

# 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  
Thursday  
April 18, 1985  
Senate called to Order by the President.

Prayer by Reverend Alan Shumway of the Henderson Memorial Baptist Church in Farmington.

REVEREND SHUMWAY: Let us pray. Heavenly Father, giver of all life, we acknowledge You as ever present, ever near, ever watching and guiding. We pray that in this day of action that this Senate would be guided by Your Spirit.

That they would be delivered from trivial pursuits and would be directed in the tranquil purposes that You will for this Body.

For it is in the Name of Christ that we pray. Amen.

Reading of the Journal of Yesterday.

(Off Record Remarks)

PAPERS FROM THE HOUSE  
House Papers

Bill "An Act Relating to Investigations of Child Abuse in Institutions Licensed by the State" (H.P. 923) (L.D. 1330)

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 Concerning Pleas of Insanity" (H.P. 924) (L.D. 1331)

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 Provide Adequate Facilities for the Public Utilities Commission" (Emergency) (H.P. 921) (L.D. 1336)

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested.

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

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

(Off Record Remarks)

SENATE PAPERS

Bill "An Act to Amend the Child Witness Law" (S.P. 496) (L.D. 1334) Presented by Senator CARPENTER of Aroostook

Bill "An Act to Amend Certain Aspects of Criminal Homicide in the Maine Criminal Code" (Emergency) (S.P. 497) (L.D. 1335) Presented by Senator CARPENTER of Aroostook

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not To Pass

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

Bill "An Act Concerning the Waiting Period for the Receipt of Unemployment Benefits" (H.P. 758) (L.D. 1078)

Change of Reference

The Committee on HUMAN RESOURCES

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

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

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

Which Report was READ and ACCEPTED, in concurrence.

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

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Resolve, Concerning Blackfly Control (H.P. 435) (L.D. 617)

Reported that the same Ought To Pass as Amended by Committee Amendment "A" (H-73).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-73).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-73) READ and ADOPTED, in concurrence.

The Resolve as Amended TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627)

Reported that the same Ought Not To Pass.

Signed:

Senators:

SHUTE of Waldo  
CHALMERS of Knox  
BROWN of Washington

Representatives:

MANNING of Portland  
CROWLEY of Stockton Springs  
MITCHELL of Freeport  
SALSBURY of Bar Harbor  
VOSE of Eastport  
RICE of Stonington

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

Signed:

Representatives:

COLES of Harpswell  
CONNERS of Franklin  
RUHLIN of Brewer  
SCARPINO of St. George

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

Which Reports were READ.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you Mr. President, I move that we Accept the Ought to Pass Report of the Committee and would speak briefly to my motion.

THE PRESIDENT: The Senator from Lincoln, Senator Sewall moves the Senate Accept the Minority Ought to Pass Report of the Committee.

The Senator has the floor.

Senator SEWALL: Thank you, Mr. President. Members of the Senate, this Bill has to do with the protection of lobster gear. There has come on the market in recent years a device that is called a "spur", for all of you out on the range who raise lobsters, you'd know what that was. A spur is like a little knife that you put by your propeller, so that if you want to go zipping through lobster traps, moorings and what not, you don't have to worry about getting tangled up in them and going down there to remove that line and then retying buoys. You can just sail right through there, and you won't have

to worry at all, because it will just cut the lines or the toggles on your lobster trap, or it could also take your mooring quite smoothly and swiftly.

As much as I might like to take my Boston Whaler and zip around through Camden Harbor and what not, cutting a few moorings and thinking that it was fun, I really don't think that this is a good idea.

This Bill prohibits having this sort of gear and really our lobster industry has enough problems as it is, without allowing people to go along damaging this very expensive gear. So I would hope that you would go along with the Ought to Pass Report of the Committee.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Chalmers.

Senator CHALMERS: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I on the Marine Resources, as well as Senator Larry Brown and Senator Shute, signed the Ought Not to Pass on this Bill. It is as Senator Sewall suggests an innocuous little device which goes by the propeller of a vessel and cuts any thing that comes between it.

The problem with the Bill, the Bill says that it is unlawful to operate a watercraft. How are you going to tell? The Bill is a very simple, perhaps well meaning bill, but how are you going to tell that this device is on the bottom of the boats as they come through.

Fifty percent of the boats that come into Maine waters in the summer come from out of state. This device is not outlawed out of state. How are you going to tell the people, whoops, stop, now let's look?

You can't get down there; we have got few enough Marine Patrols as it is. How are you going to get down and police this?

