and there are a lot of ways to win. I think that if you had brought this Bill before the Legislature two years ago, in the House and the Senate, you might not have passed it. I think that a lot of people are upset in this State because of some of the things that were done. Some of the ways that the law was stretched to get the end result that they wanted.

I don't share the same concerns as some people in this Body in regards to some one buying alcohol. I personally don't see anything wrong with that, but I really don't see why this one day is going to hurt anybody not having a bottle. I am not necessarily naive enough to say that I feel anyone who wanted alcohol would probably have enough intelligence to go buy it the day before, or have enough in their kitchen cupboard or some place. So, I don't think that we are really going to have drunk people coming in Election Day and voting.

I do feel that Election Day is an important day, to me and to all of us here, and I don't think that we have to taint it by allowing people to buy alcohol. I just feel that it is something that we don't need to do.

I feel really strongly about the tactics that were used then, and I think that those tactics were used then to pass this Legislation today; because of those three people who had to pay this fine of one hundred dollars for selling alcohol, as a matter of fact in all three cases it was the first time that they had ever been caught—probably the first time that they had ever done it. Of the three of them, two of them called me and asked me to support this bill today. I just find this process a little dirtier for using those kinds of tactics to pass legislation of this form.

So I am going to support Senator Hichens, and I hope that some of you can do the same. Thank you.

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

Senator **TRAFTON:** Thank you, Mr. President. Mr. President could the Secretary read the Committee Report, please?

THE PRESIDENT: The Senator from Androscoggin, Senator Trafton has requested that the Secretary Read the Committee Report.

The Committee Report was **READ.**

THE PRESIDENT: The Senator has the floor.

Senator **TRAFTON:** Thank you, Mr. President. If I may continue I would like to support this unanimous report from the Joint Standing Committee on Legal Affairs. As the good Senator from York, Senator Hichens, indicated, the original purpose of this bill, when it was passed in 1822, was to stop the practice of a politician or his workers from having a barrel of spirits around the corner from the polls and ladling out those spirits to voters on their way to the poll.

I've had my turn around the polls in the last few years. I've worked on a lot of elections and frankly, I have never seen that barrel, nor have

I seen the free bottle of beer, the free bottles of spirits.

The question is: has there been any abuse of liquor in the electoral process? I've asked that question to many people and the answer is a resounding No. It appears that alcohol is not used any longer to try to obtain votes or to influence the voting process in anyway. So if the problem is no longer existent, then why is this law still on the books? Frankly, there is no justification for having this law on the books any more.

As the good Senator from Franklin indicated, there is confusion among our retailers—both retail sales in stores, in restaurants and inns poses a problem. Many people are confused as to whether only statewide elections are involved in this ban from sale of liquor; some are confused as to whether municipal elections also have a similar ban. In fact, there is a great deal of confusion.

I have to admit that I am a little bit baffled by the Senator from Franklin comments about unfair treatment by the Liquor Enforcement Division. I think that the Liquor Enforcement Division is simply enforcing a law that seems to have little relevance in today's society.

I would suggest that the additional revenues are nice. The State certainly could use the additional revenues which are projected to be somewhere above two hundred thousand dollars for the biennium, but certainly this isn't the reason why you should support this bill.

This Bill is the result of two public hearings and considerable work sessions in the Joint Standing Committee on Legal Affairs. I ask you to support the unanimous report of the Committee and eliminate a law that is simply no longer needed on our books today. Thank you.

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

Senator **HICHENS:** Mr. President and Members of the Senate, I think that the good Senator from Androscoggin has given positive assurance to my statements. The reason he hasn't seen people selling liquor or buying liquor for other people is the fact that it is against the law. It wasn't against the law before that law became enacted.

As far as the liquor sellers not knowing which day, they know what time they can sell liquor on Sundays. They should know if they have got a license what days they can sell liquor and what days they can't. I think that those reasons are very poor that he has given to us.

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

Senator **TRAFTON:** Thank you, Mr. President. I can't resist responding to the good Senator from York in his criticism of my arguments. I know that the good Senator from York doesn't campaign only on Election Day and that his many workers, in fact, work the days preceding the election. If one candidate or his workers were attempting to influence votes, and we all do, they may choose to buy their liquor the day before Election Day and use this liquor to influence voters.

This isn't done. It simply isn't done. It is not done two days, three days, or weeks before the election process. This Bill has no relevance in today's society and I suggest that we simply eliminate it. Thank you.

THE PRESIDENT: The pending motion before the Senate is the motion by the Senator from York, Senator Hichens, that the Bill and accompanying papers be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No Vote will be opposed.
The Doorkeepers will secure the Chamber.
The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Brown, Emerson, Gill, Hichens, Matthews, Maybury, McBrearty, Perkins, Shute, Tuttle, Webster.

NAYS—Senators, Andrews, Baldacci, Berube, Black, Bustin, Carpenter, Chalmers, Clark, Diamond, Dow, Erwin, Gauvreau, Kany, Najarian, Stover, Trafton, Twitchell, The President—Charles P. Pray.

ABSENT—Senators, Danton, Dutremble, Pearson, Sewall, Usher, Violette.

11 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 6 Senators being absent, the motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **FAILED.**

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

The Bill **READ ONCE.**
Committee Amendment "A" (H-46) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING.**

On motion by Senator **CARPENTER** of Arrostook,

ADJOURNED until 9 o'clock tomorrow morning.