

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
Monday
May 6, 1985
Senate called to Order by the President.

Prayer by the Reverend Winifred Reynolds, Pastor Emeritus of the Windsor Memorial Baptist Church in Windsor.

REVEREND REYNOLDS: Our Father, God, as we listen to the singing of the birds, see the spring flowers and feel the soft rain, we are reminded of the eternal springtime of the resurrection of our Lord. And so we come to Thee, we with our limited understanding and our need to come, pray not that while we are bent to our own desires, we may seek, our will with Thine.

And we pray that the completeness of Thy knowledge may flow around our incompleteness and that the peace of doing Thy will may replace our restlessness. As human hands have carried the ark of our heritage through the decades past, we believe Thy hand has been there to guide. And so we would pray that this day of deliberations may also be guided by Thee. May each have the courage to speak for, and act upon that which we know to be right and not be bludgeoned by the determination of others to do otherwise. Give us the courage to be strong, we pray in Jesus name, Amen.

Reading of the Journal of Friday, May 3, 1985.

Senator HICHENS of York was granted unanimous consent to address the Senate On the Record.

Senator HICHENS: Senator Clark, May 6, 1985. As the 6th day of May dawns bright and fair, of a colleague's birthday, I make you aware. A lady fair who's been around for several terms and now she's found, a position of leadership in our midst, and her place in the sun rarely is eclipsed.

She came to the House a few years back, then moved to the Senate. She does not lack enthusiasm, that's for sure. And on most issues is not obscure. She's not afraid to speak her mind and in controversy, oft we find her in the forefront, we all know, the way she'd like for us to go.

Constituents she does inform, her mailings are above the norm, if they don't know what's going on, it's not her fault, for she is one who keeps issues well in hand and tries for all to understand.

I could go on with comments more, but none of you I wish to bore. So not to keep you in the dark, join me in wishing Nancy Clark a very Happy, Happy Day, on her Birthdate, The 6th of May.

PAPERS FROM THE HOUSE House Papers

Bill "An Act to Amend the Laws Concerning Immunity so as to Address Juvenile Crime" (H.P. 1008) (L.D. 1456)

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 Establish the Office of Inspector General to Investigate Fraud, Waste or Abuse in the Expenditure of Public Funds" (H.P. 1009) (L.D. 1457)

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.

Reported Pursuant to Resolves of 1983

The Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs reports, pursuant to Resolves 1983, Chapter 47, as amended by Resolves 1983, Chapter 86, that the accompanying Bill "An Act to Improve the Availability, Quality and Delivery of Services Provided to Children with Special Needs" (Emergency) (H.P. 1010) (L.D. 1454)

Be referred to the Joint Standing Committee on HUMAN RESOURCES for Public Hearing and ORDERED PRINTED, pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED, and the Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS, and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Joint Resolution

The following Joint Resolution: H.P. 1007

JOINT RESOLUTION EXPRESSING CONCERN OVER THE VIOLENCE BETWEEN PROTESTANTS AND CATHOLICS IN NORTHERN IRELAND

WHEREAS, The recent assassination of James Graham, a school bus driver and member of the Ulster Defense Regiment, a predominantly Protestant part-time militia organization in Northern Ireland; and

WHEREAS, that act of lethal violence has been claimed by members of the Irish Republican Army, a predominantly Catholic paramilitary organization; and

WHEREAS, that act of violence contributed in no way toward stopping the alarming number of deaths that have occurred in Northern Ireland; and

WHEREAS, since the beginning of the current round of "The Troubles" in 1969, many of these deaths have been part of the so called "Tit-For-Tat" killings that take place between Protestants and Catholics in Northern Ireland, now, therefore be it

RESOLVED: That We, the Members of the 112th Legislature now assembled in the First Regular Session, take this opportunity to express our concern over the acts of violence which have taken place between Protestants and Catholics in Northern Ireland and offer our hopes and prayers for peaceful coexistence of the people and interests throughout that land that has been such strong historical ties with the State of Maine; and be it further

