

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
Friday
May 17, 1985
Senate called to Order by the President.

Prayer by Reverend Peter Mars of the United Church of Monmouth in Monmouth.

REVEREND MARS: Thank you, Mr. President. Good afternoon everybody. I'll ask you please to join with me in prayer.

Our heavenly Father, we greet You on this day in the spirit of prayer, for this is the way we should begin any day, any business, and any session here in the Senate.

We pray, our Father, for Your blessings to be upon all those who are in attendance here. We pray for Your guidance to be upon them and within them, as they make the decisions necessary for the good, proper and efficient operation of our government.

We pray that You will stay with them in all that they do, watching over them, and watching over their families. We are all a part of one another and we are all a part of Your creation, so we must have concern for each other.

We ask for these things in Your Most Holy Name. Amen.

Reading of the Journal of Monday, May 13, 1985.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, to Establish an Advisory Commission on Public Lands Policy and Management (Emergency) (S.P. 238) (L.D. 632) (S "A" S-87)

In Senate, May 13, 1985, the **UGHT TO PASS IN NEW DRAFT UNDER NEW TITLE** Report, Bill "An Act Regarding the Bureau of Public Lands" (S.P. 575) (L.D. 1515) **READ and ACCEPTED** and the **NEW DRAFT UNDER NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-87)**.

Comes from the House Ruled **NOT PROPERLY BEFORE THAT BODY** and the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **ENERGY AND NATURAL RESOURCES** in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act to Provide for the Sale of Savings Bank Life Insurance" (H.P. 1046) (L.D. 1524)

Comes from the House referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

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

Bill "An Act Concerning Extension of the Permit Processing Period for Hydropower Projects" (H.P. 1051) (L.D. 1527)

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

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

Bill "An Act to Create the Bureau of Children with Special Needs in the Department of Mental Health and Mental Retardation" (H.P. 1045) (L.D. 1523)

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

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

Bill "An Act to Establish a Maine-New Hampshire Boundary Commission" (H.P. 1049) (L.D. 1525)

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.

Bill "An Act to Provide Personnel to Man the Weighing Stations in Southern York County" (H.P. 1050) (L.D. 1526)

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

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

COMMUNICATIONS

The Following Communication:

**DEPARTMENT OF
FINANCE AND ADMINISTRATION
BUREAU OF
CENTRAL COMPUTER SERVICES
STATE OFFICE BUILDING
STATE HOUSE STATION 61
AUGUSTA, MAINE 04333**

May 9, 1985

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

In accordance with Chapter 41 of the Resolves of 111th Legislature, the attached report of findings is hereby submitted. As instructed in the Resolve, this is a combined report of the Department of Human Services, the Department of Mental Health and Mental Retardation, the Division of Community Services of the Executive Department, and the Bureau of Central Computer Services of the Department of Finance and Administration.

This report contains the findings of the Departments; descriptions of current systems and planned improvements for the Division of Community Services, the Department of Human Services and the Department of Mental Health and Mental Retardation; descriptions of interdepartmental information sharing efforts and finally a commitment to future reports on accomplishments and future plans for data streamlining efforts. On page 15 of this report, we have committed to issuing (through the interdepartmental Committee) reports to the Human Resources Committee in December, 1985, and December, 1986.

Respectfully Submitted,
S/ ARTHUR W. HENRY, Jr.
Director, Central Computer Services

On behalf of the:
Department of Human Services
Department of Mental Health and Mental Retardation
Division of Community Services
Bureau of Central Computer Services

Which was **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

SENATE PAPERS

Bill "An Act Defining the Authority of the Bureau of Insurance in Testing, Licensing and Continuing Education" (S.P. 583) (L.D. 1532) (Presented by Senator **BUSTIN** of Kennebec) (Approved for Introduction by a Majority of the Legislative) Council pursuant to Joint Rule 27)

Bill "An Act Relating to Financial Regulation of Insurance Companies" (S.P. 585) (L.D. 1535) (Presented by Senator **BUSTIN** of Kennebec)

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

Sent down for concurrence.

Resolve, Authorizing the Sale of Certain Public Reserved Lands (S.P. 588) (L.D. 1545)

Presented by President **PRAY** of Penobscot) (Cosponsored by: Senator **PERKINS** of Hancock, Representative **LANDER** of Greenville)

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

Sent down for concurrence.

Resolve, Concerning the Ownership of Little Jewell Island (S.P. 586) (L.D. 1539) (Presented by Senator **CLARK** of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Establish Legislative Council Oversight of Expenditures for Joint Standing Committees, Joint Select Committees and Legislative Investigating Committees" (S.P. 587) (L.D. 1544) (Presented by Senator **PERKINS** of Hancock) (Cosponsored by: President **PRAY** of Penobscot, Speaker **J. MARTIN** of Eagle Lake, Representative **T. MURPHY** of Kennebec) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

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

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator **ERWIN** of Oxford, (Cosponsors: Senator **HICHENS** of York, Representative **BOUTILIER** of Lewiston and Representative **LANDER** of Greenville) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 35 on May 7, 1985) the following Joint Resolution: (S.P. 581)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND MEMBERS OF CONGRESS OF THE UNITED STATES TO STOP MARKETING ALCOHOL ON RADIO AND TELEVISION

