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 Wednesday April 10, 1985

Senate called to order by the President.

Prayer by Reverend Herbert Reid of the Church of World Brotherhood, in Fairfield. REVEREND REID: Let us pray! Give us a fresh and challenging sense of mission Lord, as we make this journey together today in our Nations great ship of state. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE Non-concurrent Matter

Bill "An Act to Require that all Checks Issued to a Recipient of State Aid to Pay Local Real Estate Taxes be Issued Jointly in the Name of the Municipality and the Name of the Reci-

pient' (S.P. 463) (L.D. 1266) In Senate April 9, 1985 referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Comes from the House Referred to the Committee on TAXATION and ORDERED PRINTED in NON-CONCURRENCE

On motion by Senator VIOLETTE of Aroostook, the Senate INSISTED.

Non-concurrent Matter

Bill "An Act to Establish Eligibility for Burial in the Maine Veterans' Memorial Cemetery for Members of the Maine National Guard" (H.P. 769) (L.D. 1061)

In Senate, March 29, 1985, PASSED TO BE ENACTED, in concurrence.

RECALLED from the Governor's desk pursuant to Joint Order (H.P. 863)

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-65) in NON-CONCURRENCE.

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

Senator PEARSON: Mr. President, I would like to pose a parliamentary question, just for my own curiosity.

Yesterday, I was in another Body in this building, and I noticed that there was an amendment attached to this particular Bill before it had been recalled by both Bodies. Is

THE PRESIDENT: The Senator from Penobscot, Senator Pearson has made an inquiry to the Chair.

Senate at Ease

The Senate called to order by the President.

THE PRESIDENT: The Chair would respond the amendment that now appears on the Bill was adopted on the 9th of April, which was

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, had both Bodies recalled that Bill from the Governor's Desk before?

THE PRESIDENT: The Chair would answer that an Order was passed by both Branches to recall the Bill.

The Senate RECEDED and CONCURRED.

(Off Record Remarks)

Non-concurrent Matter

Bill "An Act Concerning Access to Birth Records of Adopted Persons" (S.P. 462) (L.D.

In Senate April 9, 1985, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Comes from the House, referred to the Com-

mittee on HUMAN RESOURCES and ORDERED PRINTED.

Comes from the House, referred to the Committee on JUDICIARY and ORDERED PRINTED in NON-CONCURRENCE.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

House Papers

Bill "An Act to Increase the Classification of the Crime of Gross Sexual Misconduct under the Maine Criminal Code" (H.P. 890) (L.D.

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 to Reallocate Mortgage Insurance Authority from the Mortgage In-surance Program of the Finance Authority of Maine to the Maine Small Business Loan Program" (Emergency) (H.P. 891) (L.D. 1280)

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on EDUCATION on Bill "An Act to Provide a 10% Contingency in the School Construction Debt Service Limit" (H.P. 423) (L.D. 603)

Reported that the same Ought to Pass as Amended by Committee Amendment "A"

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-63).

Which Report was READ and ACCEPTED. in concurrence

The Bill READ ONCE. Committee Amendment "A" (H-63) 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 LABOR on Bill "An Act to Increase Fairness to Workers' Compensation Claimants" (H.P. 176) (L.D. 210)

Reported that the same Ought to Pass in New Draft under same title (H.P. 864) (L.D.

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 LABOR on Bill "An Act to Provide for the Negotiability of Transfers, Reassignments and Promotions for Teachers' (H.P. 530) (L.D. 750)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-61).

Signed:

Senators:

TUTTLE of York **DUTREMBLE** of York

Representatives:

TAMMARO of Baileyville HALE of Sanford

JOSEPH of Waterville BEAULIEU of Portland RUHLIN of Brewer

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

Signed:

Senator:

BLACK of Cumberland

Representatives

HEPBURN of Skowhegan **BONNEY of Falmouth** WILLEY of Hampden **BEGLEY of Waldoboro** LANDER of Greenville

Comes from the House Bill and accompanying papers INDEFINITELY POSTPONED. Which Reports were READ.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

Divided Report

The Majority of the Committee on EDUCA-TION on Bill "An Act to Increase Academic Learning Time' (H.P. 161) (L.D. 195)
Reported that the same **Ought to Pass in**

New Draft under same title. (H.P. 862) (L.D. 1215)

Signed:

Senators

BROWN of Washington GAUVREAU of Androscoggin

Representatives:

HANDY of Lewiston O'GARA of Westbrook CROUSE of Caribou **BOST of Orono** ROBERTS of Farmington MATTHEWS of Caribou

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

Signed:

Senator:

HICHENS of York

Representatives: SMALL of Bath **BROWN** of Gorham FOSS of Yarmouth LAWRENCE of Parsonsfield

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

Which Reports were READ.

