

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 16, 1985
Senate called to Order by the President.

Prayer by Major Walter Douglas of the Salvation Army in Augusta.

MAJOR DOUGLAS: Before the prayer, I wish to thank the Members of the Senate for the beautiful proclamation and how it was presented, on behalf of our one-hundredth anniversary. It was greatly appreciated.

Shall we pray. Heavenly Father, in this moment of prayer when there is silence in the Senate Chamber, may there not be silence in Thy presence. May our prayers be heard, for you Lord, know what has to be accomplished this day and this week. You know the problems that affect the people of this great State of Maine. May the solutions be found through Legislation that would be accepted by all.

May the Members of this awesome Body depend not only on wisdom, experience and advice of friends and colleagues; but see fit to seek Thy guidance and blessing.

May the mighty power of the Holy Spirit be present to give courage and wisdom to do what is right. Use these moments, O Lord, to make any thought and feeling what they ought to be, that we may be able to do things for Thy sake, we would not have done for our own, for the sake of others.

Bless each and every member here, in Thy Holy Name we pray. Amen.

Reading of the Journal of Friday, April 12, 1985.

(Off Record Remarks)

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Make Permanent the Special Fuel Tax Act" (Emergency) (H.P. 316) (L.D. 405)
In Senate, April 10, 1985, **PASSED TO BE ENGROSSED** in concurrence.

Comes from the House, April 12, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT A (H-72)** in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Sewage Treatment and Water Quality Improvement Facilities" (H.P. 907) (L.D. 1306)

Comes from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

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

Bill "An Act to Establish the Office of the Small Business Ombudsman" (H.P. 909) (L.D. 1307)

Committee on **BUSINESS AND COMMERCE** suggested.

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 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 Create a Consumer Toll-free

'Hotline' for Information, Referrals and Assistance Pertaining to Medigap Health Insurance Policies" (H.P. 347) (L.D. 468)

Bill "An Act Regulating Places Where Massages are Given and their Employees" (H.P. 559) (L.D. 831)

Bill "An Act to Enhance Educational Opportunities at the University of Maine at Augusta, Lewiston-Auburn Learning Center" (Emergency) (H.P. 524) (L.D. 744)

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 Restrict Contingency Fees Charged by Attorneys in Medical Malpractice Suits" (H.P. 384) (L.D. 528)

Bill "An Act Concerning the Posting of Bonds by Plaintiffs in Medical Malpractice Suits" (H.P. 394) (L.D. 543)

Bill "An Act Relating to the Extension of Benefits by Participating Districts under the Maine State Retirement System" (H.P. 803) (L.D. 1149)

Bill "An Act to Require All Restaurants to Provide Rest Rooms for their Patrons" (H.P. 710) (L.D. 1020)

Ought to Pass in New Draft under New Title

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Allocate Oil Overcharge Money" (Emergency) (H.P. 308) (L.D. 397)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Appropriate and Allocate Oil Overcharge Money" (Emergency) (H.P. 906) (L.D. 1283)

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

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

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

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act Relating to Employment of Minors Under the Liquor Laws" (H.P. 311) (L.D. 1281)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Amend the Liquor Laws" (H.P. 904) (L.D. 1281)

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

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

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

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Provide for Licensing of Bottle Clubs" (H.P. 189) (L.D. 223)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Provide for Registration of Bottle Clubs" (H.P. 905) (L.D. 1282)

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

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

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

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

Divided Report

The Majority of the Committee on **STATE GOVERNMENT** on Bill "An Act to Authorize the Use of Energy Service Companies and 3rd-party for Conservation Improvements at State Facilities" (H.P. 302) (L.D. 391)

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

Signed:

Senators:

KANY of Kennebec
ANDREWS of Cumberland
HICHENS of York

Representatives:

BOUTILIER of Lewiston
GWADOSKY of Fairfield
DESCOTEAUX of Biddeford
LACROIX of Oakland
COTE of Auburn
NADEAU of Saco

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

Signed:

Representatives:

HICHBORN of LaGrange
DILLENBACK of Cumberland
WENTWORTH of Wells
SPROUL of Augusta

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Municipal General Assistance Law" (H.P. 576) (L.D. 847)

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

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec

Representatives:

MANNING of Portland
CARROLL of Gray
NELSON of Portland
MELENDY of Rockland
BRODEUR of Auburn

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

Signed:

Senator:

GILL of Cumberland

Representatives:

ROLDE of York
SEAVEY of Kennebunkport
TAYLOR of Camden
PINES of Limestone
KIMBALL of Buxton

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-71)**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

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

Senator GILL: Mr. President, I'd like to just read into the Record, if I may—say something into the Record on this particular Bill.

THE PRESIDENT: The Senator has the floor.

Senator GILL: I signed out the Ought Not To Pass Report and since then there has been an amendment that makes the Bill more palatable. At the time the Committee dealt with it, it was a large community Bill. I was concerned about

the rural and small communities that the grants would not be available to them, and with the Committee Amendment on it, it does provide for that.