RESOLVED: That copies of this resolution be transmitted to the Ambassador of Great Britain and the Republic of Ireland to convey the concern expressed herein.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, 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 Require the Use of Seat Belts in Private Passenger Vehicles" (H.P. 415) (L.D. 566)

Bill "An Act Concerning the Use of Seat Belts in Motor Vehicles" (H.P. 336) (L.D. 451)

Bill "An Act to Require that the Lottery Commission Return Over 50% of Receipts to Lottery Participants in the Form of Prizes" (H.P. 533) (L.D. 753)

Bill "An Act to Require Disclosure of Gifts to Institutions of Higher Learning Received from

Foreign Governments, Foreign Corporations or Nonresident Aliens" (H.P. 479) (L.D. 682)

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 Concerning Maine's Lemon Act" (H.P. 556) (L.D. 828)

Bill "An Act to Increase the Rights of Consumers who Purchase Used Cars that Cannot Pass Inspection" (H.P. 709) (L.D. 1019)

Bill "An Act Concerning the Net Worth Requirement for Individual Public Employer Self-insurers" (H.P. 477) (L.D. 680)

Bill "An Act to Fund the Maine Energy and Resources Development Fund" (H.P. 475) (L.D. 678)

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 Concerning the Classification of Crimes Committed with a Dangerous Weapon" (S.P. 304) (L.D. 793)

Bill "An Act Relating to Prostitution" (S.P. 325) (L.D. 814)

Bill "An Act Concerning the Use of Schools as Polling Places" (S.P. 278) (L.D. 736)

Bill "An Act to Prohibit Candidates from Securing Absentee Ballots" (S.P. 77) (L.D. 173)

Ought to Pass

Senator BERUBE for the Committee on HUMAN RESOURCES on Bill "An Act to Clarify the Law Regarding Peer Review Immunity Under the Maine Health Security Act" (S.P. 397) (L.D. 1107)

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.

Senate at Ease

The Senate called to Order by the President.

Divided Report

The Majority of the Committee on STATE GOVERNMENT on Resolution, Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from 2 Years to 4 Years (S.P. 348) (L.D. 943)

Reported that the same Ought to Pass. Signed:

Senators:

ANDREWS of Cumberland

KANY of Kennebec

HICHENS of York

Representatives:

SPROUL of Augusta

DILLENBACK of Cumberland

COTE of Auburn

DESCOTEAUX of Biddeford

HICHBORN of LaGrange

LACROIX of Oakland

WENTWORTH of Wells

BOUTLIER of Lewiston

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

Signed:

Representatives:

GWADOSKY of Fairfield

NADEAU of Saco

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

The Bill 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 Increase Penalties for Certain Hunting Violations Involving Big Game Animals" (H.P. 1000) (L.D. 1442)

Bill "An Act Concerning Living Wills" (H.P. 1004) (L.D. 1448)

Bill "An Act to Revise the Laws Pertaining to Real Estate Attachments, Levy on Execution and Exempt Property" (H.P. 1005) (L.D. 1449)

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

House As Amended

Bill "An Act Concerning Revision or Amendment of Approved Subdivision Plans" (H.P. 722) (L.D. 1031) (C "A" H-104)

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

Senate As Amended

Resolve, to Address Special Education Needs of Learning Disabled Children (S.P. 211) (L.D. 569) (C "A" S-70)

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

ENACTORS

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

An Act Relating to Regulation Fees Under the Manufacturing of Bedding, Upholstered Furniture and Cushion Law (S.P. 444) (L.D. 1247)

An Act Relating to Conferring Degrees by the University of New England in Biddeford (H.P. 216) (L.D. 250) (C "A" H-96)

An Act Concerning Passenger Exclusions in Motorcycle Insurance Policies (H.P. 975) (L.D. 1398)

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

Emergency

An Act Relating to the Hancock County Trustees of Public Reservations (H.P. 802) (L.D. 1136)

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

Out of Order and Under Suspension of the Rules the Senate considered the following.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **ANDREWS** for the Committee on **ALCOHOLISM SERVICES** on Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 391) (L.D. 1090)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-71)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-71) was **READ** and **ADOPTED**.