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

Senator HICHENS: I ask for a Division. THE PRESIDENT: The Senator from York, Senator Hichens requests a Division.

Will all those Senators in favor of ACCEPT-ING the Majority OUGHT TO PASS in NEW DRAFT Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, in NON-CONCURRENCE PREVAILED.

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

Bill "An Act to Provide Retraining Opportunities to Persons Whose Employment Terminates as a Result of a Plant Closing' (S.P. 354) (L.D. 962)

Bill "An Act to Provide for Prompt Dispute

Resolution under Maine's State Bargaining Law (S.P. 359) (L.D. 980)

Ought to Pass in New Draft Senator TWITCHELL for the Committee on TAXATION on Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) (S.P. 44) (L.D. 61) Reported that the same **Ought To Pass in**

New Draft under same title (Emergency) (S.P.

476) (L.D. 1278)

Which Report was READ and ACCEPTED. The Resolve in NEW DRAFT READ ONCE. The Resolve in NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TO-DAY'S SESSION.

SECOND READERS

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

House

Bill "An Act to Adjust the Boundaries between House District 103 and House District (H.P. 611) (L.D. 881)

Bill "An Act to Make Permanent the Special Fuel Tax Act" (Emergency) (H.P. 316) (L.D. 405) Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in con-

Bill "An Act Concerning Persons on Partial Release from a Mental Health Institution' (Emergency) (H.P. 856) (L.D. 1213)

Which was READ A SECOND TIME

On motion by Senator VIOLETTE of Aroostook, Tabled for 1 Legislative Day, pend-ing PASSAGE TO BE ENGROSSED.

House As Amended

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

(C "A" H-59) Bill "An Act to Prohibit Smoking in Certain Retail Stores" (H.P. 108) (L.D. 133) (C "A" H-58) Which were **READ A SECOND TIME** and PASSED TO BE ENGROSSED, as Amended. in concurrence.

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: An Act to Permit the Sale of Liquor on Days on Which Statewide General Election is Held (H.P. 362) (L.D. 482) (C "A" H-46)

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

Emergency Resolve

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

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

Senate at Ease

The Senate called to order by the President.

ORDERS OF THE DAY

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

An Act to Provide for Licensing of Companies Who Apply Pesticides as Custom or Commercial Applicators (S.P. 133) (L.D. 372)
Tabled—April 9, 1985, by Senator VIOLETTE

of Aroostook

Pending-PASSAGE TO BE ENACTED. (In House April 9, 1985, PASSED TO BE

ENACTED.) (In Senate April 2, 1985, PASSED TO BE ENGROSSED.)

On motion by Senator **ERWIN** of Oxford, the Senate SUSPENDED THE RULES.

On further motion by Senator ERWIN of Ox-

ford, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-41) READ and ADOPTED. Which was PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Table and Later Today Assigned matter:

An Act to Permit the Sale of Liquor on Days on Which Statewide General Election is Held (H.P. 362) (L.D. 482) (C "A" H-46) Tabled—April 10, 1985, by Senator

VIOLETTE of Aroostook. Pending—ENACTMENT

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens. Senator HICHENS: Mr. President, I request

a Roll Call.

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

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing un-

til counted.

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

The pending question before the Senate is ENACTMENT.

The Chair recognizes the Senator from An-

droscoggin, Senator Trafton.
Senator TRAFTON: Thank you, Mr. President and Members of the Senate. We debated this Bill in the past. I don't intend to rehash our past debates, but there was one item omitted from our previous discussions, and I thought that I would bring this item to your

There was some concern about the use of liquor to influence voting in the State of Maine. We do have on our books in Title 17A, of the Maine Criminal Code, a provision Section 602, which is titled, "Bribery in Official and Political Matters". It says, "a person is guilty of bribery in official and political matters if he promises, offers or gives any pecuniary benefit to another with the intention of influencing the others action, decision, opinion, recommendation, vote, or other things.

In fact, it is a violation of our Maine Criminal Code; it is a Class "C" crime to even offer liquor to influence voting in the State of Maine. We do have this enforcement mechanism on our books today. I think you should consider this as the appropriate way to avoid the abuse of liquor on election days. Thank you.