There is, also, on this Bill, no penalty provision. I would ask you to vote against Senator Sewall's motion and vote Ought Not to Pass. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President. Members of the Senate. I suppose the enforcement method you wouldn't be checking every boat; but I suppose the enforcement record is when you see a little boat zipping around the harbor, and you suddenly see a bunch of boats adrift because the lines have been cut, or you see some pot buoys all floating together right in a little row, and you see a boat out there, and you report them, you have some way to arrest that person. Otherwise I don't believe you would.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Chalmers.

Senator CHALMERS: I suspect as these boats go zipping through the harbor, they'll be out of the harbor before you have a chance to spot and realize what has been going on. Also, with the number of Marine Patrol that we have got, even if you were to see a boat leave a harbor and a lot of pot buoys just kind of floating around, by the time you got on the phone, and by the time you find somebody, and by the time they came there, I suspect that you would have very little legal reason to stop the boat and say: "Hey I want to look at your propeller."

THE PRESIDENT: The pending motion is the motion by the Senator from Lincoln, Senator SEWALL to ACCEPT the Minority OUGHT TO PASS Report of the Committee.

The Chair recognizes the Senator from Knox, Senator Chalmers.

Senator CHALMERS: May I ask for a Division please?

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: 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 af-

firmative 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 Lincoln, Senator **SEWALL** to **ACCEPT** the Minority **OUGHT TO PASS** Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought to Pass Report.

A No vote will be opposed.

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

#### Roll Call

**YEAS:**—Senators, Emerson, Maybury, Perkins, Sewall, Stover, Webster.

**NAYS:**—Senators, Andrews, Baldacci, Berube, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, McBreairty, Najarian, Pearson, Shute, Trafton, Tuttle, Twitchell, Usher, Violette, The President—Charles P. Pray.

**ABSENT:**—Senators, Black, Brown.

6 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 2 Senators being absent, the motion to **ACCEPT** the Minority **OUGHT TO PASS** Report **FAILED**.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

#### Senate

##### Change of Reference

Senator **BERUBE** for the Committee on **HUMAN RESOURCES** on Bill "An Act Concerning Access to Birth Records of Adopted Persons" (S.P. 462) (L.D. 1265)

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

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

The Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

#### SECOND READERS

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

##### House

Bill "An Act Confirming and Ratifying the Transfer of Real Estate by the Ogunquit Beach District to the Ogunquit Village Corporation and Confirming the Right of the Town of Ogunquit to Permit the Use of a Portion thereof for Parking" (H.P. 342) (L.D. 459)

Bill "An Act to Provide a License to Florists for Sale of Wine and Champagne in Connection with Floral Business" (H.P. 912) (L.D. 1303)

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

Bill "An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature" (Emergency) (H.P. 928) (L.D. 1333)

Which was **READ A SECOND TIME**.

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

Senator **GAUVREAU:** Thank you, Mr. President, Men and Women of the Maine Senate. I now present Senate Amendment "A" (S-50) and move its Adoption, and would also request leave to address the Senate on my motion.

**THE PRESIDENT:** The Senator from Androscoggin, Senator Gauvreau presents Senate Amendment "A" (S-50) and moves its Adoption.

Senate Amendment "A" (S-50) **READ**.

**THE PRESIDENT:** The Senator has the floor.

Senator **GAUVREAU:** Thank you, Mr. President and Men and Women of the Maine Senate. The purpose of the amendment which I am offer-

ing this morning is to strip the emergency preamble from L.D. 1333. The effective result of this would be to defer implementation of the Bill until the Second Regular Session of the 112th, next January.

I support the concept which is addressed in this particular piece of legislation. I do think that it is beneficial for us to have a definitive end of the Session date. I think that that would assist us in planning. It would provide incentives for the Committees and for the Governor to get legislation in early. I think that it would also help us get out of here at a reasonable time in June.

I do have some real concerns about implementing a June 15th date this year. I think that that would create many practical problems for some of the Committees. As you know, we are running substantially behind in Appropriations this year. The Appropriations Committee is still on Part I, and if we were to impose this Legislative straitjacket upon ourselves, I think that it inevitably would impede the deliberative aspects of the legislative process for this year.

What I suggest is that we defer implementation of this Bill for the Second Regular Session. If we do such, certainly we would put the Governor's Office on notice to get legislation in promptly, so that we can begin to consider legislation in January and February, rather than waste time until the hot months arrive.

So for these reasons, I am urging that you Adopt Senate Amendment "A" in order to assure ourselves that we do fulfill our obligation to carefully consider all legislation coming before this Body this year; and then move on with proper planning to address the definitive end of session plan which is embraced in L.D. 1333. Thank you.

