

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Friday
May 24, 1985
Senate called to Order by the President.

Prayer by Father Gilbert Patenaude of St. Francis Xavier Catholic Church in Winthrop.

FATHER PATENAUDE: Let us pray. Our heavenly Father, we pray Thee to look in Thy mercy upon this gathering of Senators, showering Thy grace upon those assembled here, and bestowing Thy divine guidance to every act, thought, and deed.

It is a good and consoling thought that in these days of turmoil and uncertainty, we do not have to trust to our own understanding, but have Thy infinite wisdom upon which we can call.

Help us dear God to know Thy voice when we hear it; Thy grace when we receive it, that we may avoid the paths of error and regret. Help us that we may appreciate the privileges which are ours, privileges such as meeting here this afternoon with our friends and for these blessings, we give our thanks to the giver of all good and perfect gifts. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In Senate, May 17, 1985, the Majority **OUCHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

In House, May 20, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

In Senate, May 20, 1985, **INSISTED**. Comes from the House, that Body **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE**.

The Senate **INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE**.

Non-concurrent Matter

Bill "An Act to Regulate Fishing Derbies" (H.P. 646) (L.D. 916)

In Senate, May 20, 1985, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A"** (H-180) in **NON-CONCURRENCE**.

The Senate **RECEDED AND CONCURRED**.

House Papers

Bill "An Act to Allow the Use of Botanical Pesticides in the Production of Foods Labeled or Advertised as Organic" (Emergency) (H.P. 1074) (L.D. 1563)

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

Senate at Ease

The Senate called to Order by the President.

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

Bill "An Act to Protect Deer Yards in the Organized Townships" (H.P. 1081) (L.D. 1573)

Comes from the House referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's session, pending **REFERENCE**.

Bill "An Act to Provide Expanded Markets for Products and Services from Rehabilitation Facilities and Work Centers" (Emergency) (H.P. 1075) (L.D. 1564)

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 Require Certain Tax Classification Information to be Filed at the Registry of Deeds" (H.P. 1076) (L.D. 1565)

Bill "An Act Relating to the Income Tax Checkoff for Political Parties" (H.P. 1077) (L.D. 1567)

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

Which were referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Charter of the Jackman Sewer District" (H.P. 1086) (L.D. 1591)

Committee on **UTILITIES** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED** without Reference to a Committee and **ORDERED PRINTED**.

Under suspension of the Rules, **READ TWICE**, and **PASSED TO BE ENGROSSED** without reference to Committee and **ORDERED PRINTED**, in concurrence.

Study Report

Committee on TRANSPORTATION

The Committee on **TRANSPORTATION** to which was referred by the Legislative Council the Study Relative to Issues Related to Motor Vehicle Auctions and the Validity of Motor Vehicle Titles have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Laws Related to Motor Vehicle Dealers and to Address Certain Problems Related to Motor Vehicle Auctions in Maine" (H.P. 1084) (L.D. 1575)

Be referred to the Committee on **TRANSPORTATION** for Public Hearing and **ORDERED PRINTED**, pursuant to Joint Rule 19.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Bill referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, pursuant to Joint Rule 19.

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

The Bill referred to the Committee on **TRANSPORTATION**, and **ORDERED PRINTED**, pursuant to Joint Rule 19, in concurrence.

Joint Resolution

The Following Joint Resolution: H.P. 1083
JOINT RESOLUTION PRAISING THE GOVERNMENT OF THE REPUBLIC OF IRELAND FOR ITS EFFORTS TO HELP THE MINORITY AND MAJORITY POPULATIONS IN NORTHERN IRELAND ACHIEVE PEACE

WHEREAS, citizens of the State of Maine and all over the United States have strong and special ancestral ties with the island of Ireland, which is now divided into 2 parts, Northern Ireland and the Republic of Ireland; and

WHEREAS, Irish-Americans and countless others desire to see peace to Northern Ireland; and

WHEREAS, the people of America have a long and proud tradition of achieving amicable resolution of disputes through communication, dialogue and human compromise; and

WHEREAS, the head of the government of the Republic of Ireland, Dr. Garrett Fitzgerald,

has, on many occasions, sympathized with the plight of the Roman Catholic minority population of Northern Ireland and all others affected by the many years of violence there; and

WHEREAS, Dr. Fitzgerald has scheduled a series of private visits for the month of May in Boston, other locations in the United States and in Canada, as well; now; Therefore be it