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Twelfth Legislature, now assembled in First Regular Session, most respectfully present and petition the Honorable President Ronald W. Reagan and members of the Congress of the United States, as follows:

WHEREAS, alcohol abuse and alcoholism are America's number one drug problem contributing to over 100,000 deaths and \$120,000,000 in economic damages each year; and

WHEREAS, despite the massive harm caused by drinking, public airways carry over \$500,000,000 worth of ads for beer and wine annually; and

WHEREAS, these ads portray drinking as an indispensable part of a happy successful life; and

WHEREAS, children are barraged by these ads almost from infancy and many ads are specifically aimed at impressionable young people; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge the President and members of the Congress of the United States to correct this intolerable situation by taking the appropriate steps to ban all advertising for alcoholic beverages on radio and television or require broadcasters to give equal time to health messages about alcohol; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State, to the President of the United States, President of the Senate and Speaker of the House of Representatives in the Congress of the United States and to each member of the Senate and House of Representatives in the Congress of the United States from this State.

Which was **READ**.

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

Senator **TRAFTON:** Thank you, Mr. President. Mr. President and Members of the Senate. As you know I serve as the Senate Chair of the Joint Standing Committee on Legal Affairs which has among its responsibilities the review and recommendation of matters pertaining to liquor within the State of Maine.

I have reviewed this Joint Resolution that we are now considering as S.P. 581, and I must admit, that although I personally feel and certainly the Joint Standing Committee on Legal Affairs feels that drinking, the abuse of alcohol, and the results in abuse of alcohol, are certainly a serious problem within the State of Maine and the country in general, I don't see that this Joint Resolution that is proposed here today, does anything of significance to address the particular problem. We are simply asking the Members of Congress of the United States to consider banning the marketing of alcohol on radio and television.

I would suggest that if you are one who watches television or listens to the radio on regular basis, you will have noted by now that the State of Maine is blessed with some of the most responsible broadcasters on both radio and television in the country. They have undertaken, amongst themselves, to start at their own cost an advertising campaigns alerting, not only the high schools throughout the State, but the public in general of the problems which arrive in the abuse of alcohol.

I suggest we not slap our broadcasters in the State of Maine across the face, perhaps discouraging them from this voluntary public service, and that we not approve this Resolution which is proposed here today.

I ask for a division and ask you to vote against S.P. 581. Thank you.

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

Senator **ERWIN:** Mr. President, Ladies and Gentlemen of the Senate. I'm sure that every Member of this Body has noticed that we're getting more and more ads on television showing a happy group like the "lite beer—give me a lite. Not that lite"—they're referring to some other word.

It's getting to the place where some of the Members of this Body's Children and probably others, like myself, grandchildren are noticing these ads more and more. They are beginning to repeat them, to copy them. This is when I made my mind up when some of my constituents, one a former member of this Chamber said, "it's time that somebody tried to do something about it!"

I'm well aware that the State of Maine cannot really do anything about it. It has to be done on the Federal level, but if the states don't start pushing the Federal level a little bit, will anybody? Do you want your children, your grandchildren to get brainwashed more and more, like these lite beer ads are? I don't, and a lot of my constituents don't!

I urge you to support this Resolution. Thank you.

THE PRESIDENT: The pending motion before the Senate is the motion by Senator Erwin of Oxford to Adopt this Joint Resolution. A Division has been requested.

Will all those Senators in favor of Adoption of this Joint Resolution, please rise in their places to be counted.

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

19 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion to **ADOPT** the Joint Resolution, **PREVAILED.**

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 to Require that Commercial Trucks Carrying Gravel be Covered" (H.P. 967) (L.D. 1402)

Ought to Pass

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Regulate Fishing Derbies" (H.P. 646) (L.D. 916)

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

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

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

The Bill **READ ONCE.**

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

Off Record Remarks

The Committee on **HUMAN RESOURCES** on Resolve, Relating to the Development of an Interagency Plan to Address the Identified Gaps in Mental Services for Children and Families (Emergency) (H.P. 931) (L.D. 1337)

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-135).**

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

The Resolve **READ ONCE.**

House Amendment "A" (H-135) **READ** and **ADOPTED.**

The Resolve as **AMENDED TOMORROW ASSIGNED FOR SECOND READING.**

The Committee on **MARINE RESOURCES** on Bill "An Act Concerning the Taking of Smelts" (H.P. 734) (L.D. 1043)

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

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

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

The Bill **READ ONCE.**

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Clarify the Laws of the Department of Marine Resources" (H.P. 686) (L.D. 972)

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

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

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

The Bill **READ ONCE.**

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

Ought to Pass As Amended

The Committee on **EDUCATION** on Bill "An Act to Amend the School Construction Law" (Emergency) (H.P. 508) (L.D. 713)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-128).**

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-128).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-128) **READ.**

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

Senator **BROWN:** Thank you, Mr. President. Mr. President, I offer Senate Amendment "A" (S-96) to Committee Amendment "A" and move

its Adoption.