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

Senator **KANY:** Mr. President and Senators, I urge you to oppose the amendment. I must say, that I am sympathetic to a degree with this amendment, in that the preliminary consensus of our Committee was to do precisely what the good Senator from Androscoggin Senator Gauvreau is suggesting, and that is to begin our reform or our change next year.

Upon further reflection our Committee almost unanimously, with a single abstention of the good Senator from York, Senator Hichens, decided that why not, why not begin this year, why not set a date certain, why not allow those who seek summer employment and who need to make other plans have a greater indication of the approximate date? Our Senate President has indicated if we continue with the current statutes, we perhaps would get out approximately June 26th. Our current statutes do allow four or five days extensions upon a two-thirds vote of each House, and that portion of the statutes would continue, even with the suggested change.

Once again, our current statutes call for one hundred days the first annual session and fifty days the second annual session and then with the five day extensions.

What is being proposed here is going to a date certain, basically June 15th in the first year and April 15th in the second. The amendment before us would remove the emergency preamble which obviously means that the new law would not apply to our current session.

I urge you to defeat the amendment before us. I ask for a Division.

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

Senator **HICHENS:** Mr. President and Members of the Senate, the gracious lady from Kennebec, has correctly stated that we, in Committee, considered the fact of having it become effective in another year, and then that was turned down. She was incorrect. I did not abstain. I would have liked to abstain, but I did go along with the report so that it could come out onto the floor.

I do urge you to accept this amendment. Yesterday I stated that we had thirteen hundred and seven bills already printed; that has gone up to thirteen hundred and thirty-three as of this morning, checking my book. We have acted on three hundred and ten bills, which leaves in my calculations one thousand and twenty bills that we still have to act upon.

This is the eighteenth day of April. This is a Bill that if it is passed without the amendment, would make it that we would be getting out the fifteenth of June, just figure it out for yourself.

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

Senator **ANDREWS:** Thank you, Mr. President. Mr. President, Men and Women of the Senate, I just want to add a few comments as a Member of the State Government Committee. I think that the good Senator from Kennebec, Senator Kany reflected the discussion and deliberation on the issue quite well.

Since we made the decision to put on the emergency preamble for the reasons that Senator Kany stated, however, several Members of the Legislature have talked to me about their concerns, the timing that they have placed both in their committees and individually as legislators, and they are concerned that we are changing the rules in the middle of the game, and the fact that it could put undue pressure on them, particularly, since when they started the session, they were anticipating the one hundred days.

I think that those comments should be taken seriously, and I have taken them seriously, and as a result, I intend to support the motion of Senator Gauvreau this morning.

I think that the intent of the legislation is to add greater clarity to when we finish our work here and make that clarity known to the public. I think that we can achieve that with this bill, but I think that it might be more prudent and fairer to begin that new system when everyone knows that that system exists in the very beginning of the game.

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

Senator **DIAMOND:** Thank you, Mr. President and Men and Women of the Senate. Keeping my comments to the amendment only, because I think that the Bill is a bad bill. The amendment I disagree with as well, even though I think the intent here is well taken. You see, dealing with this whole concept change, what this amendment is simply saying is, we will pass the bill with a majority vote and put it off until next January or the next session.

The problem with that is, we all know that there are several other problems with getting out of here early. Simply putting a bill in that says that we are going to be out June 15th does not solve the problem. Now it may deal with the summer time employment help, or it may deal with some other issues of immediacy right before us, but I maintain that this whole issue of Legislative Government is much more serious than summer help, and it is one that we have to take into great consideration.

Now I would like to be out of here as soon as anyone would, and I am not trying to promote longer Legislative Sessions, believe me, but I would ask you to think carefully about what we are doing.

Now, this amendment is simply putting things off. Now we know that there is a whole package of reform that is needed: There are rules that need to be changed; there are studies that have to be done, and I feel very confident in having the State Government Committee do that work. What this amendment doesn't say, is whose going to do it, and will it be done? Or, are we simply putting this work off until January or next session, and then this will go into effect and we'll get out a given date?

The deadline of a date certain is only one aspect of this whole problem. Now I think that

Legislative Leadership has done an admirable job in trying to deal with all of our concerns saying: "get us out of here, we shouldn't be waiting around here going a half hour in the morning and half an hour in the afternoon." They are trying to address the problem, look at the issue from both sides of the aisle, and I commend them for that.

We just don't have it done in this amendment Ladies and Gentlemen. All we have here is a change of when it will take affect. We are not dealing with the whole myriad of other problems that have to be taken into consideration, if we truly mean to have a shorter session and a more meaningful session.