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

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.

On motion by Senator **VIOLETTE** of Aroostook

RECESSED until the sound of the Bell.

After Recess

The Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS—from the Committee on **TRANSPORTATION** on Bill "An Act to Require the Use of Seat Belts in all Motor Vehicles" (S.P. 383) (L.D. 1050)

Majority Report—**Ought Not to Pass**

Minority Report—**Ought to Pass**
Tabled—May 3, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ACCEPTANCE OF EITHER REPORT**.

(In Senate, May 3, 1985, reports **READ**.)

The Minority **OUGHT TO PASS** Report was **ACCEPTED**.

The Bill **READ ONCE**.

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

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

Bill "An Act to Establish the Departmental Indirect Cost Allocation Program" (Emergency) (H.P. 998) (L.S. 1440)

Tabled—May 3, 1985, by Senator **CLARK** of Cumberland

Pending—**PASSAGE TO BE ENGROSSED**. (In House, May 1, 1985, **PASSED TO BE ENGROSSED**.)

(In Senate, May 3, 1985, **READ A SECOND TIME**.)

On motion by Senator **KANY** of Kennebec, Senate Amendment "A" (S-69) was **READ**.

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

Senator **KANY**: Mr. President, Senators, just a brief explanation of this Amendment. It would simply postpone the effective date of the Bill until July 1st, 1986, An Act to Establish the Departmental Indirect Cost Allocation Program.

Senate Amendment "A" (S-69) was **ADOPTED**.

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

Sent down for concurrence.

(Off Record Remarks)

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

(Off Record Remarks)

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

RECESSED until 5 o'clock this afternoon.

After Recess

The Senate called to Order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to take up additional matters.

ENACTORS

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

Emergency

An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature (H.P. 928) (L.D. 1333) (H "B" H-105)

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

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

THE PRESIDENT: A Roll Call has been re-

quested. 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.

(Off Record Remarks)

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

Senator **DIAMOND**: Mr. President, Ladies and Gentlemen of the Senate. L.D. 1333 is back to us again, and I'll tell you again just having gone through the Roll Call, I can find some of you have changed your minds. I suspect that can happen when lobbying takes place. I have been in Committee all afternoon and I just have learned there will be a couple of changes in the numbers.

This bill is no better today than it was before. I would hope you might reconsider if you have decided to change your mind. The Bill before us is simply talking about the adjournment date and saying that we should adjourn the third Wednesday in June and the third Wednesday in April. As I say it is no better now than it was before. I understand the kinds of pressure some of you have been under. I would ask you to stop and think, and look and see what is happening.

We have a Committee in Legislative Council that is going to begin looking at this whole issue, and all of a sudden, now we want to preempt whatever work they might do, and pass this Bill now. For what reason? We are not changing anything this year. It's getting out one hundred days, June 19th, and then two five day extensions.

As one Member told me, they fail to see why so much pressure has been put on to change votes. Well, I don't know either. There is something here that I don't see, evidently, because there certainly has been an awful lot of that pressure applied.

This Bill, as we've talked about before, really does not address the issues of the problems. It does not address the rule changes that need to be made. It does not address many of the in-depth changes we have to look at as a Legislature. It simply says "We are going to adjourn on a given time." This year it is not changing the number of days at all, it is still one hundred days, but in the future it might. It seems to me, just backwards to set an ending date, without addressing the real problem. For whatever reason so many people have put a high priority on this Bill. I think we need to know what that is. It's gone from a natural kind of situation where the concern has been expressed, to a very, very serious concern. I would like to hear from someone who has been applying this pressure, as to why it is so important all of a sudden.