House Amendment "A" (H-71) **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** report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Concerning Municipal Burial Expenses" (S.P. 98) (L.D. 296)

Ought to Pass

Senator **WEBSTER** for the Committee on **UTILITIES** on Bill "An Act to Preserve Affordable Telecommunications Equipment for Customers with Special Needs" (Emergency) (S.P. 118) (L.D. 333)

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

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

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

Ought to Pass As Amended

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for the State Vietnam Veterans' Memorial" (S.P. 290) (L.D. 779)

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

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

Committee Amendment "A" (S-48) was **READ** and **ADOPTED**.

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

SECOND READERS

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

House

Bill "An Act to Make Additional Allocations from the Federal Expenditure Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (H.P. 742) (L.D. 1052)

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

House As Amended

Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment and to Clarify the Current Statutes" (Emergency) (H.P. 417) (L.D. 583) (C "A" H-67)

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

Senate

Bill "An Act Concerning Motor Vehicle Insurance and the Household Exclusion" (S.P. 481) (L.D. 1300)

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 482) (L.D. 1301)

Which were **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 Provide for Licensing of Companies Who Apply Pesticides as Custom or Commercial Applicators (S.P. 133) (L.D. 372) (S "A" S-41)

An Act to Amend the Maine Consumer Credit

Code (S.P. 438) (L.D. 1214)

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

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

An Act to Increase the Limit on New School Bus Purchases (H.P. 390) (L.D. 539) (H "A" H-66; C "A" H-62)

(See action later today)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were 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 Concerning Eligibility to Hunt Moose (H.P. 52) (L.D. 65) (C "A" H-36)

Tabled—April 12, 1985, by Senator **GILL** of Cumberland.

Pending—Motion of Senator **McBREAIRTY** of Aroostook to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37)**.

(In House, April 10, 1985, **PASSED TO BE ENACTED**.)

(In Senate, April 12, 1985, **RULES SUSPENDED** for purpose of Reconsideration.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled until later in today's session, pending motion of Senator **McBREAIRTY** of Aroostook to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37)**.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** its action of earlier in today's session whereby L.D. 539 was **PASSED TO BE ENACTED**:

An Act to Increase the Limit on New School Bus Purchases (H.P. 390) (L.D. 539) (H "A" H-66; C "A" H-62)

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

On motion by Senator **PEARSON** of Penobscot

RECESSED until 5 o'clock this afternoon.

After Recess

The Senate called to order by the President.

Under Suspension of the Rules, there being no objection, all matters previously acted upon were sent forthwith.

(Off Record Remarks)

Senator **CARPENTER** of Aroostook was granted unanimous consent to address the Senate On the Record.

Senator **CARPENTER**: Mr. President, thank you. Ladies and Gentlemen of the Senate, I'll be very brief, but there is somebody whom, I think, we will all admit in a moment is quite special, and I would like to introduce to you all here this afternoon.

Those of you who watch or follow probasketball from time to time will probably remember something called the "Pepsi National 'Hot Shot' Contest." It is a contest—broken down into a variety of categories—I believe it is 7-9, 9-12, and 13-15 year-olds. These young people are put through a series of maneuvers whereby they go on to the basketball court and go to certain spots on the floor and shoot; and for each shot from certain areas they get certain points, and it is a national competition.

In the Chamber today as a guest of myself, is a young lady from Easton named Christen Davis. She is the daughter of Arnold and Muriel Davis of Easton. Accompanying them down here today all the way from Easton is Ted Libby her teacher from the elementary school in Easton.

Christen not only competed through, I believe, a series of six competitions, but she won the New England competitions which gave her the right to represent the Boston Celtic's. It is my understanding that each one of the twenty-three NBA teams has a representative to the national competition. This is for the age group 9-12 now—it's not just for her age group of 12; it is 9-12.

She went to Kansas City, Missouri, where in the Kemper Arena at half-time of a basketball game there, on I believe, St. Patrick's Day, Christen won the National Competition for her age group, representing the Boston Celtics, New England, Maine, Aroostook County, and more particularly Easton.

We've been going around the State House a little bit today, and I found out in the course of that tour, there really wasn't much of a contest at the national finals (nationally televised by the way. I found out the Senate President, his son and wife happened to be watching and wherever Jason is, he pointed out to his mother and father that there was somebody on there from Easton, Maine.) She, I understand, won with a score of 116 points, from again, the various spots on the floor. This is not a foul-shooting contest; this is a time event. I believe they have one minute to go to these difference spots and shoot; she got 116 points—the closest competition was 103 points, so it really wasn't that close.

I would just like the Senate to recognize Christen Davis and her parents and teacher for their accomplishment, and I have asked Christen and her group to please stand and accept the greetings of the Maine Senate. (Applause)

Out of Order and under Suspension of the Rules, the Senate considered the following:

SENATE PAPERS

Resolve, Creating a Commission to Study Age Discrimination in Employment (S.P. 483) (Presented by Senator **CLARK** of Cumberland) (Cosponsored by: Senator **ANDREWS** of Cumberland, Senator **STOVER** of Sagadahoc, Representative **HAYDEN** of Durham)

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

Sent down for concurrence.