So I would urge you to vote against this amendment, albeit well intended, because I think that we have much more to do than just to put it off until the next session. It is much more serious than the reasons that we have been given at this point on why we should just have a date certain to end. We need to address those issue, but we are not addressing them by this amendment. We are simply putting it off. Thank you very much.

**THE PRESIDENT** The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator **TWITCHELL**: Mr. President, may I ask to have the Committee Report read please.

The Committee Report was **READ**.

**THE PRESIDENT**: The Chair would note that the Bill was signed out by Representative Gwadosky.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON**: Mr. President and Men and Women of the Senate, I really feel awkward even saying this because I think that it should go without saying, I have no problems with the leadership of this Senate, that is obvious, and I think that it is axiomatic. I do wonder about the future.

For example, under this particular proposal of a time certain, if you were to have somebody in leadership in either Body who wanted to play games, they could bring us in here on the first day of a session, and not have any other session for a month or two. Now you say to yourself that is not going to happen, and you're probably right, it is likely not to ever happen, but it can, and I don't like that.

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

Senator **KANY**: Mr. President and Senators. I believe, for one, that the Legislature in recent years has done an excellent job in improving its process (the Legislative Process). We have streamlined things considerably, we have given ourselves perhaps adequate staff for the first time, we computerized and so on. I think we're making great strides forward. I would hope that we would go along with this proposal.

Our Committee had two bills on the subject of changing the number of days on adjournment. Of course, the State Government Committee (on which I have served by the way for nine years, this is my fifth year serving as a Chairman of that Committee over the eleven years I've been in the Legislature) has given a great deal of thought to the Legislative Process, has evaluated outside studies, and so on.

Certain, it probably would be helpful if we could set a date certain; and further, within our Rules and through our Legislative Leadership and through what we do as Committee chairpersons and Committee members, further streamline our process.

If there ends up being a problem, not only do we have that current statutory allowance of extension, but naturally, we could call in a special session; if suddenly, for instance, we did not have an appropriations bill before us, something like that. Something that extreme, we could call ourselves in as a Legislature or the Governor could call us into special session. Please keep that in mind.

We have made many improvements over the years constitutionally. Of course here, we are

talking about the constitutional language that does state: "the Legislature shall enact appropriate statutory limits on the length of the First Regular Session and the Second Regular Session." I hope you go along with this improvement and vote against the amendment before you.

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

Senator **BALDACCI**: Mr. President and Members of the Senate. I think the important thing with this particular Bill and this particular Amendment in recognizing the problem of summer employment is, that we're down here to do the peoples' business. We're here April 18th, today, and we're talking about a bill that's going to have us out of here by June 15th, less than two months: we haven't had the Workers' Compensation proposal package; we haven't had Local Measured Service; we haven't had Seabrook; we haven't had Mandatory Liability Insurance; we haven't had a whole host of issues to discuss, and we've been here since December.

We've discussed the Coon Cat; we've discussed the spurs on the lobster boats; we've discussed a lot of other things. There are major pieces of legislation, and I don't want to be here with a day or two left to discuss and debate these issues, and then all of a sudden, because we're not going to be able to be here because we passed a law today that says we're going to be out of here, having to let those things pass, not knowing the full ramifications of them.

So if it infringes on my summer employment, if it infringes on my personal life, that is the burden that I accepted when I decided to run for office as a public servant. So I would hope that when we are discussing and debating this issue, it is from that perspective. Thank you.

(Off Record Remarks)

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

Senator **DIAMOND**: Mr. President, Ladies and Gentlemen of the Senate, maybe somebody on the Committee or anyone in the Senate Chamber, the Senators could answer the question. If we are intent upon limiting the number of days we can be here, i.e., having us out on a day certain, if that is our intent, then why can't we do that now? Is there a reason why we cannot all decide that we want to be out of here June 15th? And be out of here June 15th?

I think the obvious answer is "no". There is no reason why we can't be out of here any day that we want to be out of here. But we all know that there is a lot of business to be done as the good Senator from Penobscot, Senator Baldacci just explained to us. We can be out of here any time we'd like, if it's that serious of a problem. But to put on a fake ending, which may or may not relate to the business we have left to do, doesn't make sense. We're talking about a radical, conceptual change here. It is radical and it is much more intense and much more serious than simply all of us wanting to go home.

So, I would hope that you would consider that, I would hope you would defeat this Amendment, and then when it comes time to debate the actual Bill, we can get into that as well. Thank you very much, Ladies and Gentlemen.

