

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
Tuesday
April 9, 1985
Senate called to order by the President.

Prayer by Rabbi Harry Z. Sky of the Temple Beth-El Synagogue in Portland.

RABBI SKY: Father of us all, in calling this session of the Maine Senate to order, we direct our hearts to You. May we in our endeavors be ever mindful of the tasks You set before us, to care for the least among us, to be concerned for those who have no spokesmen; to remember the sometimes forgotten, to discover the oft' times neglected.

Let us bear in mind the words of Thy servant on earth who taught us, You never forget us in our just endeavor, and You are at our side when we attempt to shed light on the darker side of life.

Bless us in our undertakings; strengthen us in our trials through life. Amen.

Reading of the Journal of Thursday, April 4, 1985.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Require Two Members of the Public on All State Licensing Boards" (H.P. 857) (L.D. 1216)

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 Authorize an Award System to Aid in Coyote Control" (H.P. 858) (L.D. 1217)

Came from the House referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

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

Bill "An Act to Amend the Medical Examiner Act and Related Provisions" (H.P. 859) (L.D. 1218)

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED** in concurrence.

Bill "An Act to Modify Waiver of Grounds for Relief in Post-conviction Review" (H.P. 860) (L.D. 1219)

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

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

Bill "An Act Providing for Administrative Changes in Maine Tax Law" (H.P. 861) (L.D. 1220)

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.

COMMUNICATIONS

The Following Communication: S.P. 470

112th Maine Legislature

April 4, 1985

Senator Ronald E. Usher
Representative Michael H. Michaud
Chairpersons

Committee on Energy and Natural Resources
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Dr. R. Stevens Kleinschmidt of Pittsfield for appointment to the Board of Environmental Protection.

Pursuant to Title 38 MRSA Section 431, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/ Charles P. Pray

President of the Senate

S/ John L. Martin

Speaker of the House

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

Sent down for concurrence.

SENATE PAPERS

Bill "An Act Concerning a Maine Viet Nam Veterans' Memorial" (S.P. 456) (L.D. 1259) (Presented by Senator **TUTTLE** of York) (Cosponsored by: Representative **E. PARADIS** of Old Town, Senator **GAUVREAU** of Androscoggin)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending **REFERENCE**.

Bill "An Act to Make Liability Auto Insurance Mandatory" (S.P. 457) (L.D. 1260) (Presented by Senator **BALDACCI** of Penobscot) (Cosponsored by: Representative **DUFFY** of Bangor)

Bill "An Act Concerning Warranties Given by Persons Engaged in the Business of Rust-proofing Motor Vehicles" (S.P. 458) (L.D. 1261) (Presented by Senator **DUTREMBLE** of York)

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

Sent down for concurrence.

Bill "An Act to Establish a Funding Mechanism to Make the Joint Environmental Training Program Self-supporting" (S.P. 459) (L.D. 1262) (Presented by Senator **NAJARIAN** of Cumberland) (Cosponsored by: Representative **LAW** of Dover-Foxcroft, Representative **HOGLUND** of Portland, Representative **RIDLEY** of Shapleigh) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

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

Sent down for concurrence.

Bill "An Act to Amend the Maine Certificate of Need Act to Correct Inconsistencies Related to Other Statutory Provisions and to Ensure Cost-effective Development of Services Requiring Acquisition of Major Medical Equipment" (S.P. 461) (L.D. 1264) (Presented by Senator **BUSTIN** of Kennebec) (Cosponsored by: Senator **NAJARIAN** of Cumberland, Representative **BRODEUR** of Auburn) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act Concerning Access to Birth Records of Adopted Persons" (S.P. 462) (L.D. 1265) (Presented by Senator **GILL** of Cumberland) (Cosponsored by: Representative **TELOW** of Lewiston, Representative **MICHAUD** of Medway, Representative **MAYO** of Thomaston)

Bill "An Act to Require that all Checks Issued to a Recipient of State Aid to Pay Local Estate Taxes be Issued Jointly in the Name of the Municipality and the Name of the Recipient" (S.P. 463) (L.D. 1266) (Presented by Senator **SEWALL** of Lincoln)

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

Sent down for concurrence.