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

Senator **KANY**: Mr. President and Senators. Perhaps I am not the appropriate person to get up because I haven't been applying pressure to anybody. Is it all right if I speak anyway? I just wanted to talk about the rules a little bit. It is really most appropriate that the Legislature becomes more efficient by rule. Those are our rules. If anyone wished to suggest a rule change, there is nothing to prevent anyone from doing so. I would suggest that you do that and attempt to amend the joint rules.

The only reason the statutory change is before you, is because the Constitution requires statutory limits. It is up to the Legislature, of course, to determine what the statutory limits are on our annual Sessions.

I do see this as a positive change and I would encourage you to adopt it and we'll see how it goes. We will see if it does, in fact, allow us

within our rules, and within our rule changes to become more efficient.

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

Senator **PEARSON:** Mr. President, Men and Women of the Senate. What is so important about this Bill? Why is it this Bill must go through now? Will it have an effect on this Session? Everybody says, "No it won't." Then why must this go through now? Why have we had this Bill in here and it has gone elsewhere and stayed for quite a long while and then come back. Why do we have to have this Bill right now?

You know, I know how dangerous it is for me to say anything that sounds like a grandfather, because there are people in here that have been here longer than I have. I used to resent it when I first got in Legislature and people would say "Oh, I remember back in 1940 or in the year 1950", and I used to get tired of it. Let me just bring you back a very short time—two years ago. I worry about these things because I have seen some things. Two years ago there were some problems, not in this Body, but in another Body between the two Parties. There was a suggestion, even a vote if I remember right, to adjourn the Legislature within the first couple of weeks and go home. Then have the Governor call us back, when we could only consider his agenda. Not yours, not mine, or no one else's.

You say "What does that have to do with this Bill?" I fear sometimes, without adequate explanation, why people do things, why we have to have this now. There is no reason to have to have this now. There may be reasons for reforms within Committees to make them work better. There may be reasons to hire more staff to get things done quicker, but there is no reason for this Bill.

A Senator from Kennebec said the other day that it would improve the efficiency of the Committees because we wouldn't have to come into Sessions. If we didn't have to come into Sessions, nobody would be here. I really believe that. A lot of people wouldn't be here, anyway. The argument was proposed "Well, if we can get out earlier, (which we won't, by the way, under this, I don't think, maybe three or four days, and not at all this year, I don't think) it wouldn't interrupt our employment." You knew what the job was when you took it. And besides the most disruptive thing is to be called into a Special Session in the fall when you haven't done the work during the regular year.

I urge the Members of the Senate to be very, very careful about when you change rules because there are people who will take those rules, sometimes, and not use them well. I do not think there is a soul, and I do not say that just to get myself off the hotseat or anything, I do not think there is a soul in the Senate that would abuse it. There may not be anyone in the other Body, but there are years to come and there are different people to come. We have a responsibility to do the peoples' business in a expeditious manner, but in a very deliberate one.

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

Senator **HICHENS:** Mr. President, Members of the Senate. As of today we have 1462 Bills in our Books. We have thirty-one days left. With 900 Bills still to be acted upon. That thirty-one days will bring us until the 19th of June. That means we have to act on 30 Bills per day in order to adjourn by the 19th of June. The most important Bills to be considered are the Bills still to come before us, and I just ask you: how are we going to do it? By passing this, this afternoon, we're forcing ourselves into a very indeterminate decision. Decisions that will not be fair to the people we represent. I hope you will vote against the motion.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.
Senator **DIAMOND:** Mr. President, Ladies

and Gentlemen of the Senate. I would say to you, I know it is one of those rare times when we have Leaders of both Parties working together on a Bill. I think that is fine and we need to have some of those Bills every year, and we have it here. We have the Leadership of both Parties working hard with their caucuses and trying to get this Bill passed. It is nice to see that cooperation. I don't have any illusions to think that we're going to get anywhere near a majority vote to overturn all of that Leadership. Obviously, they are our leaders and we put them there, we respect them, and all that.