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

Senator HICHENS: Mr. President, I ap-

preciate the remarks made by the good Senator from Androscoggin, Senator Trafton, and I will not bring that to your attention again; although, I think there can be violations that would never be discovered on an election day.

I share with you this morning a report from the Director of the Civic League, Jack Wyman. I don't know whether any of you took the time to read it, but I would like to read one paragraph, in which he says, "finally the repeal of this reasonable law would represent a further expansion of the easy and convenient availability of liquor at a time when there is a growing public support for limiting that convenient availability in fair and reasonable

In the same Legislature that tells twenty year olders-perhaps twenty-one year olders that they can no longer drink, pass Legislation that will allow people to purchase liquor on election day and still retain the respect of the Maine public. Thank you.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I'll just point out another argument in favor of this Bill that was presented to our Committee, which I don't believe was raised on the floor of the Senate the last time this Bill was debated.

We had several restaurant owners who testified that they have salesmen, people from out of State, traveling in Maine on election day and want to have dinner; they want to have a drink with their dinner and the restaurant owner can't serve it; and they were just appalled that on a Tuesday evening that they can't have a drink of liquor in Maine

Plus the fact, liquor can be sold in all municipal elections, all referendum questions on a local level. It's only the primary and the general election where liquor is not allowed to be sold on election day. Any inveterate drinker is going to know that, and get his booze the night before; or if anybody is going to promise persons drinks, they can still do it—promise them a drink after 8 o'clock—promise them a drink the day before the election or a drink after the election, or a bottle, or whatever.

There's really no reason not to pass this Bill; it is a progressive Bill for the State of Maine. THE PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Baldacci. Senator BALDACCI: Mr. President. I'd like to request the Committee Report on this particular matter.

The Committee Report was **READ**. **THE PRESIDENT**: The Chair recognizes the

Senator from Penobscot, Senator Ba dacci. Senator BALDACCI: Mr. President and Members of the Senate, I know the Committee is a very concerned Committee and over the years has brought different measures. On this particular item, they came up with a unanimous report, and I complement Senator Stover and that Committee for the work that they've done.

Why is it that we feel that liquor should not be sold on statewide election days? I don't feel that there is any one in this Legislature that would buy any one liquor to entice them to vote for them. The most honorable men and women that I have met are in this Legislative Body. I feel that if there are abuses in statewide elections, then we should consider the state committees. The Democratic State Committee when it gets together; the American Legion when it gets together, in terms of its statewide conventions. Maybe, you know, banning it during those times, because we're banning it for statewide elections.

I think there are some real questions. A town like Bangor, when there are people on the ballot who can sell liquor, beer and wine morning, noon and night when there's a referendum at the state level they can sell liquor, but when there's a primary or a general election, you

can't sell liquor. It is very confusing
This was done, maybe fifty years ago, there were abuses. At today's prices, there won't be very many abuses. I don't think those problems we had involved ourselves with fifty years ago are here today. I think that that particular day ought to be treated as any other day.

I would hope when we look at one-hundred and eighty-six people that are on the ballot and we're saying, "we want the population of the State of Maine to be dry when they're voting for them, but not dry when they're voting for anybody else or any other thing." Then, I think we're placing ourselves in a position where we don't think very well of ourselves.

I think that this is a good Body; there are honorable people here, the best that I've met; so I think that what we're doing here is voting to insure that they'll be that kind of represen-

tation in the future. Thank you.
Senator CLARK of Cumberland who would have voted Yea requested and received permission to pair her vote with Senator BERUBE who would have voted Nay.

The pending question before the Senate is

PASSAGE TO BE ENACTED

A Yes vote will be in favor of Enactment. A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEAS-Senators, Andrews, Baldacci, Black, Brown, Bustin, Danton, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Kany, Na-jarian, Sewall, Stover, Trafton, Twitchell, Usher, Violette, The President—Charles P. Pray.

NAYS-Senators, Hichens, Matthews, Maybury, McBreairty, Pearson, Perkins, Shute, Tuttle, Webster

ABSENT:-Senators, Carpenter, Chalmers, Diamond.

Senator BLACK of Cumberland was granted permission to change his vote from Nay to Yea.

21 Senators having voted in the affirmative and 9 Senators in the negative, with 3 Senators being absent, and 2 Senators having Paired their votes, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

The Senate called to order by the President.

Senator PERKINS of Hancock was granted unanimous consent to address the Senate Off the Record.