Bill "An Act Relating to Privileged Communications under the Child and Family Services and Child Protection Act" (S.P. 460) (L.D. 1263) (Presented by Senator **GAUVREAU** of Androscoggin) (Cosponsored by: Senator **BROWN** of Washington, Representative **ROLDE** of York, Representative **MELENDY** of Rockland)

Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Improve and Strengthen the Referendum Process" (S.P. 465) (L.D. 1268) (Presented by Senator **ANDREWS** of Cumberland) (Cosponsored by: Representative **HANDY** of Lewiston)

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

Sent down for concurrence.

Bill "An Act Concerning Computer Fraud and Abuse" (S.P. 464) (L.D. 1267) (Presented by Senator **CHALMERS** of Knox) (Cosponsored by: Representative **ALLEN** of Washington, Representative **COOPER** of Windham, Representative **DRINKWATER** of Belfast) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending **REFERENCE**.

Bill "An Act Relating to the Classification of the Deputy Treasurer and Supervisor of Abandoned Property" (S.P. 466) (L.D. 1269) (Presented by Senator **DOW** of Kennebec) (Cosponsored by: Representative **McGOWAN** of Canaan, Representative **BRANNIGAN** of Portland)

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

Sent down for concurrence.

Bill "An Act to Prevent Utilities from Passing on to Ratepayers the Investment Losses from Cancelled Power Plants" (S.P. 467) (L.D. 1270) (Presented by Senator **MATTHEWS** of Kennebec)

Bill "An Act to Ensure Reduced Telephone Rates for Volunteers and Nonprofit Organizations Serving the Deaf, Hearing Impaired and Speech Impaired" (S.P. 468) (L.D. 1271) (Presented by Senator **GILL** of Cumberland) (Cosponsored by: Representative **CLARK** of Millinocket, Representative **BRODEUR** of Auburn, Senator **BALDACCI** of Penobscot)

Bill "An Act to Ensure Affordable Telephone Costs for Nonprofit Social Service Corporations by Prohibiting the Local Measured Service Rate Structure for these Customers" (S.P. 469) (L.D. 1272) (Presented by Senator **GILL** of Cumberland) (Cosponsored by: Representative **TAYLOR** of Camden, Representative **CLARK** of Millinocket, Senator **BALDACCI** of Penobscot)

Which were referred to the Committee on **UTILITIES** 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 Concerning Television Receiving

Equipment" (H.P. 507) (L.D. 712)

Bill "An Act Relating to Registration of Electrician" (H.P. 351) (L.D. 472)

Bill "An Act to Require a Life Safety Sprinkler System in Certain Residential Occupancies" (H.P. 601) (L.D. 871)

Bill "An Act Pertaining to Individual Teacher Contracts" (H.P. 159) (L.D. 193)

Bill "An Act to Increase Reimbursement for Professional Credits for Teachers" (H.P. 510) (L.D. 715)

Bill "An Act Concerning the Sale of Lobster Measures by the State" (H.P. 220) (L.D. 254)

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 Amend the Medical Radiation, Health and Safety Act" (H.P. 167) (L.D. 201)

Bill "An Act to Ban Smoking in Certain Public Access Structures" (H.P. 581) (L.D. 851)

Change of Reference

The Committee on **HUMAN RESOURCES** on Bill "An Act to Assure the Public Freedom of Choice of Practitioner in Obtaining Dental Services" (H.P. 532) (L.D. 752)

Reported that the same be **REFERRED** to the Committee on **BUSINESS AND COMMERCE**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND COMMERCE**.

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

The Bill **REFERRED** to the Committee on **BUSINESS AND COMMERCE**, in concurrence.

Change of Reference

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Reports to the Federal Government Relating to Missing Children" (H.P. 854) (L.D. 1210)

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.

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Establish Policies Governing Smoking in Places of Work" (H.P. 235) (L.D. 276)

Reports that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-53).

Signed:

Senators:

BERUBE of Androscoggin
GILL of Cumberland

Representatives:

NELSON of Portland
BRODEUR of Auburn
MANNING of Portland
CARROLL of Gray
MELENDY of Rockland
ROLDE of York
PINES of Limestone
SEAVEY of Kennebunkport
KIMBALL of Buxton
TAYLOR of Camden

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B"** (H-54).