Where does it say in this whole process that we have to start thinking about our rules that we have before us? Just because we have a pretty strong push from one side does not mean that we can not look at this Bill individually and say, "Is it right for State Government?" You know efficiency does not equal Democracy, necessarily. I think we might want to take that into consideration. I have nothing to gain by this. Neither does anyone else who votes against this Bill, but I say to you, think about it individually. Think about State Government and what we're doing. Why do it now? Why do it before a study is done? What is the reason? I mean, there really isn't one if you stop and ask yourself that. What's the big hype? I really ask you for the purposes of State Government, and good State Government, that we hold off. See what the Legislative Subcommittee comes up with. If they recommend we should do this, then we should do it. What's the advantage of doing it right now? I don't see any. Maybe you do, and if anyone does, I'd be pleased to hear from you. I just think there is no reason to rush this. Thank you, Mr. President.

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

Senator **ANDREWS:** Mr. President, Men and Women of the Senate. I think that the idea of a study to look at all aspects of this process and how we might be able to make additional changes to the ones that we're proposing in this piece of Legislation is an excellent idea. I certainly think that would be something that we should look seriously at.

The fact of the matter is that this piece of Legislation affectively does not change anything, as far as this particular Session is concerned. We're going to be getting out of here about the same time that we would under the present system. So there's no radical change right now. To answer some of Senator Hichens questions, I frankly don't know how we're going to do all of the things that we have to do, but then again, I never know how we're going to do the all things we do when I start a Legislative Session. Somehow we dig in, we do the work, the work gets done and we get to make those considerations.

What this piece of Legislation simply does, is simply establishes, for everyone to know very clearly, and very straight-forwardly, a specific time context for us to do our work. We'll now, by a very time clear, certain a day - a date - not fifty days, not one hundred days, that could turn into two hundred days - but a time certain, and allows a provision for us to go beyond that by as much as ten days, if there is a problem. It's not a big change, the fact that this day is going to fall at the same time that one hundred days would fall this year, if we didn't extend it the way we might do in past years. This makes it not a radical concept, makes it a very reasonable proposal and allows us a specific context in which to do the work we need to do. Thank you.

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

Senator **BALDACC:** Mr. President, Men and Women of the Senate. I have studied State Government at the University, and I've studied it here in the Legislature the last three years inside and out it seems like.

I think it's interesting how we tend to be operating in a vacuum, thinking that we're going to be dealing with the same types of issues year in and year out. We should be realizing what is going on at the Federal level. The relationship has changed from the sixty's and seventy's where they're giving the most of the State Governments very little responsibility to today where they are giving the State Legislatures tremendous responsibilities. That's this new Federalism, everything is going to be decided in this Capitol, along with forty-nine other Capitols, not in Washington. Shifting responsibilities and burdens to the State and local governments.

It's not because we've proliferated State Government, it's because we've the Federal Government is turning in that direction. You only have to look at the seat belt Legislation. They said at the Federal level, if we don't pass it in so many States, we're going to make the automobile manufacturers install air bags. If we don't raise the drinking ages in the States, we're going to have the Federal Government pull money that we poured into the Federal Government.

If we don't do these things that the Federal Government is asking us to do, then we're going to be subservient to them. It's very important, I think, to realize that it is creating more and more work here at the State level. It isn't just coming in as it was ten or fifteen years ago. I think it's interesting to me to note that we're all saying the same things are going to occur, but I plan to support the motion for ending the Session, June 19th, but I do so apprehensively because of this concern that's going on with all the Legislation and its importance. I just wanted to make that clear, that I'm not happy about it. Thanks.

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.