Senators MATTHEWS of Kennebec was granted unanimous consent to address the Senate On the Record

Senator MATTHEWS: Mr. President and Members of the Senate, I will be very, very brief.

I hope that during today some time, you'll set aside a little time to reflect upon an event which will "live," I think are the words of President Roosevelt -"live in infamy." This deals with the Nazi Holocaust.

Today is the anniversary of the liberation of the concentration camp at Buchenwald where thousands of Jews. Poles and others were put to death in the gas chambers. It is a situation which none of us like to recall or think about, but I think as a product of a younger member of this great country of ours, I hope that the world will never experience again a tyrannical leader like the country of Germany had in the '30's and '40's

I pray to the good Lord above that we never go through a situation like this world had to go through in the Second World War. So set aside some time today to think of the millions of people that were put to death during the Second World War and pray that that will never happen again. Thank you.

Under suspension of the Rules, on motion by Senator USHER of Cumberland, there being no objections all matters previously acted upon were sent forthwith.

On motion by Senator DUTREMBLE of York 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:

SENATE PAPERS Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients" (Emergency) (S.P. 477) (Presented by Senator BROWN of Washington) (Cosponsored by: Representative HOLLOWAY of Edgecomb, Senator SEWALL of Lincoln, Representative RUHLIN of Brewer)

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

Sent down for concurrence.

Bill "An Act Concerning Children in Need of

Social Services" (S.P. 478) (Presented by Senator KANY of Kennebec) (Cosponsored by: Representative BOST of Orono, Representative CASHMAN of Old Town, Senator BUSTIN of Kennebec)

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

Sent down for concurrence.

Bill "An Act to Make Improvements in the State Workers' Compensation System. (S.P. 479) (Presented by Senator DOW of Kennebec)

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

Sent down for concurrence.

COMMITTEE REPORTS Senate

Leave to Withdraw

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

Bill "An Act to Establish a Maine Commission for Men" (S.P. 315) (L.D. 804)

Senate at Ease

The Senate called to order by the President.

Out of order and under suspension of the Rules the Sente considered the following: COMMUNICATION

The Following Communication:

STATE OF MAINE HOUSE OF REPRESENTATIVES **AUGUSTA, MAINE 04333**

April 10, 1985

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

Dear Madam Secretary: The House voted today to adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Education on Bill "An Act to Provide

Teacher Professional Time During the School

Day" (H.P. 158) (L.D. 192)

Sincerely, S/ Edwin H. Pert Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS House

Ought to Pass As Amended The Committee on EDUCATION on Bill "An

Act to Increase the Limit on New School Bus Purchases" (H.P. 390) (L.D. 539)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-62).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-6AND HOUSE AMENDMENT "A" (H-66)

Which Report was READ and ACCEPTED, in concurrence

The Bill READ ONCE.

Committee Amendment "A" (H-62) was **READ** and **ADOPTED**, in concurrence

House Amendment "A" (H-66) READ and ADOPTED in concurrence.

The Bill as Amended TOMORROW AS-SIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Increase Fairness to Workers" Compensation Claimants" (H.P. 864) (L.D.

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

Bill "An Act to Increase Academic Learning Time" (H.P. 862) (L.D. 1215)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in NON-CONCURRENCE.

Sent down for concurrence.

House As Amended

Bill "An Act to Provide a 10% Contingency in the School Construction Debt Service Limit (H.P. 423) (L.D. 603) (C "A" H-63)
Which was READ A SECOND TIME and

PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) (S.P. 476) (L.D. 1278)
Which was **READ A SECOND TIME** and

PASSED TO BE ENGROSSED.

Sent down for concurrence

ORDERS OF THE DAY

The President laid before the Senate the Tabled and Later Assigned matter:

HOUSE REPORTS — from the Committee on LABOR on Bill "An Act to Provide for the Negotiability of Transfers, Reassignments and Promotions for Teachers" (H.P. 530) (L.D. 750)

Majority Report - Ought to Pass as Amended By Committee Amendment "A" (H-61) Minority Report — Ought Not To Pass
Tabled — April 10, 1985, by Senator
VIOLETTE of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT

(In House April 9, 1985, Bill and accompanying papers INDEFINITELY POSTPONED.) (In Senate April 10, 1985, Reports READ.) On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT.

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

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

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

(Off Record Remarks)

On motion by Senator CLARK of Cumberland

ADJOURNED until 9:30 tomorrow morning.