RESOLVED: That We, the Members of the 112th Legislature, now assembled in the First Regular Session, take this opportunity to praise the efforts of Dr. Fitzgerald and urge that other world leaders, such as Ronald W. Reagan, President of the United States of America and Margaret Thatcher, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, devote as much time, energy, courage and creativity in the coming months to do whatever possible to bring peace to the people of Northern Ireland and end the violence that has gone on for too long; and, be it further

RESOLVED: That copies of this resolution be transmitted to the Ambassador of the United Kingdom of Great Britain and Northern Ireland, the Ambassador of the Republic of Ireland and the British Secretary for Northern Ireland, James Prior, at Belfast, Northern Ireland

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

Which was **READ**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's session, pending **ADOPTION**.

In reference to the action of the Senate on May 24, 1985, whereby the Senate **INSISTED** and **JOINED** in a Committee of Conference on Resolve to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws (Emergency) (S. P. 321) (L.D. 810) the Chair appointed as conferees on the part of the Senate the following:

Senator **DANTON** of York
Senator **ERWIN** of Oxford
Senator **SHUTE** of Waldo

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

May 23, 1985

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

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Amend the Law Establishing a Commercial Tag for Atlantic Salmon to Exempt Indians and Persons under 16 Years of Age" (Emergency) (H.P. 1048)

Sincerely,
S/ **EDWIN H. PERT**
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

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 Strengthen Education in Maine" (H.P. 897) (L.D. 1292)

Bill "An Act Concerning Funding for School Construction Projects by Certain Private Secondary Schools" (H.P. 915) (L.D. 1308)

Bill "An Act to Provide for the Sale of Low-alcohol-content Liquor in Liquor Stores" (H.P. 783) (L.D. 1116)

Bill "An Act to Require 11 Days' Residence for Voter Registration" (H.P. 396) (L.D. 545)

Bill "An Act Concerning Blood Tests for Certain Drivers Involved in Motor Vehicle Ac-

cidents" (H.P. 900) (L.D. 1295)

Bill "An Act to Require the Implementation of Toxicity Standards of Flammability for Commonly Used Building and Construction Materials" (H.P. 599) (L.D. 869)

Bill "An Act to Require that Persons Convicted of Operating under the Influence 3 or more Times Receive Immediate Treatment for Alcoholism" (H.P. 471) (L.D. 674)

Bill "An Act to Establish a Uniform Method by Which the Authority to Confer Degrees by Colleges Operating in Maine is Authorized" (H.P. 993) (L.D. 1430)

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 Governmental Oversight" (H.P. 908) (L.D. 1322)

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)

Bill "An Act to Require Sufficient Notification in Cases of Adoption of Agency Rules" (H.P. 885) (L.D. 1242)

Bill "An Act Concerning State-guaranteed Mortgages" (H.P. 987) (L.D. 1417)

Bill "An Act to Suspend the Licenses of Underage Drunken Drivers until They Reach Legal Drinking Age" (H.P. 440) (L.D. 622)

Bill "An Act to Provide Equitable Fees for Nonresident Concealed Weapons, Permits and to Provide for Reciprocity" (H.P. 536) (L.D. 763)

Bill "An Act to Recover Certain Refund Values Retained under the Beverage Container Law" (H.P. 716) (L.D. 1026)

Bill "An Act to Create a Commission to Study the Availability and Coordination of Resources and Training for Child Abuse and Neglect Prevention and Treatment in Maine" (Emergency) (H.P. 1015) (L.D. 1464)

Bill "An Act Relating to the Transportation of Pasteurized Milk" (H.P. 1021) (L.D. 1474)

Bill "An Act to Treat all School Employees Equitably Under the Maine State Retirement System" (H.P. 32) (L.D. 34)

Bill "An Act to Incorporate Last Best Offer Provisions into the Municipal Public Employees Labor Relations Law for School Employees" (H.P. 177) (L.D. 211)

Bill "An Act to Require Fingerprinting of Employees at Day Care Centers, Schools and other Similar Facilities" (H.P. 851) (L.D. 1207)

Bill "An Act Concerning Visitation Rights in Divorce and Custody Proceedings" (H.P. 589) (L.D. 859)

Resolve, to Establish the Commission on the Evaluation of Occupational and Professional Licensing Boards (Emergency) (H.P. 735) (L.D. 1044)

Bill "An Act to Consolidate State Business Loan Programs into One Organization, the Finance Authority of Maine" (H.P. 79) (L.D. 99)