THE PRESIDENT: The Senator from Washington, Senator Brown offers Senate Amendment "A" (S-96) to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-96) to Committee Amendment "A" (H-128) **READ** and **ADOPTED.**

Committee Amendment "A" (H-128) as Amended by Senate Amendment "A" (S-96) thereto **ADOPTED, in NON-CONCURRENCE.**

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

Ought to Pass in New Draft

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act Concerning the Composition of the Board of Elevator and Tramway Safety" (H.P. 531) (L.D. 751)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 1043) (L.D. 1518)

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

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

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

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

The Committee on **HUMAN RESOURCES** on Bill "An Act Concerning Funeral and Burial Expenses of Municipal General Assistance Recipients" (H.P. 560) (L.D. 910)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 1042) (L.D. 1517)

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

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

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

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

Ought to Pass in New Draft under New Title

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Exempt Houses of Worship from Inspection Fees for Elevators" (H.P. 595) (L.D. 865)

Reported the same **Ought to Pass in New Draft under New Title** Bill, "An Act Concerning Annual Inspection Fees for Inclined Lifts and Vertical Lifts" (H.P. 1044) (L.D. 1519)

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.**

The Committee on **TAXATION** on Bill "An Act Permitting Municipalities to Refuse to Renew Certain Licenses when the Licensee has Failed to Pay Personal Property Tax" (H.P. 371) (L.D. 490)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Change the Law Relating to Liens for Unpaid Property Tax Assessments" (H.P. 1041) (L.D. 1516)

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.**

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Control the Growth of State Expenditures" (H.P. 386) (L.D. 530)

Reported that the same **Ought Not to Pass**.
Signed:

Sensors:
PEARSON of Penobscot
DOW of Kennebec

Representatives:
LISNIK of Presque Isle
CARTER of Winslow
FOSTER of Ellsworth
CONNOLLY of Portland
BELL of Paris
MCGOWAN of Canaan
CHONKO of Topsham
SMITH of Mars Hill
NADEAU of Lewiston

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

Signed:
Sensor:
McBREAIRTY of Aroostook

Representative:
HIGGINS of Scarborough
Comes from the House with the Majority **OUCHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.
The Majority **OUCHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Mandate a Moment of Silence in Public Schools" (H.P. 724) (L.D. 1033)

Reported that the same **Ought Not To Pass**.
Signed:
Sensors:

BROWN of Washington
GAUVREAU of Androscoggin

Representatives:
FOSS of Yarmouth
HANDY of Lewiston
LAWRENCE of Parsonsfield
CROUSE of Caribou
BROWN of Gorham
ROBERTS of Farmington
SMALL of Bath
BOST of Orono
O'GARA of Westbrook
MATTHEWS of Caribou

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

Signed:
Sensor:
HICHENS of York

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

Which Reports were **READ**.
On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **LOCAL AND COUNTY** on Bill "An Act to Increase the Competitive Bidding Minimum for County Commissioner Purchases" (H.P. 193) (L.D. 227)

Reported that the same **Ought To Pass** in **New Draft** under same title. (H.P. 1038) (L.D. 1512)

Signed:
Sensors:
TUTTLE of York
STOVER of Sagadahoc
BALDACCI of Penobscot

Representatives:
SALSBUURY of Bar Harbor
SMITH of Island Falls

NICKERSON of Turner
ROTONDI of Athens
WENTWORTH of Wells
MASTERMAN of Milo
DAGGETT of Manchester
MURPHY of Berwick
HALE of Sanford

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

Signed:
Representative:
McHENRY of Madawaska

Comes from the House with the Majority **OUCHT TO PASS** in **NEW DRAFT** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Reports were **READ**.
The Majority **OUCHT TO PASS** in **NEW DRAFT** Report was **ACCEPTED**.
The Bill in **NEW DRAFT** **READ ONCE**.
The Bill in **NEW DRAFT** **TOMORROW ASSIGNED FOR SECOND READING**.

Senate 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 to Provide State Funding Necessary to Match Federal Funds for Home and Community Based Services for Older Citizens" (S.P. 194) (L.D. 512)

Bill "An Act Requesting Upgrading Fees Paid Providers of Dental Services under the Medical Assistance Program" (S.P. 228) (L.D. 590)

Bill "An Act to Allocate Costs of Communications by Corporations and Membership Organizations Advocating the Election or Defeat of Candidates" (S.P. 181) (L.D. 499)

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 Prevent Utilities from Passing on to Ratepayers the Investment Losses from Canceled Power Plants" (S.P. 467) (L.D. 1270)

Bill "An Act Concerning the Maine Vocational Development Commission" (Emergency) (S.P. 66) (L.D. 117)

Bill "An Act to Require District Courts to Send Copies of all Orders and Judgments to the Parties of Record" (S.P. 323) (L.D. 812)

Bill "An Act to Establish a State Uniform Law on Notarial Acts" (S.P. 333) (L.D. 821)

Bill "An Act to Improve Remedies for Substandard Housing" (S.P. 309) (L.D. 798)

Bill "An Act to Establish the Water Well Information Law" (S.P. 522) (L.D. 1406)

Bill "An Act Relating to the Blaine House Scholars Program" (S.P. 413) (L.D. 1143)

Bill "An Act to Improve and Strengthen the Referendum Process" (S.P. 465) (L.D. 1268)

Ought to Pass

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Appropriating Funds for Technical Assistance under the Community Development Block Grant Program" (S.P. 363) (L.D. 1000)

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 **CLARK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Clarify the Maine State Retirement System's Board of Trustees' Relationship with the System's Investment Managers" (S.P. 242) (L.D. 637)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-92).