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

Senator **CARPENTER**: Mr. President, just to respond briefly to the remarks the Senator from Penobscot, Senator Baldacci, I agree with you, we haven't had a lot of the major issues which we have all been anticipating and waiting for this session. We have dealt with some issues which perhaps to many people seem trivial, but I guess the question why we haven't had those issues? Why haven't we had

Capital Punishment? Why haven't we had Seat Belts? Those are not bills that take a lot of time to discuss. Either your for 'em or you're agin 'em, basically, in the Committee.

Why haven't we had time? Either they won't have them—they haven't been submitted until late by somebody, and this might deliver a message to somebody that they'd better get their Bills up here quickly; or they're being held in the Committee, because we know we are going to be here one hundred days, i.e. 26th of June or the 4th of July.

You've all done papers in school; attorneys have all filed briefs in court; you've all done something and you know the age-old maxim which holds, because human nature is human nature. That maxim is: "the amount of work you have to do expands to fill the time in which you have to do it." That's the way this Legislature operates.

The Senator from Cumberland says we're making a radical conceptual change. If we are, and I'm not sure that we are, we're exchanging one deadline for another, but if we are, why does this Amendment make the Bill any better? It's no less radical next year than it is this year. All we're saying is that we don't have the internal discipline to do it this year. I think we do; I think if for some calamitous reason we had to be out of here the first of June, I submit to you, we could do it.

We could have the business of the people wrapped up by June 1st, by Memorial Day, pick any artificial date you want — one hundred Legislative days. If that's not an artificial deadline, I don't know what is!

There's concern that this Bill gives too much power to Legislative leadership. I don't think it does at all. Right now they determine if we're going to have a session to hear the prayer. That's where we're going to be if we're going to do one hundred days. We're going to come in here, we're just eaten up one Legislative day. Why are we doing that? What does that accomplish? That forces us closer to the already statutorily imposed artificial deadline. It forces us to do something. This Bill would force us to do something, because for our own purposes, and I'm parcel of it, have been for eleven years; we don't have the internal discipline to do it. It's only a statute, it can be changed, but it's more difficult to change it once it's on the books.

I don't think this is a radical departure at all. We're now basically saying to ourselves and to the world, "Folks, we've got two months to finish our business, two months, less three days to get these bills out, get them debated, take care of them one way or another". Any crises that comes up at the end of the session is going to come up at the end of the session, whether it is June 15th, or June 26th. All you're talking about right now is eleven days — eleven calendar days — that's all you're talking about. Thank you, Mr. President.

(Off Record Remarks)

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

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

Senator **ERWIN** 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 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 Chair recognizes the Senator from York, Senator Tuttle.

Senator **TUTTLE**: Mr. President, Members of the Senate, I don't mean to belabor this issue, but I feel very strongly on this issue. I would agree with Senator Diamond; I am going to vote against the Amendment, and against the Bill in general. I hope that you would do the same.

I feel that regardless of whether we pass the Amendment or not, this is like changing the rules in mid-stream. There is something unique about the Maine Legislature. I feel we do the people's business or at least we should. I think any time that we change the process to allow the leaderships' rights to supersede the rights of the membership as a whole, that we are in error. I think we are setting a dangerous precedent.

I've been around here for a few terms, as many of you have, four to be exact; and I think I understand this issue. It seems year after year, leaderships' authority is increasing, while the rights of the individual Legislator is decreasing.

It is for that reason that I would hope you would defeat this Amendment and defeat this Legislation, and allow the people's rights to prevail and not the politicians.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator **GAUVREAU** to **ADOPT** Senate Amendment "A" (S-50).

A Yes vote will be in favor of the Adoption of Senate Amendment "A" (S-50).

A No vote will be opposed.

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

#### Roll Call

**YEAS**:—Senators, Andrews, Berube, Danton, Gauvreau, Gill, Hichens, Matthews, Maybury, McBreaarty, Najarian, Perkins, Sewall, Stover, Webster.

**NAYS**:—Senators, Baldacci, Bustin, Carpenter, Chalmers, Clark, Diamond, Dow, Dutremble, Emerson, Erwin, Kany, Pearson, Shute, Trafton, Tuttle, Twitchell, Usher, Violette, The President — Charles P. Gray.

**ABSENT**:—Senators, Black, Brown.

Senator **DANTON** of York was granted permission to change his vote from Yea to Nay.

Senator **GILL** of Cumberland was granted permission to change her vote from Yea to Nay.

Senator **NAJARIAN** of Cumberland was granted permission to change her vote from Yea to Nay.