Bill "An Act to Encourage A Viable Agriculture for Maine" (S.P. 489) (Presented by Senator **ERWIN** of Oxford) (Cosponsored by: Representative **MICHAEL** of Auburn, Representative **CROUSE** of Caribou, Representative **TARDY** of Palmyra) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

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

Sent down for concurrence.

Bill "An Act to Fund Community Response Programs to Reduce Spouse Abuse in Maine Communities" (S.P. 487) (Presented by Senator **NAJARIAN** of Cumberland) (Cosponsored by: Representative **McGOWAN** of Canaan, Representative **REEVES** of Pittston, Senator **CLARK** of Cumberland)

Bill "An Act Concerning Supplemental Appropriations for Home-based Care" (Emergency) (S.P. 490) (Presented by Senator **CLARK** of Cumberland) (Cosponsored by: Senator **GILL** of Cumberland, Representative **HICKEY** of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Authorize a Bond Issue in the Amount of \$2,000,000 to Establish an Occupational Safety Loan Fund" (S.P. 491) (Presented by President **PRAY** of Penobscot) (Cosponsored by: Representative **DIAMOND** of Bangor, Senator **TUTTLE** of York, Representative **CARTER** of Winslow)

Which were referred to the Committee on

APPROPRIATIONS AND FINANCIAL AFFAIRS AND ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Prohibit Discrimination Against Handicapped People in Insurance" (S.P. 484) (Presented by Senator **ANDREWS** of Cumberland) (Cosponsored by: Representative **RYDELL** of Brunswick, Representative **BRANIGAN** of Portland, Representative **MURRAY** of Bangor)

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

Sent down for concurrence.

Bill "An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance" (S.P. 485) (Presented by Senator **GILL** of Cumberland) (Cosponsored by: Representative **MURRAY** of Bangor, Representative **TAYLOR** of Camden, Senator **BUSTIN** of Kennebec)

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

Sent down for concurrence.

Bill "An Act to Facilitate the Collection of Child Support" (S.P. 492) (Presented by Senator **NAJARIAN** of Cumberland) (Cosponsored by: Representative **COTE** of Auburn, Representative **MELENDY** of Rockland, Representative **ROLDE** of York) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

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

Sent down for concurrence.

Bill "An Act to Amend Certain Sections of the Employment Security Law" (S.P. 493) (Presented by Senator **TUTTLE** of York) (Cosponsored by: Representative **BEAULIEU** of Portland, Representative **HALE** of Sanford, Senator **BLACK** of Cumberland) (Submitted by the Department of Labor pursuant to Joint Rule 24)

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

Sent down for concurrence.

Bill "An Act to Facilitate Detection of Drivers Operating Under the Influence of Intoxicating Liquor or Drugs" (S.P. 486) (Presented by Senator **BUSTIN** of Kennebec) (Cosponsored by: Senator **PERKINS** of Hancock, Representative **REEVES** of Pittston, Representative **BOTT** of Orono)

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

Sent down for concurrence.

Bill "An Act to Provide Toll-free Telephone Lines for Community Emergency Nonprofit Services" (Emergency) (S.P. 494) (Presented by Senator **GILL** of Cumberland) (Cosponsored by: Senator **BALDACCI** of Penobscot, Representative **NELSON** of Portland)

Bill "An Act to Authorize the Public Utilities Commission to Act on an Expedited Basis in Certain Cases" (S.P. 495) (Presented by Senator **BALDACCI** of Penobscot) (Cosponsored by: Representative **McHENRY** of Madawaska, Representative **CLARK** of Millinocket, Representative **WEYMOUTH** of W. Gardiner) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24)

Which was 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** report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Resolve, to Require the Towns of Wilton and Temple to Establish a Line Between the 2 Towns which Complies with State Law (H.P. 191) (L.D. 225)

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 Limit Ice Fishing in Class B Waters to the Period January 15th to March 14th" (H.P. 424) (L.D. 604)

Bill "An Act to Allow County Officers Who Come Into Office During the Year to be Paid Lesser Salaries than Stipulated by Law" (H.P. 605) (L.D. 875)

Bill "An Act Concerning Winter Termination of Water Utility Service" (H.P. 700) (L.D. 995)

Bill "An Act to Exempt Certain Nonutilities from the Requirements of the Utility Reorganization Law" (H.P. 628) (L.D. 896)

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 741) (L.D. 1051)

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 **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1985 (Emergency) (H.P. 913) (L.D. 1304)

Reported that 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 was **READ ONCE.**

Under Suspension of the Rules, the Resolve **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1985 (Emergency) (H.P. 914) (L.D. 1305)

Reported that 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.**

Under Suspension of the Rules, the Resolve **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding for Mapping of Streams in the Jurisdiction of the Maine Land Use Regulation Commission" (H.P. 253) (L.D. 307)

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-70).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-70).**

Which Report was **READ** and **ACCEPTED**,

in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-70) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Amend the Maine Consumer Credit Code" (H.P. 154) (L.D. 188)

Reported that the same **Ought to Pass** Amended by Committee Amendment "A" (H-69).