Signed:

Senator: BUSTIN of Kennebec

Comes from the House, with the Majority

UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-53).

Which Reports were **READ**.

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

Senator **BUSTIN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate, I don't want to delay this issue, but I do feel that before we accept this Committee Report, I ought to explain to you why I am the sole Member of the Committee who is on another Committee Report. That is simply because of my old feeling; and if you remember the Fetal Alcohol Syndrome warning sign that we wanted to put up, then I do not feel that we need to put a penalty on employers every time an employee does or doesn't do something. In the case of the warning sign that would be if an employee failed to put up the warning sign or it fell down or something they would be fined.

Well, I just don't happen to believe in that. I believe that we ought to give the businesses a chance to at least prove themselves, that they are willing to do what the Legislature would like to set in policy.

I am going to offer an amendment. I'm asking for a Tabling motion after the acceptance of this report, simply to take care of some of the concerns that I have, and I feel other Members of this Body have. Thank you.

The Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-53) Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-53) was **READ** and **ADOPTED**, in concurrence.

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

Senate

Leave to Withdraw

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

Bill "An Act to Require that the Maine National Guard Provide an Honor Guard for Burials at the Maine Veterans' Memorial Cemetery" (S.P. 268) (L.D. 726)

Resolve, Authorizing the Department of Defense and Veterans' Services to Study Benefits Offered by the Maine National Guard as Compared with other States (S.P. 288) (L.D. 777)

Bill "An Act to Establish a State Energy Efficiency Goal" (S.P. 173) (L.D. 465)

Bill "An Act to More Clearly Provide for Public Access to the County Budget Process" (S.P. 160) (L.D. 427)

Bill "An Act to Permit State Courts to Remain Open on the Day of a Statewide Primary or General Election" (S.P. 109) (L.D. 324)

Ought to Pass in New Draft

Senator **GAUVREAU** for the Committee on **EDUCATION** on Bill "An Act Concerning Alternative to Attendance in Public Schools" (S.P. 212) (L.D. 570)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 455) (L.D. 1258)

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

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 **JUDICIARY** on Bill "An Act to Amend the Laws Relating to Admission to the Bar" (S.P. 220) (L.D. 579)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-40).

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives:

COOPER of Windham
MacBRIDE of Presque Isle
ALLEN of Washington
PRIEST of Brunswick
KANE of South Portland
LEBOWITZ of Bangor
DRINKWATER of Belfast
PARADIS of Augusta

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

Signed:

Representatives:

CARRIER of Westbrook
STETSON of Damariscotta

Which Reports were **READ**.

The Majority **UGHT TO PASS as Amended** Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-40) was **READ** and **ADOPTED**.

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

(Off Record Remarks)

SECOND READERS

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

House As Amended

Bill "An Act to Provide Teacher Professional Time During the School Day" (H.P. 158) (L.D. 192) (C "A" H-44)

Which was **READ A SECOND TIME**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending **PASAGE TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**.

Senate

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 438) (L.D. 1214)

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

Sent down for concurrence.

ENACTORS

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

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

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

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

An Act Relating to the Protection of Underground Facilities under the Public Utility Law (H.P. 835) (L.D. 1179)

An Act to Clarify the Law Enforcement Responsibilities of the Forest Fire Control Division (H.P. 407) (L.D. 560)

An Act to Dissolve the Eastport Utilities District (H.P. 141) (L.D. 166)

An Act to Amend Provisions Governing the Procedures of the Maine Health Care Finance Commission (H.P. 459) (L.D. 659)

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)

An Act to Establish a Maine Rivers Grants Program (H.P. 100) (L.D. 125) (S "B" S-37; H "A" H-26; C "A" H-12)

An Act Relating to the Membership of and the Payment of Per Diem to Boards (H.P. 333)

(L.D. 448) (C "A" H-48)

An Act Relating to Retirement Benefits of Superior Court Employees (H.P. 81) (L.D. 101) (S "A" S-38 to H "C" H-52)

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

An Act to Extend the Sunset Provision of the Potato Price Stabilization Law (H.P. 551) (L.D. 823)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Measure Mileage Payments to Jurors (H.P. 63) (L.D. 81) (C "A" H-45)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

An Act to Remove the Small Business Exception Regarding Medical Benefits because of Pregnancy under the Maine Human Rights Act (S.P. 51) (L.D. 69)

On motion by Senator **VIOLETTE** of Aroostook, Tabled for 2 Legislative Days, pending **ENACTMENT**.