11 Senators having voted in the affirmative and 22 Senators in the negative with 2 Senators being absent, the motion to **ADOPT** Senate Amendment "A" (S-50) **FAILED**.

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

Senator **PEARSON**: Mr. President, before we rush through this, because I think we may have had (because of the debate) some impression that we were voting (while we were debating any way) on the main Bill and not the amendment. I think the fundamental question remains. I am opposed to the change, and I want to give everybody cause to think that we're voting on the main motion now.

I know there are no exact parallels, but I'd like to just throw this thought out to you: The reason in Maine we say that children in our educational system have to go 180 days or 185 days is, because we are interested in education and getting that certain number of days in for them to be educated. We don't say they go until June the 5th or June the 10th, because we know there are contingencies along the line—like snow days, the furnace breaking down in the school, or whatever. So we say we want you there, we want you there in school 180 days. Like I say, I know there is no exact parallel.

What you are doing here is, you are putting a date certain, and you're not allowing for contingencies like having caucuses that might come up from time to time involving the entire membership, as we have had in the past on the State Retirement System, as we may

want to have in the future on Workmens' Comp.

To give the flexibility that we have right now to have a number of work days, just the committee work for caucuses as they might come up; instead of that, I see us pressed a little harder against the date in the future, that is to me, completely artificial. That is why I think when we did our educational laws we said we want a certain number of days, and that is why I think a certain number of days is better than a time certain as far as this Legislature is concerned.

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

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON**: I ask for a Division.

**THE PRESIDENT**: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY**: Mr. President, I ask for a Roll Call, and further, I urge you to vote in favor of the motion before us.

**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 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 Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator **SEWALL**: Thank you, Mr. President. Members of the Senate, I'd like to direct a question to the Chairman of the State Government Committee, and that is: "why in this case didn't the State Government Committee simply put out a resolution memorializing the leadership to end this session?" Now that's how the majority of this Body dealt with the question of the balanced budget, but rather than passing a bill which would have a meaningful effect and being the thirty-third state to go along with the balanced budget amendment; we didn't do that. No, we passed a resolution thing and thought that it was a fine idea with not much meat in it.

We feel that Congress can handle it themselves, that they can take care of that deficit, and they can do it with us just giving them the idea rather than putting any strength in it. Why aren't we doing the same thing here? Suddenly we decide that those people here can't handle it, so we have to pass a law. We do think they can handle in Congress. I'm really, sincerely confused.

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

Senator **DUTREMBLE**: Mr. President and Members of the Senate, I can assure the good Senator from Lincoln, Senator Sewall that if I was voting for a Constitutional Convention on shortening the days of the Legislature, I wouldn't be voting for it. Since I have the opportunity here to be voting on something, I guess I'm going to do it; I'm not going to memorialize something I guess I can vote for myself.

I just want to stress that a lot of you who are opposed to this Bill and have the concern that by doing this we are giving leadership a great deal of power — more power than what they already have. I feel just the opposite. It seems to me that I've been here; it's my fourth term and at the end of every session, I hear legislator after legislator complain of the power that leadership has because they keep dragging on this session. I have a great deal of respect for leadership on both sides of the aisle, but I can still remember legislators sitting on the front porch and hallways, just waiting for leadership to get their little games done and over with. I must say Appropriations is usually a Commit-

tee that is part of this little charade that goes on at the end of each session.

I guess, by voting for this Bill, I feel I'm getting some of the power back into my own hands, by saying "you can have all the fun that you want but by June 15th it had better be over." It doesn't make any difference to me. I think we could pass a bill here saying May 30th, and we could get the business done by the 30th, if people want to get down and start doing their work.

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

Senator **KANY**: Mr. President and Senators, the Senator from Lincoln, Senator Sewall, spoke in jest I realize, but I did want to let you all know that the reason we must do something statutorily is because we are required to do something statutorily by our State's Constitution.

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

Senator **DANTON**: Mr. President, not to belabor this but, I feel that if I didn't get up to say something, I just wouldn't be doing my duty as a State Senator.

I've heard words used "power, leadership," that's not the issue here. I don't know whether I am going to support this. I think what we should be talking about, especially, having these people visiting us today is "efficiency" that's what we should be looking for — to be an effective legislature.

Leadership, we have to be happy with them. We elected them. Let's not blame everything on leadership. You know leadership is here now. They are our leaders; we accept them and we love them, but let's talk about "effectiveness."

Yesterday, when we had a meeting I brought out some points. The Senator from Aroostook, Senator Carpenter said in his speech, "somebody should hear the message about getting the bills here sooner," and he is right. The "somebody" is the Chief Executive but it's not his fault.