Comes from the House, with the Report **REPORT** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-69).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-69) was **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Authorize the Sale of Frozen Lobster Tails" (H.P. 231) (L.D. 272)

Reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-68).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-68).**

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

The Bill **READ ONCE.**

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

Ought to Pass in New Draft

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Authorize State Funding of the Penobscot Nation Museum (H.P. 239) (L.D. 280)

Reported that the same **Ought to Pass** in New Draft under same title (H.P. 911) (L.D. 1302)

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

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

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

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

Ought to Pass in New Draft under New Title

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Prevent Well Water Contamination" (H.P. 525) (L.D. 745)

Reported the same **Ought to Pass** in New Draft under New Title Bill "An Act Relating to Septic System Permits" (H.P. 910) (L.D. 1299)

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

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

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

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

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 Amend Certain Aspects of Post-conviction Review" (S.P. 154) (L.D. 421)

Bill "An Act to Amend the Probate Laws to

Allow Probate of Property Discovered up to 20 Years after Death" (S.P. 75) (L.D. 171)

SECOND READERS

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

House

Bill "An Act to Authorize the Use of Energy Service Companies and 3rd-Party Financing for Conservation Improvements at State Facilities" (H.P. 302) (L.D. 391)

Bill "An Act to Provide for Registration of Bottle Clubs" (H.P. 905) (L.D. 1282)

Bill "An Act to Amend the Liquor Laws" (H.P. 904) (L.D. 1281)

Bill "An Act to Appropriate and Allocate Oil Overcharge Money" (Emergency) (H.P. 906) (L.D. 1283)

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

House As Amended

Bill "An Act to Amend the Municipal General Assistance Law" (H.P. 576) (L.D. 847) (H "A" H-71)

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

Senate

Bill "An Act to Preserve Affordable Telecommunications Equipment for Customers with Special Needs" (Emergency) (S.P. 118) (L.D. 333)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Appropriate Funds for the State Vietnam Veterans Memorial" (S.P. 290) (L.D. 779) (C "A" S-48)

Which was **READ A SECOND TIME**.

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

ENACTORS

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

Emergency Resolve

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (S.P. 476) (L.D. 1278)

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative 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:

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

Tabled—April 16, 1985, by Senator **VIOLETTE** of Aroostook

Pending—Motion of Senator **McBREAIRTY** of Aroostook to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37)**.

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

Senator **MATTHEWS:** Yes, I request a Division. Is this a motion for Reconsideration?

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of Reconsideration, please rise in their places to be counted.

The Chair recognizes the Senator from Aroostook, Senator **McBreairty**.

Senator **McBREAIRTY:** Mr. President and Honorable Members of the Senate, I would

hope that you would vote to Reconsider. For the benefit of the new members of the Senate and to refresh the memories of you who are veterans of the five year "moose war", I'm going to try to give you a brief history and explanation of the "moose hunting law."

I sponsored the "moose bill" in 1977, 1979 and 1981—drafting a bill that allowed legal hunting of moose after forty-five years of complete protection — required many hours of patience, research, compromises and the unanimous support of the Fisheries and Wildlife Committee, the Inland Fisheries and Wildlife Department, and the help of experts on wildlife management from both the University of Maine and Canada. All three bills were passed by the House and Senate.

The first bill passed in 1977 was vetoed by Governor Longley. We did not have the votes to override.

The second bill passed in 1979 created a one-year experimental season on moose with seven hundred permits issued to residents only.

The third bill passed in 1981 created the annual moose hunting season that we have today.

With the experience gained from the experimental season and the drafting and passage of three separate moose bills, I feel that we have the best moose law in the United States and Canada. A moose hunting law that has survived three rounds in the Maine House and Senate and a public referendum, can't be too bad.

Our present law allows the Department to issue one thousand permits annually, with not more than ten percent going to non-residents and aliens. Any Maine resident, non-resident or alien who is eligible to apply for a moose hunting license is eligible to apply for a moose permit. To apply for a moose permit, Maine residents must pay a fee of five dollars, non-residents and aliens must pay ten dollars.

In 1980, seven hundred permits were issued; we had six hundred and thirty-six successful hunters; in 1982, one thousand permits were issued and we had eight hundred eighty-three successful hunters; in 1983, one thousand permits issued, seven hundred forty-five successful hunters, and in 1985, with a thousand permits issued we had eight hundred and twelve. So everybody that gets a permit does not get a moose.

In 1980, we had thirty-six thousand six hundred and thirty-six applications. In 1982, we had sixty thousand and a hundred and fifty applications. In 1983, we had fifty-four thousand eight hundred twenty-five; and in 1984, we had sixty thousand eight hundred and eighty-one, or an all-time high.

After applications are in, one thousand moose hunters are chosen by an open lottery. After being chosen by lottery, Maine residents must pay twenty-five dollars for a permit, non-residents and aliens must pay two-hundred dollars. All lucky recipients of a moose permit may, if they wish, choose a sub-permittee to accompany them on the moose hunt. The sub-permittee has the same legal hunting privileges as the permittee once they are chosen.

How does our moose law compare with other moose laws throughout the county?