Which Report was **READ** and **ACCEPTED**.
The Bill **READ ONCE**.
Committee Amendment "A" (S-92) **READ** and **ADOPTED**.

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

Senator **EMERSON** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Concerning Commercial Fishing and Maritime Activity Zones" (S.P. 365) (L.D. 985)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-90).

Which Report was **READ** and **ACCEPTED**.
The Bill **READ ONCE**.
Committee Amendment "A" (S-90) **READ** and **ADOPTED**.

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

Off Record Remarks

Senator **STOVER** for the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" (S.P. 312) (L.D. 801)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-93).

Which Report was **READ** and **ACCEPTED**.
The Bill **READ ONCE**.
Committee Amendment "A" (S-93) **READ** and **ADOPTED**.

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

Senator **TUTTLE** for the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Authorize Sagadahoc County to Raise Funds to Renovate and Expand the Present Court Facilities at Bath" (S.P. 375) (L.D. 1009)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-94).

Which Report was **READ** and **ACCEPTED**.
The Bill **READ ONCE**.
Committee Amendment "A" (S-94) **READ** and **ADOPTED**.

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

Ought to Pass in New Draft

Senator **CARPENTER** for the Committee on **AGRICULTURE** on Bill "An Act Relating to County Extension Work in Maine" (S.P. 129) (L.D. 369)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 584) (L.D. 1533)

Which Report was **READ** and **ACCEPTED**.
The Bill in **NEW DRAFT** **READ ONCE**.
The Bill in **NEW DRAFT** **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **TRAFTON** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Provide a Class A Lounge Liquor License" (S.P. 159) (L.D. 426)

Reported that the same **Ought to Pass in new Draft** under same title (S.P. 578) (L.D. 1520)

Which Report was **READ** and **ACCEPTED**.
The Bill in **NEW DRAFT** **READ ONCE**.
The Bill in **NEW DRAFT** **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft under New Title
Senator **DOW** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Allocations from the Maine Hazardous Waste and Low-level Waste

Siting Funds for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 196) (L.D. 514)

Reported the same **Ought to Pass in New Draft under New Title Bill "An Act to Make Allocations from the Maine Hazardous Waste and Low-level Waste Siting Funds for the Fiscal Year Ending June 30, 1986"** (Emergency) (S. P. 582) (L.D. 1531)

Which Report was **READ** and **ACCEPTED**.
The Bill in **NEW DRAFT** under **NEW TITLE READ ONCE**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Establish Pilot Indigency Screening Units for Court Appointed Counsel" (S.P. 336) (L.D. 899)

Reported that the same **Ought To Pass As Amended by Committee Amendment "A" (S-91)**.

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives:

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

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

Signed:

Representative:

STETSON of Damariscotta

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-91) **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:

House

Bill "An Act Amending the Maine Juvenile Code to Provide for Diagnostic Evaluation for Bind-over purposes" (H.P. 585) (L.D. 855)

Bill "An Act to Amend the Definition of Juvenile Crime in the Maine Juvenile Code" (H.P. 587) (L.D. 857)

Resolve, Relating to Improved Delivery of Services to Juvenile Justice Clients (Emergency) (H.P. 932) (L.D. 1338)

Resolve, Relating to the Development of a Plan for the Provision of Court-ordered Evaluations for Juveniles (Emergency) (H.P. 933) (L.D. 1339)

Resolve, Relating to the Development of an Interdepartmental Medicaid Review Committee (Emergency) (H.P. 934) (L.D. 1340)

Resolve, Extending the Life of the Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (Emergency) (H.P. 935) (L.D. 1341)

Bill "An Act to Grant Authority to the Maine State Ferry Advisory Board to Name Ferries" (H.P. 1034) (L.D. 1508)

Bill "An Act to Establish Temporary Handicapped Parking Permits" (H.P. 1035) (L.D. 1509)

Bill "An Act Authorizing State Employees to Purchase State Property Upon Retirement or

Leaving Office" (H.P. 1036) (L.D. 1510)

Bill "An Act to Provide Guidance to Municipal Officers in Granting and Denying Liquor for On-premise Consumption" (H.P. 1039) (L.D. 1513)

Bill "An Act Concerning Installation of Service by Utilities" (H.P. 1040) (L.D. 1514)

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

House As Amended

Resolve, Authorizing the Exchange by the Department of Defense and Veterans' Services of a Certain Parcel of Land in Belfast Fronting on Congress Street and Being Part of the Belfast Armory Lot for Another Parcel of Land to the Rear of Land Adjacent to the Armory with the City of Belfast (Emergency) (H.P. 799) (L.D. 1129) (C "A" H-126)

Bill "An Act to Amend the Laws Relating to Private Investigators" (H.P. 242) (L.D. 283) (C "A" H-127)

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

Senate

Resolve, to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws (Emergency) (S.P. 321) (L.D. 810)

Resolve, Authorizing Clayton, Maryann, Jeremy and Elizabeth Huff to Bring Civil Action Against the State and Cumberland County (S.P. 508) (L.D. 1368)

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

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:
An Act to Mandate Smoke Alarms in all New, Converted or Restored Single-family Dwellings (H.P. 512) (L.D. 717) (C "A" H-103)

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

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate. I would first request a Roll Call, upon passage of this Bill. I would like to speak briefly.