Resolve

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

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

Emergency

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

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

Emergency

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

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

Emergency

An Act to Establish a Business Assistance Referral Program Within the State Development Office (H.P. 76) (L.D. 96) (C "A" H-49)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

ORDERS OF THE DAY

On motion by Senator **VIOLETTE** of Aroostook, the Senate removed from the Table: Bill "An Act Concerning Computer Fraud and Abuse" (S.P. 464) (L.D. 1267)

Tabled—April 9, 1985, by Senator **VIOLETTE** of Aroostook
Pending—REFERENCE

(Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED**.)

On motion by Senator **VIOLETTE** of Aroostook referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

On further motion by the same Senator the Senate **RECONSIDERED** its action whereby the Bill was referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

On further motion by the same Senator, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

Senate at Ease

The Senate called to order by the President.

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

(Off Record Remarks)

On motion by Senator **NAJARIAN** of Cumberland,

RECESSED until 5 o'clock in the 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

Ought to Pass

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1985 (Emergency) (H.P. 889) (L.D. 1273)

Reported that the same **Ought To Pass** pursuant to Joint Order: (H.P. 56)

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

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

The Resolve **READ ONCE**.

Which was under Suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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 to Insure Fair Housing for Senior Citizens" (H.P. 518) (L.D. 723)

Ought to Pass

The Committee on **STATE GOVERNMENT** on Bill "An Act to Adjust the Boundaries between House District 103 and House District 55" (H.P. 611) (L.D. 881)

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 **TAXATION** on Bill "An Act to Make Permanent the Special Fuel Tax Act" (Emergency) (H.P. 316) (L.D. 405)

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 **HUMAN RESOURCES** on Bill "An Act to Prohibit Smoking in Certain Retail Stores" (H.P. 108) (L.D. 133)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-58)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-58) was **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Create a Maine Sentencing Guidelines Commission" (H.P. 359) (L.D. 479)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-59)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-59)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-59) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass in New Draft

The Committee on **JUDICIARY** on Bill "An Act Concerning Persons on Partial Release from a Mental Health Institution" (Emergency) (H.P. 69) (L.D. 90)

Reported that the same **Ought to Pass in New Draft** under same title (Emergency) (H.P. 856) (L.D. 1213)

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

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

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

The Bill in **NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act Relating to Requirements for Withdrawal from a School Administrative District" (H.P. 258) (L.D. 312)

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

Signed:

Sensors:

BROWN of Washington
HICHENS of York

Representatives:

SMALL of Bath
CROUSE of Caribou
BROWN of Gorham
FOSS of Yarmouth
LAWRENCE of Parsonsfield
ROBERTS of Farmington
MATTHEWS of Caribou
BOST of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass As Amended by Committee Amendment "A" (H-60)**.

Signed:

Sensor:

GAUVREU of Androscoggin

Representatives:

O'GARA of Westbrook
HANDY of Lewiston

Comes from the House with the Majority

UGHT NOT TO PASS Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

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

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

COMMUNICATION

The Following Communication:
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

April 9, 1985

Honorable Joy J. O'Brien
Secretary of the Senate
112th Legislature
Augusta, Maine 04333

Dear Madame Secretary:

The House voted today to adhere to its former action whereby it accepted the Minority "**Ought Not to Pass**" Report of the Committee on **Transportation** on Bill "An Act Relating to Motorcycle Safety" (H.P. 261) (L.D. 315).

Sincerely,

S/ Edwin H. Pert
Clerk of the House

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

SECOND READERS

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

House As Amended

Bill "An Act to Establish Policies Governing Smoking in Places of Work" (H.P. 235) (L.D. 276) (C "A" H-53)

Which was **READ A SECOND TIME**.

On motion by Senator **VIOLETTE** of Aroostook Tabled 2 Legislative Days, pending **PASSED TO BE ENGROSSED, AS AMENDED**.