The pending question before the Senate is Enactment.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Andrews, Baldacci, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Dow, Dutremble, Emerson, Erwin, Gill, Kany, Matthews, Perkins, Shute, Twitchell, Usher, Violette, The President - Charles P. Pray

NAYS:—Senators, Berube, Diamond, Gauvreau, Hichens, Maybury, McBreaity, Pearson, Sewall, Stover, Tuttle, Webster

ABSENT:—Senators, Najarian, Trafton
22 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators being absent, and 22 being less than two thirds of the entire Elected Membership of the Senate, the Bill **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1012
JOINT RESOLUTION OF THE LEGISLATURE EXPRESSING SUPPORT OF FRENCH PROGRAMMING AND BROADCASTS ON CABLE TELEVISION

WHEREAS, the Legislature places the highest priority in maintaining close relations with the neighboring Canadian provinces; and WHEREAS, the Legislature recognizes the importance of foreign languages and interna-

tional studies; and

WHEREAS, federal and state educational authorities have recently stressed the need to improve these areas of study; and

WHEREAS, The State of Maine has a large population of French speaking citizens who are reaching for cultural fulfillment; and

WHEREAS, advances in cable television technology now allow for the fulfillment of such close relations and cultural needs; now, therefore, be it

RESOLVED: That We, the Members of the 112th Legislature now assembled in the First Regular Session, take this opportunity to show our support and encouragement of French programming and broadcasts on cable television and express our hope that this service to the French speaking community and others not be diminished, curtailed or abandoned by cable owners and operators so long as there is a demonstrated need by subscribers.

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

Which was **READ** and **ADOPTED** in concurrence.

SENATE PAPERS

Resolve, Authorizing Colwell Construction Company, Incorporated, to Bring a Civil Action Against the State of Maine (S.P. 550)

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by: Representative **HICKEY** of Augusta

Approved for introduction by a majority of the Legislative

Council pursuant to Joint Rule 27

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

Sent down for concurrence.

COMMITTEE REPORTS

House

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 Protect Railroad Rights-of-way" (H.P. 414) (L.D. 581)

Bill "An Act to Increase the Local Road Assistance Program" (H.P. 516) (L.D. 721)

Bill "An Act to Increase the Minimum Amount of Road Assistance Under the Local Road Assistance Program" (H.P. 616) (L.D. 886)

Bill "An Act Concerning Inclusion of Sales Tax in Payments on Insurance Claims" (H.P. 712) (L.D. 1022)

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

Bill "An Act to Remove the Requirement that Voters Outside the State Make a Written Request for an Absentee Ballot" (H.P. 181) (L.D. 215)

Bill "An Act Concerning Absentee Ballots and Voting in Person" (H.P. 182) (L.D. 216)

Bill "An Act to Remove the Reasons Required for Voting by Absentee Ballot" (H.P. 183) (L.D. 217)

Bill "An Act Concerning Absentee Voting by Persons Who are Working During the Time the Polls are Open" (H.P. 184) (L.D. 218)

Bill "An Act Relating to Absentee Voting" (H.P. 272) (L.D. 342)

Bill "An Act to Prohibit Notaries Whose Names are on the Ballot from Witnessing an Absentee Ballot or Registering Voters" (H.P. 180) (L.D. 214)

Bill "An Act to Allow Absentee Voting in a Clerk's Presence" (H.P. 280) (L.D. 350)

Bill "An Act Relating to Absentee Ballots" (H.P. 600) (L.D. 870)

Bill "An Act to Include Municipal Clerks and their Office Staff among those Eligible for Absentee Ballots" (H.P. 602) (L.D. 872)

Bill "An Act to Prohibit Frivolous Challenges to Absentee Ballots" (H.P. 696) (L.D. 991)

Bill "An Act to Amend the Absentee Ballot Law Concerning Voting by Residents of Certain

Care Facilities" (H.P. 731) (L.D. 1040)