THE PRESIDENT: The Senator has the floor.

Senator **WEBSTER:** Before we go into this matter too much, I would like to explain a little bit about the issue. It is a unanimous Committee Report out of the Legal Affairs Committee and I think we all understand, do not have to give anybody here a history lesson on how Committees work.

It is my understanding that a number of Bills were before the Committee this year, and this is the compromise kind of measure to deal with strengthening the laws in regards to smoke detectors.

I find this issue to be unnecessary, unenforceable, and I think in general, it is not an issue that there seems to be a lot of support for. I think it is the kind of measure that can pass a Bill here today, or here in the Senate and House, then go home and say "I did something to help you out." I find the Bill to be unnecessary, and I would like to talk about it for a minute.

What we are going to do if we pass this Bill today, is say, if you build an addition on your house, and you put a woodstove in it, there is going to be no requirement, under Maine law that you have to have a smoke detector in that room. I think it would make more sense if we were concerned about people who are being fumigated and dying in their bedrooms, because of smoke, then we should pass a law saying, you have to have windows in bedrooms so people can climb out. Maybe that would make as much sense as this Bill would.

I think we have an obligation to our constituents to come down here and do what is good

for them. I think that this is a sincere effort to try to do that, but I am not sure that this is going to do what is intended. I think it is just another interference and decision that ought to be made by people, not by government.

I have never been convinced that we could legislate common sense, and I think that is what you are trying to do.

Now, in my District, I have a lot of people who live in rural Maine, who might own mobile homes. I put in wood furnaces for a living, and coal burners, and so I see on occasions where someone has a mobile home and they don't feel they can afford oil. So they go and they build an addition on the house, and they put a wood stove in that addition. Well, these people are not going to be protected under this law, because it doesn't apply to them.

How we happened to pick a bedroom, I assume, is because people sleep there, and I am assuming that is the reason. Let me just explain: the current law says that if you own a house, an existing house, you do not have to have one.

(Gap in debate occurred at this point due to an equipment failure.)

We ought to take some serious looks at whether this Bill is good. I would continue to maintain that it is unnecessary to go out there and force this Bill. I just don't see where it is going to do any thing at all, except be another law that no one wants. So with that, I would ask you to vote against this measure, and when we have a Roll Call, I hope you support the position of not passing this. Thank you.

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 Chair recognizes the Senator from Aroostook, Senator Trafton.

Senator **TRAFTON:** Thank you Mr. President. Mr. President and Members of the Senate. I refresh your memory a little bit that this Bill simply expands the current requirement for smoke detectors in the following way. It requires the installation of the smoke detector, currently a ten dollar item as approved by the State Fire Marshall's Office, in addition which includes a bedroom. There has been considerable testimony within the Joint Standing Committee on Legal Affairs that the primary value of smoke detector is during the night when people are asleep that is the reason why the choice of a bedroom was made.

This particular bill does not affect any addition which does not include a bedroom. Currently the existing law requires that the construction of any new home include the installation of a smoke detector.

This is very easily enforced by local fire departments. Some municipalities even use their tax assessors to enforce this particular State requirement. So enforcement over the past few years on similar provisions has not been a problem.

I am a bit amused that the good Senator from Franklin, Senator Webster describes this Bill as a compromise Bill. In fact it is nothing of the sort. It was a unanimous vote of the Committee to report this out unanimously Ought to Pass. It was not the result of any compromise.

I understand that the good Senator from Franklin, Senator Webster, is very much concerned with fires and the risk of fires and I suggest that he has a great deal of experience in this, since he is the one who never attends the first meeting of the Legislature because he is downstairs stoking the fire, warming this building up so that we can stay warm for the rest of the session.

THE PRESIDENT: A Roll Call has been 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, Baldacci, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Dow, Dutremble, Kany, Matthews, Najarian, Pearson, Stover, Trafton, Tuttle, Usher, Violette, The President—Charles P. Pray

NAYS:—Senators, Berube, Black, Emerson, Gauvreau, Gill, Hichens, Maybury, McBreairty, Perkins, Sewall, Shute, Twitchell, Webster

ABSENT:—Senators, Andrews, Diamond
Senator **DANTON** of York was granted permission to change his vote from Nay to Yea.

19 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with 2 Senators being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Bill "An Act to Amend the Maine Community Services Act" (H.P. 226) (L.D. 336)

Tabled—May 13, 1985, by Senator **DIAMOND** of Cumberland.

Pending—**PASSAGE TO BE ENGROSSED** (In Senate, May 13, 1985, **RECONSIDERED ENGROSSMENT**.)

(In House, May 9, 1985, **PASSED TO BE ENGROSSED**.)

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

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

Constitutional Amendment

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)

Tabled—May 13, 1985, by Senator **TUTTLE** of York.