In Minnesota, Minnesota has a computerized lottery permit system for moose. On moose, a person holding a permit one year, cannot hold one for five more hunts. Hunts are held every other year. So, effectively, one can go moose hunting the maximum of once in ten years in Minnesota.

Quebec has a computerized lottery permit system for moose. Permit holders are not kept out of the hunt in future years, and they are allowed sub-permittees-like our laws—pretty much the same.

Montana has a computerized lottery permit system for moose. Moose permit holders are not kept out of the lottery in future years. Now other people may accompany the permit holder, but they cannot hunt moose.

New Brunswick has a manual permit system for moose. The only manual system other than ours that I have located. Permit holders must sit out the next five seasons. That's in New Brunswick. Others can go along on the hunt but only the permit holder can kill a moose.

L.D. 65 as amended states that "no person who has obtained a moose hunting permit may apply again for another permit until two years have elapsed since the issuance of the last permit." This limitation does not apply to the sub-permittee. The sponsors and the supporters of L.D. 65 claim that the purpose of L.D. 65 is to improve the fairness of selected permit holders and prevent repeats for at least two years.

L.D. 65 in its present form will not prevent repeats, and if passed, will make our present law more unfair than it is now. The facts are that only eleven people who had permits in 1983 got repeats in 1984. While twenty-three sub-permittees who hunted moose in 1983 were repeats in 1984—more than double.

Some sub-permittees are bragging that they have legally hunted moose on every hunt that we have had so far. If we are serious about preventing repeats for two years, we should reconsider our action and accept the amendment that I plan to offer, that will prohibit the sub-permittee from hunting for two years as a permittee will have to do, if this bill passes. Thank you.

THE PRESIDENT: A Division has been requested. The pending motion is the motion by Senator **McBreairty** of Aroostook to **RECONSIDER PASSAGE TO BE ENGROSSED**.

Will all those Senators in favor of Reconsideration, please rise in their places to be counted.

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

20 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-37) PREVAILED**.

The Chair recognizes the Senator from Aroostook, Senator **McBreairty**.

Senator **McBREAIRTY:** I offer Senate Amendment "A" (S-46) and move its Adoption.

THE PRESIDENT: The Senator from Aroostook, Senator **McBreairty** offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-46) **READ**.

The Chair recognizes the Senator from Kennebec, Senator **Matthews**.

Senator **MATTHEWS:** Mr. President, a parliamentary inquiry if I may?

THE PRESIDENT: The Senator may state his inquiry.

Senator **MATTHEWS:** My inquiry is if the necessary votes for Reconsideration were actually here, is it two-thirds of the members present and voting or two-thirds?

THE PRESIDENT: The motion to Reconsider requires the majority vote; the motion to Suspend the Rules which was held last Friday inadvertently ruled by the Chair appropriately required two-thirds of those present and voting. It was a majority vote.

The Chair recognizes the Senator from Kennebec, Senator **Matthews**.

Senator **MATTHEWS:** Mr. President, I ask for the Indefinite Postponement of this Amendment. I would like to speak to my motion.

THE PRESIDENT: The Senator from Kennebec, Senator **Matthews** moves the **INDEFINITE POSTPONEMENT** of Senate Amendment "A".

The Senator has the floor.

Senator **MATTHEWS:** Mr. President and Members of the Senate, before I get into this, shortly and very quickly, to tell you why we should not accept this amendment, I just wanted to mention and clarify the Record in the Senate for those of you who have some question, my beard has nothing to do with this moose bill, and it is not a private attempt to demonstrate my opposition to what has

happened.

I do want to apologize to Members of the Senate for delaying or prolonging an issue which some of you may not know too, too much about, and there are many issues before this Legislature, this session, which I believe will require a lot of time and consideration, and I hope we can expedite the process now, finally, and do one thing or the other with this Bill.

I hope that many of you received, today, an interdepartmental memorandum from the Department of Fisheries and Wildlife.

The good Senator from Aroostook has stated his opposition to this Bill, but I would like you to know the Department of Fisheries and Wildlife took no position on the Bill. They have stated time and time again that the loss of revenue question, (which I really think fundamental to the opposition) a loss of revenue to the Department is really a red herring, when you really look under the surface at what this Bill is attempting to do and this amendment. The original amendment is attempting to do, of instituting a two-year waiting period. That is really to increase the amount of revenue at the Department, and I guess the more important issue, to do what is right and what is fair. That's what the issue is here today. It is not a loss of revenue. There are many hunters, if you will take the time to take a look at this letter; there are many hunters, even by the department's estimates, that are not putting in applications because they feel that the existing system is unfair and unjust.

They want an opportunity, and I think, again, coming back to why we started this moose hunting season in the State of Maine. The idea was in working and cooperating with game management to give the maximum amount of hunters an opportunity to go out on this hunt or to participate in the hunt.

The other point that is stressed by the good Senator from Aroostook, Senator McBreairty, the question of sub-permittees. If you believe, as the good Senator from Aroostook, Senator McBreairty does, that this original bill and amendment will lose revenue for the department, thereby you cannot support this Bill, then, you should not, and I emphasize NOT support this amendment. This amendment will certainly lose a substantial amount of revenue to the Department. It is unadministrable and absolutely unnecessary.