Senate

Bill "An Act Concerning Alternative to Attendance in Public Schools" (S.P. 455) (L.D. 1258)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Laws Relating to Admission to the Bar" (S.P. 220) (L.D. 579) (C "A" S-40)

Which was **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:

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)

An Act Relating to Deferred Payments and Terms and Schedules for Repayments of Loans Under the Maine Consumer Credit Code (H.P. 815) (L.D. 1141) (S "A" S-39)

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

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

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Compensate Associations

Conducting Winter Harness Racing Meets" (H.P. 865) (L.D. 1222)

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

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

Bill "An Act Deauthorizing State Positions which Remain Vacant" (H.P. 866) (L.D. 1223)

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.

Resolve, Creating a Commission to Study Reduced Benefit Low-cost Health Insurance Coverage (H.P. 867) (H.P. 1224)

Bill "An Act to Create Inactive Professional Licenses for Members of the Armed Forces" (H.P. 868) (L.D. 1225)

Bill "An Act Limiting the Amount of Insurance Coverage which a Mortgagee can Require a Mortgagor to Carry" (H.P. 869) (L.D. 1226)

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 Permit Restructuring of School Administrative Districts" (H.P. 870) (L.D. 1227)

Bill "An Act to Provide for State Certification of School Administrators" (H.P. 871) (L.D. 1228)

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

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

Bill "An Act to Bring into Conformity Municipal and State Subdivision Laws" (H.P. 872) (L.D. 1229)

Bill "An Act to Increase the Allocation for Personal Services Expenditures under the Maine Hazardous Waste Fund for Fiscal Year 1985" (Emergency) (H.P. 873) (L.D. 1230)

Bill "An Act Affecting Enforcement of Maine's Hazardous Waste Laws" (H.P. 874) (L.D. 1231)

Bill "An Act to Amend the State's Zoning Laws" (H.P. 875) (L.D. 1232)

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

Which were referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Relating to Retesting of Emergency Medical Technicians" (H.P. 876) (L.D. 1233)

Bill "An Act Concerning Courses for License Renewal of Emergency Medical Personnel" (H.P. 877) (L.D. 1234)

Bill "An Act to Require the Proceedings of Boards of Directors of Nonprofit Hospitals to be Open to the Public" (H.P. 878) (L.D. 1235)

Bill "An Act Concerning Compatible Living Areas in Nursing Homes" (H.P. 879) (L.D. 1236)

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

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

Bill "An Act Relating to Child Abuse Conviction Reform" (H.P. 880) (L.D. 1237)

Bill "An Act Concerning Appointment of

Counsel for Indigent Criminal Defendants" (H.P. 881) (L.D. 1238)

Bill "An Act Concerning the State Civil Rights Act" (H.P. 882) (L.D. 1239)

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

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Clarify the Agricultural Exemption in the Workers' Compensation Laws" (H.P. 883) (L.D. 1240)

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

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

JUDICIARY

Bill "An Act Relating to Disposition of State-owned Real Estate" (H.P. 884) (L.D. 1241)

Bill "An Act to Require Sufficient Notification in Cases of Adoption of Agency Rules" (H.P. 885) (L.D. 1242)

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

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

Bill "An Act Concerning Tax Assessors and Assessments" (H.P. 886) (L.D. 1243)

Bill "An Act Concerning Registration and Excise Tax on Recreational Vehicles" (H.P. 887) (L.D. 1244)

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

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

Bill "An Act to Permit Travel of Heavy Equipment on Posted Roads" (H.P. 888) (L.D. 1245)

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.

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

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
ADMINISTRATIVE OFFICE OF THE
COURTS
PORTLAND, MAINE 04112

April 8, 1985

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

It is my honor and personal pleasure to transmit to you and each of the other Senators of the 112th Legislature a copy of the Ninth Annual Report of the Administrative Office of the Courts, pursuant to the provisions of 4 MRSA subsection 17.10.

Sincerely,
S/ Dana R. Baggett
State Court
Administrator

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

The Following Communication:
DEPARTMENT OF PUBLIC SAFETY
36 HOSPITAL STREET
AUGUSTA, MAINE 04330

April 9, 1985

Governor Joseph E. Brennan and
Members of the 112th Legislature:

Transmitted herewith is the Final Report of the Maine Criminal Justice Planning and Assistance Agency (MCJPAA).