Pending—**FINAL PASSAGE** (In House, May 13, 1985, **FAILED OF FINAL PASSAGE**.)

(In Senate, May 6, 1985, **PASSED TO BE ENGROSSED**.)

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

Senator **PEARSON:** Mr. President, I move that this be placed on the Special Appropriations Table.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson moves that this matter be placed on the Special Appropriations Table.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Tuttle.

Senator **TUTTLE:** Mr. President, I request a Division.

THE PRESIDENT: A division has been requested.

Will all those Senators in favor of the motion by Senator Pearson of Penobscot to place L.D. 943 on the Special Appropriations Table, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

29 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion of Senator Pearson of Penobscot to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, **PREVAILED**.

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

Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (1434)

Tabled—May 13, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**FURTHER CONSIDERATION** (In Senate, May 1, 1985, **PASSED TO BE ENGROSSED**.)

(In House, May 10, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-125) in NON-CONCURRENCE**.)

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

Senator **BUSTIN:** Mr. President, I move that we Recede.

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

Senator **KANY:** I move that the Senate, also, Concur.

THE PRESIDENT: The Chair would inform the Senator that the motion would be in order after the Senate Recedes.

On motion by Senator **BUSTIN** of Kennebec the Senate **RECEDED**.

THE PRESIDENT: The Senator from Kennebec, Senator Kany moves the Senate Concur.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** I would request that this Body allow me to put on an amendment with the Recede motion and defeat the Concur motion.

Senate at Ease

The Senate called to Order by the President.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending the motion by Senator **KANY** of Kennebec to **CONCUR**.

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 Amend the Laws Regulating Ice Fishing to Change the Line Restriction for Moosehead Lake" (S.P. 449) (L.D. 1252)

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

COMMITTEE REPORTS

Senate

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 to Require Guides for Hunters who are not United States Citizens" (S.P. 260) (L.D. 639)

Ought to Pass As Amended

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Expand the Number of Elder Volunteers in the Retired Senior Volunteer Programs, Foster Grandparent Programs and the Senior Companion Program" (S.P. 387) (L.D. 1066)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-97)**

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

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

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

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

Bill "An Act to Make Improvements in the State Workers' Compensation System" (S.P. 479) (L.D. 1286)

Bill "An Act to Reduce the Costs of Workers' Compensation" (S.P. 434) (L.D. 1201)

ORDERS OF THE DAY

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

HOUSE REPORTS—from the Committee on **EDUCATION** on Bill "An Act to Mandate a Moment of Silence in Public Schools" (H.P. 724) (L.D. 1033)

Majority Report—**OUGHT NOT TO PASS**
Minority Report—**OUGHT TO PASS**

Tabled—May 17, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ACCEPTANCE OF EITHER COMMITTEE REPORT**.

In Senate, May 17, 1985, Reports **READ**.

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

Senator **TUTTLE:** Mr. President and Members of the Senate I had some basic communication with Senator Brown and Senator Violette pertaining to this issue. I had sponsored a similar piece of legislation and I have a number of strong feelings toward this particular bill.

I am waiting for materials to come up from downstairs and haven't been able to get those, because of that reason I would make the motion that we table this issue for 1 Legislative Day.

THE PRESIDENT: The Chair would inform the Senator that he can not make the motion where he has debated the issue. The Chair would advise the Senator that he can not debate a tabling motion, thus the motion would not be proper.

Is it now the pleasure of the Senate to Accept the Majority Ought to Pass Report?

On motion by Senator **HICHENS** of York, Tabled 1 Legislative Day, pending **ACCEPTANCE OF EITHER COMMITTEE REPORT**.

Senate at Ease

The Senate called to Order by the President.

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

Bill "An Act Relating to Solicitations and Public Office Holding by State Employees" (S.P. 533) (L.D. 1434)

Tabled—May 17, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—the motion by Senator **KANY** of Kennebec to **CONCUR**.

(In Senate, May 17, 1985, **RECEDED**.)

(In House, May 10, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-125) in NON-CONCURRENCE**.)

THE PRESIDENT: The Chair would inform the Senate the motion to Concur is proper therefore the motion to Concur would have to be dealt with before the motion to Amend can be taken up.

The pending question is the motion by the Senator from Kennebec, Senator **KANY** that this Senate **CONCUR**.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Mr. President, 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, and Senators I hope that you do go along with the Recede

and Concur motion. Then we can end up enacting a new political rights bill for State employees.

For those of you who were here in the legislature last term and that includes most of you, you may recall this issue. Last term the Legislature chose to enact a bill that would have really enlarged upon solicitation rights of State employees, and also, enabled State employees to run for offices that they are currently prohibited from running for under present law.

Now, after the Legislature has enacted that legislation the Governor vetoed it and his veto was sustained. There are many of us here, in this Chamber, who chose to override the Governor's veto and who would very much like to see in the long-run the State employees be able to solicit for political campaigns to a greater degree than they are presently.

In addition we wish to see State employees be able to run for more offices than they currently can, but we understood that we would be faced with an identical veto if we attempted to pass the exact same legislation as was passed last term.

Consequently, we made a decision, those of us on the Committee, and we came up with a unanimous Committee Report from the Committee on State Government which would indeed allow State Employees to run for offices that they currently can not run for, primarily partisan offices at the county level and at the local level.