My bottom line, I've only been here two terms, I am not an experience moose debater. I guess I haven't been around here too long as some of you have. I can tell you that I see an attempt to scuttle the Bill, when an attempt stares you in the face. This amendment to include sub-permittees is really an attempt to kill the Bill.

This is again from the Department's people, this is something that they can't fathom and will lose a substantial amount of revenue.

I really hope that you will side with us, the Majority Report of the Committee, and do what is going to raise revenue for the Department in the long-term. Maybe that is what we have to talk about in terms of the Department of Fisheries and Wildlife, long-term, and do what is fair at the same time. Thank you.

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

Senator **CARPENTER:** Mr. President, Ladies and Gentlemen of the Senate, I am trying, also, to be fair on the Bill, and I feel badly because my good friend the Senator from Kennebec, Senator Matthews obviously believes very deeply in the Bill.

What troubles me is not so much the loss of revenue, although that is a concern. I stood here and fought here as many of you did a year ago, trying to get sufficient revenue in that Department to keep it going. I understand that there are now Bills being pushed by the Department asking for more General Fund money. More General Fund money!

How can they come before this Legislature

and ask for more General Fund money, and on the other hand, they are turning around and saying it is perfectly all right to give up eleven thousand dollars? Eleven thousand dollars is not going to make or break that Department; it is the principle of the thing.

Speaking of principles, the last time that I spoke on this Bill as a joke I said: "Are we really questioning the integrity of the Boy Scouts of America?" I expected everybody to laugh. All of a sudden the proponents got up and said: "that is exactly what we are doing."

There are hunters out there, apparently there are a lot of hunters out there who think the system is crooked, and we are validating that suspicion by passing this Bill. We are acknowledging to anybody who believes the system is wacky, that it is wacky. I don't think that it is, and I don't think that it is good precedent for this Legislature to be (I keep using the word "pandering," and I apologize, I can't think of a better word) pandering to that kind of a sentiment.

If we took a survey of our constituents with a general question of how many of you think that politicians are crooked, what do you think the result would be? Would we then put a bill in this Legislature to require all of us to show our driving records, or pass a lie detector? I am joking, but I am not joking! We are pandering to the same kind of perception, and by passing this Bill, we are acknowledging, or we are saying to those hunters, who don't get in the lottery because they don't think that everything is run on the straight and level, we are saying to them: "well you must be right, so we are going to just ignore that it costs the Department revenue, and even though we think that the system is clean, we are going to pass this Bill."

I think that it is wrong and I think that it is bad precedent. I don't think that the present amendment makes it much better, but at least if we are going to have a waiting period, let's have a true waiting period for all the people involved.

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

Senator **ERWIN:** I would like to pose a question through the Chair to anyone who cares to respond.

THE PRESIDENT: The Senator may state his question.

Senator **ERWIN:** In the memo I find here on my desk, in the next to last paragraph, last sentence, they are referring to the sub-permittee: "In addition the potential loss in revenue to our dedicated account would double." My question is, is this a misstatement of facts or what is the fee the sub-permittee pays?

THE PRESIDENT: The Senator from Oxford, Senator Erwin has posed a question through the Chair which any Senator may respond to.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator **MCBREAIRTY:** Mr. President and Honorable Members of the Senate, people seem hesitant to stand, so I did. The sub-permittee pays nothing. He doesn't have to pay an application fee; he doesn't have to pay a permit fee. He is appointed by the permittee, who pays all the bills. He just goes along with the same privilege the permittee has and hunts moose. In many cases, if the truth were known, we probably have more sub-permittees killing moose than we do permittees.

I am just going to say a couple of more things. I have a moose application here. I intend to fill it out and send it in, and hopefully, I'll get a permit. I haven't got one yet. If I do get one and I am restricted next year, I have got twenty permits here, applications. I've got twenty people already that have promised that if I send this in for them and pay their five bucks, they'll take me as a sub-permittee. Now I am going to pick my wife, she hasn't since I've known her, fired a gun; some of you that know

me probably wonder why she hasn't! She can be my permittee. All she has to do is ride in the pickup. I am going to pick her father, who is ninety-one; he can ride in a pickup; he can be my sub-permittee. I've got a granddaughter that is twelve, she can apply, and if she is picked, I'll be her sub-permittee.

I actually don't see anything in the law that prevents me, if I am lucky with these twenty permits or applications, from being a sub-permittee for two or three of these people. Two or three of them get chosen, and I am their sub-permittee, I can hunt two days with each one, and shoot three moose. If I have six, I can hunt six days. I don't see anything in the law that prevents these people from all picking me as a sub-permittee.

So, the law is not fair now, I agree; because it gives the sub-permittee the same privilege to hunt moose as the permittee. Now, if we restrict the permittee and still allow the sub-permittee to do what they can do with these permits, a sub-permittee can continue to hunt every year and shoot a moose as a sub-permittee.