Since late 1968, the MCJPAA, through its Board of Directors, has been responsible in administering the Law Enforcement Assistance Administration (LEAA) Program for Maine. This report reviews and summarizes the major activities during this time period.

The passing of MCJPAA brings to a close an era that has had a major impact on services provided by the criminal justice system. Maine, as the report bears out, can be proud of the accomplishments and equitable distribution of its Federal/State funds, allocated through the Board of Directors.

The recommendations in this Final Report were developed by the Executive Board of the agency. We feel that they represent important guides in maintaining the changes and continuing the progressive, orderly growth of the criminal justice system for the benefit of Maine citizens.

Sincerely,
S/ David M. Cox
Chairman

Board of Directors

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

SENATE PAPERS

Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System Laws" (S.P. 471)

(Presented by Senator GAUVREAU of Androscoggin)

(Cosponsored by: Representative DELLERT of Gardiner, Senator CLARK of Cumberland, Representative PERRY of Mexico)

(Submitted by the Maine State Retirement System pursuant to Joint Rule 24)

Which was referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Relating to Mediation in Proceedings under the Child and Family Services and Child Protection Act" (S.P. 472)

(Presented by Senator GAUVREAU of Androscoggin)

(Cosponsored by: Senator BROWN of Washington, Representative NELSON of Portland)

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

Sent down for concurrence.

Bill "An Act Relating to the Suspension of Motor Vehicle Licenses for Refusal of Chemical Test" (S.P. 473)

(Presented by Senator GAUVREAU of Androscoggin)

(Cosponsored by: Senator CHALMERS of Knox)

Bill "An Act Relating to Absentee Balloting by Residents of Nursing Homes, Hospices and Congregate Housing Units" (S.P. 474)

(Presented by Senator GAUVREAU of Androscoggin)

(Cosponsored by: Representative G.G. NADEAU of Lewiston)

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

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator CLARK of Cumberland, (Cosponsor Representative HICKEY of Augusta) the following Joint Resolution: (S.P. 475)

JOINT RESOLUTION RECOGNIZING APRIL 26, 1985, AS "NATIONAL NURSING HOME RESIDENTS DAY"

WHEREAS, over 1,000,000 older Americans reside in nursing homes and one in 5 older

Americans likely will reside in a nursing home at some time; and

WHEREAS, nursing home residents have contributed to the growth, development and progress of this Nation and the State and, as elders, offer a wealth of knowledge and experience; and

WHEREAS, the Legislature recognizes the importance of the continued participation of these institutionalized senior citizens in the life of our Nation and State; and

WHEREAS, in an effort to foster reintegration of these citizens into their communities, the Legislature encourages community recognition of and involvement in the lives of nursing home residents; and

WHEREAS, the Legislature recognizes the importance of safeguarding the rights of nursing home residents; and

WHEREAS, it is appropriate for the people of Maine to join in support of nursing home residents to demonstrate their concern and respect for these citizens; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature now assembled in the First Regular Session, recognize April 26, 1985, as "National Nursing Home Residents Day," a time of renewed recognition, concern and respect for nursing home residents in the State and the Nation.

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

ENACTORS

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1985 (H.P. 889) (L.D. 1273)

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** 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 Later Today assigned matter:

Bill "An Act Concerning a Maine Viet Nam Veterans Memorial" (S.P. 456) (L.D. 1259)

Tabled - April 9, 1985, by Senator VIOLETTE of Aroostook

Pending - **REFERENCE**

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

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act to Provide Teacher Professional Time During the School Day" (H.P. 158) (L.D. 192) (C "A" H-44)

Tabled - April 9, 1985, by Senator VIOLETTE of Aroostook

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**

(In House, April 3, 1985, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 4, 1985, Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-44) Report **READ** and **ACCEPTED IN NON-CONCURRENCE**, the Bill **READ ONCE** Committee Amendment "A" (H-44) **READ** and **ADOPTED**.)

(In Senate, April 9, 1985, **READ A SECOND TIME**.)

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

On motion by Senator PERKINS of Hancock the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED, AS AMENDED** in **NON-CONCURRENCE**.