It's the Department Heads. When we leave here in June, in fact, right now, today, they know exactly what they want for Legislation next year. I'm sure those of you that have been here awhile believe me when I say that. They know what they want. They just don't ask for everything this year because they know they won't get it. So, they give us a little bit this year and next year they'll come up with a different number on the bill. They'll give it to the Chairman of Appropriations, and then we'll give them the rest of the money or whatever they may need.

So, we're talking about "efficiency." We need our bills here from the Executive by November 1st. We should allow the Executive, whoever he or she may be—the next Executive—for some emergency bills. Then when we come here in December and January, we can be acting on the Executive Bills. When we get through those two months with the Executive Bills, then we can start on our own bills, and that will speed up the process; but we can't have all kinds of bills coming up, whether it's the seatbelt bill or a helmet bill or a clam bill or any bill you want to talk about, because we haven't reached that point yet of being efficient. We have to change with the times.

Just because it has been going on since 1820 that the Executive can introduce a bill any time he wants. You know it isn't chiseled in granite anywhere in this State House, I haven't seen it, I've been looking at it for fourteen years now. Let's change that! That's the first beginning.

Then put a little authority in our committees. You know this business of one person signing a bill out "Ought to Pass" allows that bill to go through the Legislative process. The money that we spend—all the paperwork and the man-hours that are used—it's ridiculous! You should have at least two members from the



House, one member from the Senate; at least, you have spokesmen in both branches. If the bill has any merit, it will go along its merry way. Other than that, that's the end of it. It should be done in committee.

Now these are some of the things that I have echoed time and time again. In fact, I've said these things long before some of you even came to the Maine Legislature, but what would a little guy like me know about "efficiency"? Well, I think we should start thinking about these things. I think we will find future Legislators will come here, and they'll be more effective for their constituency, and that's the bottom line in government. Or else, we may end up like that other Body down in D.C., and God help us, if that happens to the Maine Legislature. Let's correct it now!

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

Senator **KANY:** Mr. President and Members of the Senate, I just want to read Joint Rule 24 to you just to remind all of us that: "cloture for State Departments, Agencies, or Commission's bills or resolves (just got a new pair of glasses recently, and now I can understand why I need them—very small print).

It says, "no request for a bill or resolve may be submitted to the Director of Legislative Research on behalf of any State Department, Agency, or Commission after the first Wednesday in December. If the Governor has been newly elected in November preceding the convening of the First Regular Session, any bill or resolve introduced on behalf of a State Department, Agency or Commission shall be submitted within thirty days after the Governor is administered the oath of office."

I would just like to say to the good Senator from York, Senator Danton, or any other Senator who would like to see a change that we can change the joint rules on this; and perhaps, legally we do not even need to accept such Legislation after the deadline from below.

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

Senator **DIAMOND:** Thank you, Mr. President, Men and Women of the Senate, I want to attempt to comment; I'm not really clear what the previous Senator, Senator Kany from Kennebec is doing but I do want to say two things:

First, I'm pleased that we did kill that amendment, and I would agree with everybody here and leadership, in particular, that we have a problem, and I think that we need to address it. I would point out a couple ways we should do that. We should have a committee study and maybe the State Government Committee, as I indicated earlier, might do that over the summer, and look into this and the other facets of this problem. Legislative Council should appoint a subcommittee to look into this as well. Now the Legislative Council have a computer subcommittee, they have a personnel subcommittee, they even have a space committee, and it would seem to me that we might be able to have this group that would need that kind of guidance, also look at this problem — to look for a resolution.

As the good Senator from York, Senator Danton pointed out, there are several other areas of concerns, rules and regulations, in our case, rules, we need to change for the committee process, to make this whole problem come to an end, and it is not a new problem.

There are some definite things that we can do. The last thing we should do is to simply pass a bill that says, "our ending date is going to be June 15th." That totally avoids the problem. That does not address all other issues we know lie there. All I'm saying is "let's have some people that we know and trust, a State Government Committee, maybe, and Leadership and look at this thing and come back to us in January and say "yes, here's our solution", and we're addressing all these problems. Let's not

close our eyes and say, "boys, it's going to be nice to be out of here June 15th" and go straight for the line and pass this Bill right now.

I urge you to vote against the Bill. Thank you very, very much.