Now restricting the sub-permittee two years as we restrict the permittee will make this fairer. I am not trying to kill this Bill. I have got the idea from some of you people that we should hold some people back; but we should hold both the permittee and the sub-permittee. Thank you. I ask for a Division on the pending motion.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate. First of all we should address the amendment, it seems to me that a couple of times here during this debate, I felt like standing up and asking whether we were discussing the Bill or the amendment? We have been debating the Bill all this time, when we actually should be looking at the amendment.

The amendment is not going to help this legislation. The amendment simply is killing the Bill. First of all the Department has no way of knowing who the sub-permittees are. If you buy a lottery ticket in this system and you win, it is obvious you have won. Your name is in the system. That is easy, you pay the money and the Department knows.

If you read the letter that was put on your desk earlier by Senator Matthews, you'll see that it is very difficult for the Department to find out who the sub-permittees are, without involving a tremendous amount of paper work that none of us want the Department to spend time and energy on.

I think, we have to look first at this amendment and whether you want this Bill to pass, or whether you don't. I think it is a fairness issue. I believe that there are people out there, and I can give you at least five people from my District who are relatives and friends of mine, who will not apply, because they feel the system is unfair.

Perhaps you don't agree with that; but they feel that it is unfair, because for whatever reason, the Maine Legislature has decided that there are only a thousand people, a thousand possible moose that can be shot in this state.

It doesn't seem fair to me that someone, perhaps it's only eleven. Regardless of what the number is, it doesn't seem fair to me that someone in my District, shouldn't be able to shoot, or at least have a better opportunity to shoot this moose, if someone else has had a chance last year.

I think that this is a fairness issue; and I think that we should, when we vote on this amendment today, we should decide whether we want this Bill or we don't; because, if you pass this Bill with the amendment, then a lot of you who voted for the Bill initially are not going to later on. Thank you.

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

Senator **MATTHEWS:** Mr. President and Members of the Senate, very quickly and I guess this is to try and not appear to be listening, the good Senator from Oxford, Senator Erwin raised a question, and I guess as the good Senator from Aroostook mentioned, the sub-committee doesn't pay anything right now, and that is true.

I think what the Department was attempting to say, the specific problem with having sub-permittees included, is that you would certainly create an administrative problem in trying to check the sub-permittee. The good Senator from Franklin has mentioned that to you, that would almost be impossible for the Department to do as the good Senator from Franklin has mentioned. You don't know who the sub-permittee is until that person has received a permit and chooses the sub-permittee. There is no check or documentation. So it would be unbelievably unmanageable for the Department to try to regulate that. That I just wanted to mention this.

I think the administrative cost, with all the other problems that have been mentioned here, with that administrative cost, would certainly increase the potential loss to the Department of Fisheries and Wildlife.

That, I think, is what the Department is trying to get at.

THE PRESIDENT: The pending motion is the motion of the Senator from Kennebec, Senator Matthews that Senate Amendment "A" be **INDEFINITELY POSTPONED**.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator **McBREAIRTY:** Just one quick word. I went down the other day to Inland Fisheries and Wildlife and in four hours they went through all the permittees and sub-permittees, and told me that in '84 we had twenty-three sub-permittees repeats. So evidently they do have the information down there. I would like a Roll Call on this.

THE PRESIDENT: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it required 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 pending question is the motion by the Senator from Kennebec, Senator Matthews to **INDEFINITELY POSTPONE** Senate Amendment "A")

A Yes vote will be in favor of Indefinite Postponement of Senate Amendment "A" (S-46).

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Andrews, Baldacci, Diamond, Dutremble, Gauvreau, Hichens, Kany, Matthews, Maybury, Sewall, Shute, Stover, Usher, Violette, Webster, The President—Charles P. Pray

NAYS:—Senators, Berube, Black, Carpenter, Chalmers, Clark, Danton, Dow, Erwin, Gill, McBreairty, Najarian, Pearson, Perkins, Twitchell,

ABSENT:—Senators, Brown, Bustin, Emerson, Trafton

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, the motion to **INDEFINITELY POSTPONE SENATE AMENDMENT "A" (S-46) PREVAILED**.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** I move this Bill and all of its accompanying papers be **INDEFINITELY POSTPONED**.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter moves the Bill and all accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** Mr. President I request a Division.

THE PRESIDENT: A Division has been requested.

The pending motion before the Senate is the motion by the Senator from Aroostook, Senator Carpenter that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator **McBREAIRTY:** 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 required 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 pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter to **INDEFINITE POSTPONE** the Bill and accompanying papers.

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, Andrews, Carpenter, Chalmers, Clark, Danton, Dow, Erwin, Gill, McBreairty, Najarian, Pearson, Perkins, Twitchell, The President—Charles P. Pray

NAYS:—Senators, Baldacci, Berube, Black, Diamond, Dutremble, Gauvreau, Hichens, Kany, Matthews, Maybury, Sewall, Shute, Stover, Tuttle, Usher, Violette, Webster

ABSENT:—Senators, Brown, Bustin, Emerson, Trafton

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers **FAILED**.

Which was **PASSED TO BE ENGROSSED as Amended**, in concurrence.

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

Senator **BERUBE** of Androscoggin was granted unanimous consent to address the Senate On the Record.