In addition, we made a couple of other changes, one of which is that we would not allow State Department Heads or board members, policy-making board members to coerce any employee and secondly we would not allow them to solicit within the department in which they worked. We, in addition, are attempting to treat other unclassified employees as classified employees. We have put within Title 5, right near the Executive Conflict of Interest portion of the law, a law which does not expand to a great degree political rights of State employees that affects generally all categories of State employees equally.

I would hope that you would go along with this measure. We worked with all interested parties. I know the Maine State Employees Associations worked with us on the Committee and did report when we voted on this Legislation, I know that their representatives expressed satisfaction with this. I understand that later on that the Maine State Employee Association seems to have some problems with the Bill.

I hope that we do enact it this afternoon. I think that it is legislation that is reasonable, fair and a progressive positive step toward enlarging the political rights of State employees.

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

Senator **BUSTIN:** I dislike disagreeing with the other good Senator from Kennebec, Senator Kany, but I must in this instance.

I would like to reserve the opportunity to speak to you on the amendment that I want to present until such time as I am allowed to present that. I would respectfully ask the Body to defeat the pending motion to Concur, so that I might have that opportunity to put on my amendment, and then if you so desire you can defeat the amendment and go with the Bill, but please I urge you to give me the opportunity, to at least, present the amendment. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Kany that the Senate **CONCUR.**

Will all those Senators in favor of the motion by Senator Kany of Kennebec to Concur, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

3 Senators having voted in the affirmative and 29 Senators having voted in the negative, the motion to **CONCUR FAILED.**

House Amendment "C" (H-125) **READ.**

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Mr. President, is it now the appropriate time to present my amendment?

THE PRESIDENT: The Chair would inform the Senator that this is the appropriate time for her to offer her amendment.

The Senator has the floor.

Senator **BUSTIN:** Mr. President, I so offer my amendment and move its Adoption and I would speak to the amendment.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin presents Senate Amendment "B" to House Amendment "C" and moves its Adoption.

Senate Amendment "B" (S-95) to House Amendment "C" (H-125) **READ.**

THE PRESIDENT: The Senator has the floor.

Senator **BUSTIN:** Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, thank you for giving me the opportunity to present my amendment, my speech, and my thoughts on this particular bill.

I think that the State Government Committee has done a commendable job. I just happen to disagree with one aspect of it. When the good Senator from Kennebec, Senator Kany indicated that the people involved were sitting in at all of the work shops and hearings that is probably correct, but I read the language that was put out and I can see how somebody could have misread that and some further and more enlightened look at that language that they might disagree violently with.

Had I had the opportunity to look at that, I would have at that moment violently disagreed.

The original bill submitted by the sponsors was intended to expand political rights for classified State employees. Currently under Maine law classified employees are prohibited from soliciting political contributions and being a candidate for partisan office.

Unclassified State employees have no such restriction under State law. The original bill sort to remove these restrictions from classified employees.

At the public hearing it became clear that the Governor would veto any bill that expanded, and I repeat "expanded" State employee's political solicitation rights.

I understand that the State Government Committee responded to the situation by putting out a new draft which did expand classified employee's rights to run for local and county partisan office.

This helps those employees who happen to live in cities and town which hold partisan elections and puts them on an equal basis with those employees who live in cities and towns which happen to hold non-partisan elections. For example: State employees from Winthrop would have the same right as are currently held by the State employee's from Portland, and I might add from Augusta.

The drawback of the new draft and the reason for this amendment is that it now prohibits rank and file unclassified employees from solicitation of political funds. In-short if the Bill currently before the Senate is enacted these employees would lose political rights which they currently have.

This is not the direction that we should be headed in and there is no evidence or public policy argument which would justify cutting back on these rights of rank and file unclassified.

I have had no instances of anybody coming to me and complaining about coercion that was spoken about by the good Senator from Kennebec, Senator Kany. If I had I would report that to you, but I have not.

I understand that the Committee's argument

for imposing this new prohibition is that they wanted all employees to be treated equally. First of all the Bill does not treat all employees equally because certain groups of unclassified employees are exempted from the Bill, as they always have been.

These include elected and constitutional officers, department heads, judicial employees, legislative employees, national guard and navy militia, employees in the Governor's Office and the Blaine House, certain school system employees, and certain employees in the Attorney General's Office.

Second and most important treating rank and file employees equally is an inappropriate justification when the effect is that these employees are treated as second class citizens not having basic rights enjoyed by the rest of the citizenry.

If we can not be bold enough to expand classified employee rights to solicit then we should not penalize under the guise of equality treatment those who have these rights now. Senate Amendment "B" seeks to rectify this injustice by simply removing from the Bill section 223 dealing with the ban on solicitation and leaving on the statute books that section which prohibits classified employees from political solicitation. The affect is to leave the law on State employees solicitation as it currently stands. The amendment does not expand rights it only prevents us from taking rights away from a group of State employees. I urge passage of this amendment.