Bill "An Act to Exempt Home-based Early Intervention and Prevention Services from Regulations Governing the Licensing and Functioning of Home Health Care Services" (Emergency) (H.P. 776) (L.D. 1097)

Bill "An Act to Prohibit Financing of Commercial Fishing Vessels under all Financing Programs of the Finance Authority of Maine" (H.P. 399) (L.D. 548)

Bill "An Act Concerning Financing of Commercial Fishing Vessels under All Financing Programs of the Finance Authority of Maine" (H.P. 537) (L.D. 764)

Resolution, Proposing an Amendment to the Constitution of Maine Reducing the Size of the House of Representatives to 99 Members (H.P. 400) (L.D. 549)

Ought to Pass

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H.P. 1011) (L.D. 1455)

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Mandate Smoke Alarms in all New, Converted or Restored Single-family Dwellings" (H.P. 512) (L.D. 717)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-103).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-103).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-103) **READ** and **ADOPTED** in concurrence.

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

Ought to Pass in New Draft under New Title

The Committee on **HUMAN RESOURCES** on Bill "An Act to Exempt from Home Health Licensure Certain Entities that Provide Home Based Nonacute Public Health Nursing and Education Services in Lieu of Similar State Services" (Emergency) (H.P. 295) (L.D. 384)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Exempt from Home Health Licensure Municipal Entities that Provide Only Nontherapeutic Preventive and Promotional Health Educational Services" (Emergency) (H.P. 1006) (L.D. 1453)

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

Ought to Pass

Senator **SEWALL** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes" (Emergency) (S.P. 358) (L.D. 979)

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

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

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

Ought to Pass As Amended

Senator **DANTON** for the Committee on **TRANSPORTATION** on Bill "An Act Relating to the Use of School Buses for Nonschool Activities when Operated by a Motor Carrier" (S.P. 404) (L.D. 1114)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-72)

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

Committee Amendment "A" (S-72) **READ** and **ADOPTED**.

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

SECOND READERS

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

Senate

Resolution, Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from 2 Years to 4 Years (S.P. 348) (L.D. 943)

Bill "An Act to Clarify the Law Regarding Peer Review Immunity Under the Maine Health Security Act" (S.P. 397) (L.D. 1107)

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

Sent down for concurrence.

Bill "An Act to Require the Use of Seat Belts in all Motor Vehicles" (S.P. 383) (L.D. 1050)
Which was **READ A SECOND TIME**.

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

Senate As Amended

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 391) (L.D. 1090) (C "A" S-71)

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

Sent down for concurrence.

ENACTORS

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

An Act to Provide for Public Rest Room in Eating Establishments (H.P. 980) (L.D. 1411)

An Act to Shorten the Final Pay Settlement of Milk Dealers to Producers (H.P. 989) (L.D. 1412)

An Act Requiring the Department of Educational and Cultural Services to Establish Models for Evaluating Teachers (H.P. 989) (L.D. 1420)

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

Emergency

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

This being an Emergency Measure and having received the affirmative vote of 33 members of the Senate, with No Senators having voted in the negative was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Provide for Adequate Funding of the Chemical Substance Identification Law (S.P. 521) (L.D. 1405)

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate. Could somebody explain this Bill to me before we do any voting on this today? Thank you.

THE PRESIDENT: The Senator from Franklin, Senator **WEBSTER**, poses a question to the Chair, which any Senator may respond to, if they desire.

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

Senator **KANY:** Mr. President and Senators. This Bill is the new funding schedule for the Chemical Substance Identification Act and you are familiar with that. That is the law that we completely revised last year, and completely reworked from inside out, in which we used definitions from the Federal Law so that we could get the strong law in the State of Maine. So that employers, themselves, would finally be able to find out what hazardous chemicals are in their work places. So they could communicate those hazardous chemical's existence to their employees. We have received almost no complaints, perhaps you have, I have not.