Senator **BERUBE:** Thank you, Mr. President, Members of the Senate, this morning, the Senate accepted a unanimous Ought Not to Pass report—a decision which the Appropriations Committee evidently had no choice but to render—precluded from doing so by a second referendum request for the cities of Lewiston/Auburn. I will say that they were most patient and gracious to listen to the long testimony.

You may be familiar with the funding mechanism of a one-time appropriation approved last session of two million dollars for an expanded university presence in Lewiston. This hinged on several factors, one of which was passage of a referendum in Lewiston/Auburn, calling for floating of a 3.1 million dollar bond issue, plus interest. This referendum failed last November.

Because of its failure, I agreed to cosponsor a measure which would have freed the two million dollars and redirected it to UMA's Center in Auburn; thereby, negating the costs of constructing a one-building only campus in Lewiston. This would have allowed for expand-

ed curricula and additional baccalaureate programs; but the local government units of Lewiston and Auburn were prevailed upon to appropriate monies in order to hold another referendum, to give the citizens of our respective communities an opportunity to reverse their decision of last November, and that failing this, the two million dollars would never be released—ever.

It is my hope that failure of passage of a second or third referendum, will not preclude my District from being afforded opportunities for post-secondary education. It is my hope that the two million dollars, will indeed be redirected to the center in Auburn, should the referendum fail once again, or at least, held in escrow until the university system can fund a local campus.

It was my hope that, for whatever underlying reasons that the needs of our area students would have been addressed with passage of this L.D., a funding geared only to upgrading educational programs—a funding which would not have taken away from our other campuses. Thank you, very much.

Senate at Ease

The Senate called to order by the President.

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

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

(Off Record Remarks)

On motion by Senator **CLARK** of Cumberland, **RECESSED** until the sound of the bell.

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 REPORT

House

Divided Report

The Majority of the Committee on **STATE GOVERNMENT** on **JOINT RESOLUTION MAKING APPLICATION TO CONGRESS CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET (H.P. 520) (L.D. 740)**

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

Signed:

Senators:

KANY of Kennebec
ANDREWS of Cumberland

Representatives:

GWADOSKY of Fairfield
BOUTILIER of Lewiston
LACROIX of Oakland
COTE of Auburn
NADEAU of Saco
DESCOTEAUX of Biddeford

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

Signed:

Senator:

HICHENS of York

Representatives:

HICHBORN of Lagrange
SPOUL of Augusta
DILLENBACK of Cumberland
WENTWORTH of Wells

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

Which Reports were **READ**.

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

Senator **KANY:** Mr. President, fellow

Senators, I move acceptance of the Majority Ought Not to Pass Report.

THE PRESIDENT: The Senator from Kennebec, Senator Kany moves the Senate accept the Majority **OUGHT NOT TO PASS** Report.

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** I request a Division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator **PERKINS:** I request a Roll Call.

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

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

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

Senator **CLARK** of Cumberland who would have voted Yea requested and received permission to pair her vote with Senator **GILL** of Cumberland who would have voted Nay.

Senator **TWITCHELL** of Oxford who would have voted Nay requested and received permission to pair his vote with Senator **PEARSON** of Penobscot who would have voted Yea.

Senator **STOVER** of Sagadahoc who would have voted Nay requested and received permission to pair his vote with Senator **BUSTIN** of Kennebec who would have voted Yea.

Senator **MAYBURY** of Penobscot who would have voted Nay requested and received permission to pair her vote with Senator **TRAF-TON** of Androscoggin who would have voted Yea.

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Kany that the Senate **Accept** the Majority **Ought Not to Pass** Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Mr. President, Ladies and Gentlemen of the Senate, I'll be very brief; I'll simply say to you that there are a few of us who recall last week on this issue—twenty-nine to zero—on whether or not you supported a balanced budget?

It was unanimous of those who were here. Due to illness, I was not here as were five other people, and I would say to you that I plan to vote for the Majority Report today; but I do want to go on Record that I, for one, support the balanced budget as all of you do, but I do think there are some logistic and some technical, and some other kinds of problems with the way we might be going about it, if we passed this particular Bill.

I want to be sure that everybody knows where this one Senator stands and that is, I do support the balanced budget; on the other hand, this is not necessarily the way we should go about doing just that. Thank you very much.

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

Senator **KANY:** Mr. President and Senators, I just want to review just exactly what it was that we unanimously voted in favor of on Friday. We voted not for a Constitutional Convention, as this Bill called for, but instead, we memorialized Congress to approve a Constitutional Amendment to require a Federal Balanced Budget.

THE PRESIDENT: The pending question is the motion by the Senator from Kennebec, Senator Kany that the Senate **ACCEPT THE MAJORITY OUGHT NOT TO PASS** Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Andrews, Baldacci, Berube, Carpenter, Chalmers, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Kany, Matthews, Najarian, Tuttle, Usher, Violette, The President—Charles P. Pray

NAYS:—Senators, Black, Hichens, McBrearty, Perkins, Sewall, Shute, Webster

ABSENT:—Senators, Brown, Emerson

18 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 2 Senators being absent, the motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in concurrence **PREVAILED**.

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

ADJOURNED until 10 o'clock tomorrow morning.