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

Senator **KANY:** Mr. President, I ask for a division and I would like to first of all to say that we have less than a thousand unclassified employees in the State. That is less than a tenth of our State employees, and many of those fall under the Federal Hatch Act, also. For instance employees at the correctional institutes come under the Federal Hatch Act and none of our law applies to them, and the reason why they come under the Federal Hatch Act is because Federal funds are used in their program, and that is true at the VTI's and many other employees in unclassified service.

So, we are not dealing with that many regular unclassified employees. Really about the only difference legally between an unclassified employee and a classified employee is their entrance into State Government service, not their exist. They still only, for instance, can be fired for just cause, and so on. It really is just their entrance in that they primarily just have to meet certain standards or professional requirements instead of going on the roster and so on, and necessarily taking certain kinds of entrance exams and performance exams.

So it did seem reasonable to our Committee while we were attempting to progressively provide a better fairer system for all, and while we were attempting to allow greater participation by our employees in their government—earlier the Committee did recommend and the Legislature enacted emergency legislation to allow our State Police to more fully participate in the system. This Bill would treat everyone, other than those over which we have no control because they come under the Federal Law and the Federal Hatch Act fairly, equally, and I do hope that you do vote against this amendment and that we do recede and concur and allow this measure to become law.

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

Senator **BUSTIN:** 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 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 was ordered.

The pending question is Adoption of Senate Amendment "B" (S-95) to House Amendment "C" (H-125).

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator **CLARK**: Mr. President and Men and Women of the Chamber. I would hope that this afternoon we would support the adoption of the Senate Amendment. Speaking as an individual Senator from Senate District 26 and long a supporter of equal political rights for all Maine citizens, I would ask that we restore to those few Maine State employees who are not covered by the Federal Hatch Act but who are unclassified the right of participation in the political process which they have enjoyed until this afternoon should this bill be enacted without the pending amendment.

I recognize that the Committee on State Government has worked arduously to report out a bill that meets in large measure the intent of all the sponsors and the parties that are involved in this legislative process. They are to be commended for that effort, but in that effort they have removed the rights of a few. To remove or in anyway degrade the process of the participation of even a few unclassified employees who are not covered by the Federal Hatch Act is a bruise on the Legislative process. Thank you, Mr. President, and I would urge the adoption of the pending Amendment.

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

Senator **TUTTLE**: Mr. President, and Members of the Senate. Very briefly being the sponsor of the Bill I have talked with Senator Kany as well as Senator Bustin, and I observe the State Government Committee doing a very fine job, being the sponsor of the Bill I am going with the amendment being offered by Senator Bustin because I think that it is the intent of the amendment, which is in my opinion the total intent of the bill which I sponsored.

Very briefly I am going to support it and hope that everybody else will.

THE PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate is the Adoption of Senate Amendment "B" (S-95) to House Amendment "C" (H-125).

Is the Senate ready for the question?

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

ROLL CALL

YEAS:—Senators, Baldacci, Berube, Black, Bustin, Carpenter, Chalmers, Clark, Danton, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBrearty, Najarian, Pearson, Perkins, Sewall, Shute, Stover, Trafton, Tuttle, Twitchell, Usher, Violette, Webster, The President - Charles P. Pray

NAYS:—Senators, None

ABSENT:—Senators, Andrews, Brown, Diamond

32 Senators having voted in the affirmative and No Senators having voted in the negative, with 3 Senators being absent, the motion to **ADOPT SENATE AMENDMENT "B" (S-95) TO HOUSE AMENDMENT "C" (H-125) PREVAILED.**

House Amendment "C" (H-125) as Amended by Senate Amendment "B" (S-95) thereto **ADOPTED, in NON-CONCURRENCE.**

The Bill was **PASSED TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.**

Sent down for concurrence.

Senate at Ease

The Senate called to Order by the President.

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

Senator **VIOLETTE** of Aroostook was

granted unanimous consent to address the Senate, Off the Record.

Off Record Remarks

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

Senator **MATTHEWS**: Mr. President and Members of the Senate. I will be very brief I know that the session has run very long. I just want to address everyone's attention to an item that was on the Leave to Withdraw Report. A bill which I sponsored, "An Act to Prevent Utilities from Passing on to Ratepayer's Investment Losses in Cancelled Power Plants."

I just want to pretty much tell the Members of this Senate why I sponsored that Bill. As all of you know the current pending crises with investments in Seabrook still hangs over this State. This issue would in my estimation, this Bill would have addressed the inequities that I believe existed in allowing a utility company from passing on investments in cancelled generating facilities that never went on line. Which I believe, I guess, is much like the issue that founded this Country "taxation without representation."

So, I sponsored this Bill, it is an issue which many of my constituents feel very strongly that the utilities have not always managed their projects in the best of light and that they should not have to pay for these projects that never have gone on line and are not producing power and have wasted millions and millions of ratepayer's dollars.

That is why I put the bill in. The Committee Report was not to my liking and to save this Legislature from having to go through a lopsided report I decided to take leave to withdraw and just mention why I put the bill in.

There is another bill which I will be lending total support to and that is a bill that has been sponsored by the Senator from Cumberland, Senator Andrews, which I believe will take care of some of the inequities.

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

On motion by Senator **DUTREMBLE** of York, **ADJOURNED** until Monday, May 20, 1985 at 9 o'clock in the morning.