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

Senator MAYBURY: Mr. President, I would like to request a Roll Call.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a roll call it requires the affirmative vote of at least one-fifth of the members 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 motion before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED, IN NON-CONCURRENCE**.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate, I wasn't going to debate this issue this afternoon because of action taken in the other Body, but now because a Roll Call has been asked for, I would like to acquaint the Members of the Senate with just what this Bill does. This is L.D. 192, "An Act to Provide Teacher Professional Time During the School Day."

It states that "at least thirty minutes," as the amendment comes out from the committee, "every public school teacher shall be guaranteed an uninterrupted preparational or professional time, free of student contact and responsibility during each school day. Scheduled inservice days shall not be considered a substitute for this planning time. School administrative units are encouraged to develop innovative staffing patterns such as differential blocks of learning time or team teaching, relieve teachers from non-teaching duties such as study halls, monitoring or recess duty, in order to meet this requirement."

This Bill was opposed by the Superintendents Association, Maine School Management Association, and the Department of Education, because they did not think it was necessary that teachers should have a half hour time during the school day to sort of "get themselves together."

Our school days aren't that long, I don't believe, our classes aren't that big, that teachers can't take time before or during a lunch period or even after school to get their things formulated. I think they should go in in the morning all ready to face the school day's activities and not have a half hour time during that period of seven hours, perhaps, to have to hire somebody to take their place while they are gone and freed from any student interruptions.

In smaller towns, where are the replacements coming from? Every school district in my area and every town has opposed this. I believe as you consider your towns that this would be a great problem for the schools to take care of. So, I would ask that you vote against this motion and kill the Bill.

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

Senator PEARSON: Mr. President and Men and Women of the Senate, I am a school teacher, I have what they call a professional period. I am not in conflict with this bill. I am going to have it whether this passes or not, but I want to tell you something. It does not impress me one single bit to think that Maine School Management or the Maine Superintendents Association are not in favor of this Bill. Of course they are not in favor of this Bill. They haven't been in the classroom, and in the cases of those that have, they haven't been in them often enough or recent enough to understand. It is very easy to be removed from that kind of situation as superintendents and school board members are and not appreciate how difficult it is.

It is kind of ironic, I was telling a Member of Senator Pray's staff just this morning about

teaching history. We were talking about different phases of times in history, and I was telling the period leading up to the First World War was my favorite period of time to teach. Of how excited you could get talking about the Franco-Prussian War which lead in part to the First World War. About the assassination of the Archduke at Sarajevo and the events that tumbled the world into a great war. It seemed we just fell into militarism, nationalism, expansionism on the part of countries. Getting all excited teaching about that, you sit there and watch kids slumped in their seats. You do that for a period when you are teaching kids and you're really excited and they're not excited about the subject and you do that for three or four periods in a row, and by-golly, after awhile, you need a rest, you need to regroup, you need to be able to put yourself back together.

There isn't any other profession I know of that is asked to start teaching at eight o'clock in the morning, take a twenty minute or twenty-five minute break for lunch, (you talk about the noon hour, there isn't any noon hour in most schools) unable to go out of the classroom because you have got either kids coming in or going out, and you're teaching them while you are there. Who else does that kind of work? Who else goes non-stop all day without a break? Not you! Not anybody else that I know of that works for the State Government. Not anybody that I know that works for any other kind of job in the State, except teachers.

This is not the dark ages. My word, it is time to be a little more enlightened than that. Thirty minutes during the day is not too much to ask.

How many cups of coffee have you had today? I don't drink coffee, but I've had a few sodas. How many cups have you had today? You know that if you were to enact this the way it is right now, and the schools were able to say there is no break, a teacher would not have time for a cup of coffee all day long, literally.

Now you compare that with yourself. How long did you take for lunch today? And I want to tell you something else that some of you in here that took a lunch went out of this building, or you went into another building. You can't do that when you are teaching school. You go in one room for twenty minutes throw the food down your throat and head back to the classroom. Thirty minutes. What is the matter with you people?!

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

Senator **BROWN:** Thank you, Mr. President. Ladies and Gentlemen of the Senate, I didn't honestly think we would get into a debate in this Chamber on this issue this afternoon.