Once we finally rework the law, and I would like you to know that I sat through half the summer working with the Department and the Attorney General's Office, I am getting workable rules. The employers, as well as the employees, would be satisfied with the outcome of all of their hard work.

The Bill before you is really an appropriate funding schedule. Too little money actually came in. We really did not know precisely how much money would come in under the law last year. This Bill, which is sponsored by the new Chairman of the Energy and Natural Resources Committee, really would not create any hardship on any employers. It would have a graduated fee schedule linked to the number of employees with the smallest amount, once again, being zero. If you had five hundred employees or more, it would be a three hundred dollar annual fee to implement the law.

Some of the assistance that can be provided by the Bureau of Labor Standards, since you asked, is to help employers identify the hazardous chemicals within their work place and to get information to them regarding any training sessions that they could give. I do believe the employers are very happy to have this law in place now. They can prevent liability, perhaps, and they can prevent occupational illness and accidents having to do with hazardous chemicals in the work place.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate. Several years ago, I think it was two years ago now, this program was passed through this Legislative Body, and at that time I was opposed to it. I felt then as I feel now, it just another make-work kind of Bill that will give some jobs to some people. It is my opinion that this Bill is not wanted by anybody, that I know of, except those bureaucrats in Augusta who want a job.

I feel quite strongly that this new provision, unfortunately, I wish I could be voting to repeal the whole program altogether. I realize I cannot do that. It is my understanding that the existing program was overspent around sixty thousand dollars. That money came from the Governors Contingency Fund. There wasn't enough money raised through the ten dollar fee. I understand that, and I understand why this Bill is before this Body. It doesn't change my opinion of the program, the need for the program, or the need for this Legislation. It is my opinion that quite too often, the Legislature, in an effort to appease certain special interest groups comes up with Legislation that supposedly does good for everyone. It is my opinion that this whole program is not in the best interest of anyone except those here who benefit from it.

I am going to vote against this Bill and have no illusions of what is going to happen. I feel rather strongly that when this bill passed several years ago, it was a mistake, and it is a mistake for this Legislature to even continue the funding of this program, and so I am going to vote against it. Thank you.

This being an Emergency Measure and having received the affirmative vote of 25 members of the Senate, with 7 Senators having voted in the negative was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

HELD ITEM

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

Senator **CLARK:** Mr. President, is the Senate in possession of H.P. 1007?

THE PRESIDENT: The Chair would answer in the affirmative.

JOINT RESOLUTION EXPRESSING CONCERN OVER THE VIOLENCE BETWEEN PROTESTANTS AND CATHOLICS IN NORTHERN IRELAND (H.P. 1007)

(In House, May 3, 1985, **READ** and **ADOPTED.**)

(In Senate, May 6, 1985, **READ** and **ADOPTED**, in concurrence.)

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby the Resolution was **ADOPTED.**

On further motion by the same Senator the Resolution was **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE.**

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate considered the following.

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act to Improve the Benefits under Maine's State Retirement Law" (S.P. 382) (L.D. 1049)

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Relating to Structures Located in Proposed Ways" (S.P. 265) (L.D. 708)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-74).**

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives:

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

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

Signed:

Representatives:

CARRIER of Westbrook
STETSON of Damariscotta

Which Reports were **READ.**

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-74) **READ** and **ADOPTED.**

The Bill as **AMENDED TOMORROW ASSIGNED FOR SECOND READING**

ENACTORS

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

Emergency

An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1985 (S.P. 319) (L.D. 808) (C "A" S-66)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (S.P. 539) (L.D. 1446)

This being an Emergency Measure and having received the affirmative vote of 32 members of the Senate, with No Senators having voted in the negative was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (S.P. 532) (L.D. 1427)

This being an Emergency Measure and having received the affirmative vote of 32 members of the Senate, with No Senators having voted in the negative was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

(Off Record Remarks)

On motion by Senator **PEARSON** of Penobscot,

ADJOURNED until 9 o'clock Tuesday, May 7, 1985.