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

Senator **HICHENS:** Mr. President and Members of the Senate, there's one point that hasn't been brought out in all of this debate, yet. One of the sponsors of the bills which were presented to the State Government Committee, stated that some Legislators would stay here all summer long for the pay that they get. I'm sure that that is a misstatement because our salary ends in another three weeks, yes, about six weeks rather, the first of June; after that, we collect only expense pay, which is fifty dollars a day. That goes toward our board and room, our travel expense and so forth, and I'm sure that a great many Legislators aren't going to stay around here into late June when it is so balmy and nice outside for about fifteen dollars a day which they may glean, as a profit.

There has been a lot of publicity lately about retirement pay that the Legislators get. We don't get any extra retirement pay by being here until the first of September than we do by getting out the fifteenth of June.

So, I think those arguments are very weak, indeed, and again I would ask you to defeat this Bill.

(Off Record Remarks)

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

Senator **ANDREWS:** Thank you, Mr. President. Men and Women of the Senate, very briefly, I think that we might be making a mountain out of a mole hill, on this particular Bill. I thought the amendment that we had before us was a good one. I am sorry that it was defeated, but I don't think that this is a radical piece of legislation. It is a piece of legislation that is trying to bring some clarity and definitiveness to the ending of our deliberations here in the Senate.

My concern for this, perhaps, catching some people off guard, being placed at the time that it does, in the middle of a session, is somewhat adverted by the fact that we have the opportunity to extend the session five days, and we have that opportunity on two different occasions. So if we are facing a tense situation; if we need the extra time, there is a provision, currently, and we are not changing that provision if that extension can be granted.

By the way, and it has been mentioned in this debate, I would just like to remind us all, that we are only talking about an eleven calendar day difference from what we have right now; and if we need those extra days we have the authority under the laws that we have right now, and this doesn't change it to extend it to that period.

So for that reason despite the fact that it is not an ideal situation, I would like the amendment to go through. I intend to vote for this, for those reasons.

**THE PRESIDENT:** The pending question is the Passage to be Engrossed.

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.

The pending question before the Senate is: Passage to be Engrossed.

A Yes vote will be in favor of passage to be engrossed.

A No vote will be opposed.

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

#### Roll Call

**YEAS:**—Senators, Andrews, Berube, Bustin, Carpenter, Chalmers, Clark, Dow, Dutremble, Emerson, Erwin, Gill, Kany, Najarian, Perkins, Shute, Usher, Violette, Webster, The President—Charles P. Pray.

**NAYS:**—Senators, Baldacci, Danton, Diamond, Gauvreau, Hichens, Maybury, McBreairty, Pearson, Sewall, Stover, Trafton, Tuttle, Twitchell.

**ABSENT:**—Senators, Black, Brown.

19 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators being absent, the Bill **PASSED TO BE ENGROSSED**, in concurrence.

#### ENACTORS

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

#### Emergency

An Act Concerning Persons on Partial Release from a Mental Health Institution (H.P. 856) (L.D. 1213) (S "A" S-47)

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:

#### Joint Order

#### Joint Resolution

The Following Joint Resolution: (H.P. 929) **JOINT RESOLUTION COMMEMORATING THE "DAYS OF REMEMBRANCE" OF THE VICTIMS OF THE NAZI HOLOCAUST**

WHEREAS, 40 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systemic program of genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors must never be repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, the people of the State of Maine should remain eternally vigilant against tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the international community will be commemorating the week of April 14th through April 21st as the "Days of Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

**RESOLVED:** That We, the Members of the First Regular Session of the 112th Legislature on behalf of the people of the State of Maine, in memory of the victims of the Nazi Holocaust through this international week of the commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

**RESOLVED:** That a duly authenticated copy of this resolution be immediately submitted by the Secretary of State to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Comes from the House **READ** and **ADOPTED**.

Which was **READ**.

**THE PRESIDENT:** The Chair at this time is pleased to recognize in the rear of the Chamber, Greta Haas, a survivor of the Nazi Holocaust. She represents the survivors and the victims of that time. The Chair would ask the Sergeant-at-Arms to please escort Greta to the rostrum.

The Chair would ask Greta to say a few words on behalf of the people that she represents.

**GRETA HAAS:** Thank you Mr. President,

Senators, it is with great emotion that I accept this honor, mostly for the victims of the holocaust, among whom I count my own family and I, also, accept this for all the survivors, who as I myself are extremely grateful to live in this Country.

It is a joy to listen to you debate legislation; in my youth this was not done. Laws and decrees were simply handed down. It is a great thrill for me to watch democracy in action.

I thank you very much.

The Sergeant-at-Arms escorted Greta Haas from the rostrum amid applause of the Senate. The Members rising.

Which was **ADOPTED**, in concurrence.

On motion by Senator **CHALMERS** of Knox,  
**ADJOURNED** until 12 noon tomorrow.