This Bill was a split report, as you know, out of the Committee on Education. It seems like the issues that are the most boggled-down in Education are those recommendations that are the Special Blue Ribbon Commission the Governor established, we didn't implement.

There are about fifteen different recommendations that came out of that Committee. One of them that we are still grappling with is the \$2,000. issue--the teachers stipend which we are continuing to work with, because we didn't implement the minimum salary which was recommended by the Committee and would probably have been the best way to go.

On the issue that is before us, this is another one of those recommendations that came out of this Blue Ribbon Commission. There isn't another group of professionals, as the good Senator from Pennobscot has just indicated, there is no group of professionals that haven't some time to plan during the day: Maintenance workers have that, doctors, lawyers, everybody has a period of time to plan, during the day, their activities.

Most secondary school teachers have that time. It is the elementary school teachers in the State that do not have the time. Probably more mail has been generated from people--I

could go pouring through, and as you know letters can be generated easily to all of us, but the number of very personal letters talking about the very stressful situation a person is under when they go to work in the morning, and they go all day long without any kind of a break whatsoever.

Some of the elementary teachers in the State have this. This is going to cost some money. It is going to cost some money to the local school district. It is going to cost the State some more dollars if it is implemented.

There is a matter of justice here and doing what is the right thing to do. This is the right thing to do. Every professional study that has been done on the schools has recommended that elementary teachers have some free time during the day, not to drink coffee, not to have all the break time, but to have time to call parents during the day, to have time to see special kids with problems during the day, all those kinds of things that teachers need.

All this Bill says is they would have a thirty minute period during the day. In many school systems that is already in existence. A lot of schools recognize that and try to provide that kind of time, but there are a lot of school systems that do not. A lot of school systems will have the music teacher, or the art teacher, or someone else come for a period of time to allow the elementary teacher that additional time. Again, there are a lot of schools that do not.

What this is, is a policy statement the State says is a very important one. We want to have that time available to the elementary teacher. That is precisely what the Bill says. We modified it down from forty-five minutes to thirty minutes with the amendment that you see attached to it.

I don't know what else to say about it. It has been stated very clearly. It is a matter of equity, it is a matter of fairness, and it is a matter of doing what is the right thing to do.

If it were passed it would be put on the Appropriations Table, eventually. I am sure it would have to be dealt with there. I would urge you to go ahead and pass it in the name of doing what is right and let's pass it on its way. Thank you, Mr. President.

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

Senator **MAYBURY:** Thank you, Mr. President. Men and Women of the Senate, I understand many of the difficulties for teachers, as my husband is a teacher. As far as the number of cups of coffee we have during the day, I don't know if that is pertinent to the issue. Perhaps the question would be more appropriately phrased, how many half cups of coffee we have during the day because of the various demands placed upon us.

I feel this is an issue that is more appropriately handled by the local school districts, themselves. I am not in favor of the State stepping in where the local districts have an opportunity to make those decisions. I would urge you to vote against this. Thank you.

THE PRESIDENT: The pending question is **PASSAGE TO BE ENGROSSED, AS AMENDED.**

A Roll Call has been ordered.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN:** Will the presiding officer please restate the motion?

THE PRESIDENT: The pending motion is: **PASSAGE TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.**

A Yes vote will be in favor of Passage to be Engrossed, as Amended.

A No vote will be opposed.

The doorkeepers will secure the Chamber. Senator **PERKINS** of Hancock, who would have voted Nay requested and received permission to pair his vote with Senator **BERUBE** of Androscoggin who would have voted Yea. The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Andrews, Brown, Bustin, Clark, Danton, Diamond, Dow, Dutremble, Gauvreau, Kany, Matthews, Najarian, Pearson, Trafton, Usher, Violette, The President—Charles P. Pray

NAYS:—Senators, Baldacci, Black, Emerson, Erwin, Gill, Hichens, Maybury, McBreairty, Sewall, Shute, Stover, Tuttle, Twitchell, Webster

ABSENT:—Senators, Carpenter, Chalmers
17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators Pairing their votes, and 2 Senators absent, the motion for **PASSAGE TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE, PREVAILED.**

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

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

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

ADJOURNED until 9 o'clock tomorrow morning.