Bill "An Act to Improve the Budgetary Process" (H.P. 992) (L.D. 1429)

Bill "An Act to Require the Listing of Courses within the University of Maine System of Colleges that are Transferable to Other Campuses" (H.P. 480) (L.D. 683)

Bill "An Act Concerning Maintenance of the Green Street Bridge in Sabattus" (H.P. 958) (L.D. 1378)

Bill "An Act to Modify Waiver of Grounds for Relief in Post-conviction Review" (H.P. 860) (L.D. 1219)

Bill "An Act Concerning Peer Review Immunity and Confidentiality of Records in the Fields of Dentistry and Dental Hygiene" (H.P. 377) (L.D. 518)

Bill "An Act to Revise the Statutes Relating to the Maine Milk Pool Law" (H.P. 997) (L.D. 1439)

Bill "An Act to Provide for Flexibility in the Application of State Regulations Affecting Small Business" (H.P. 476) (L.D. 679)

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

Bill "An Act Concerning Appeals to the Governmental Ethics Commission" (H.P. 901) (L.D. 1296)

Bill "An Act Concerning the Serving of Liquor for On-premise Consumption in Certain Restaurants" (H.P. 760) (L.D. 1080)

Bill "An Act Concerning the Purging of Voter Lists" (H.P. 798) (L.D. 1128)

Bill "An Act to Amend the Wood Measurement Law" (Emergency) (H.P. 721) (L.D. 1068)

Bill "An Act to Require Total Reimbursement for Actual Per Student Costs to a School Administrative Unit for High School Expenditures" (H.P. 955) (L.D. 1375)

Bill "An Act Concerning the Education Laws and Compensation and Recognition of Teachers" (H.P. 1001) (L.D. 1443)

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Amend Calculation of Period of Imprisonment under the Maine Criminal Code" (H.P. 683) (L.D. 969)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-158)**.

Comes from the House with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-158) **READ and ADOPTED**, in concurrence.

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

The Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Establish a Kennebec County Budget Committee" (H.P. 300) (L.D. 389)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-155)**.

(Representative MURPHY of Berwick Abstained.)

Comes from the House, with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-155) **READ and ADOPTED**, in concurrence.

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

Ought to Pass in New Draft

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act Concerning Snowmobile Registration Fund Distribution" (H.P. 755) (L.D. 1076)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 1071) (L.D. 1558)

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 **MARINE RESOURCES** on Bill "An Act to Clarify the Law Regarding the Taking of Soft-shell Clams" (H.P. 654) (L.D. 924)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 1065) (L.D. 1547)

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 **STATE GOVERNMENT** on Bill "An Act to Clarify and Make Technical Changes in the Law Governing Boards and Commissions" (Emergency) (H.P. 687) (L.D. 973)

Reported that the same **Ought to Pass in New Draft** under same title (Emergency) (H.P. 1072) (L.D. 1560)

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 **MARINE RESOURCES** on Bill "An Act to Establish a State Clam Digging License" (H.P. 398) (L.D. 547)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Guarantee Equitable Access to Soft-Shell Clam Resources" (H.P. 1067) (L.D. 1549)

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 **BUSINESS AND COMMERCE** on Bill "An Act to Improve Remedies for Violations of Used Car Laws" (H.P. 806) (L.D. 1152)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-142)**.

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

BRANNIGAN of Portland

MURRAY of Bangor

TELOW of Lewiston

ALIBERTI of Lewiston

MARTIN of Van Buren

STEVENS of Bangor

RYDELL of Brunswick

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

Signed:

Senators:

DANTON of York

SEWALL of Lincoln

Representatives:

HILLOCK of Gorham

BAKER of Orrington

ARMSTRONG of Wilton

Comes from the House with the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)** Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)**.

Which Reports were **READ**.

Senator BUSTIN of Kennebec moved **ACCEPTANCE** of the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

Senator DANTON of York requested a Division.

THE PRESIDENT: The Senator has the floor.

Senator **DANTON**: Mr. President and Members of the Senate. This is another Bill that we have here that will no doubt help the consumer, but I am firmly convinced in this particular area, that we aren't really helping automobile buyers to a great degree.

Here's what this Bill will do: First of all, do we want the AG's Office getting involved in every civil case between a consumer and an automobile dealer? If we want that, and we allow that, what next? What other type of business is he going to want to take on in these cases? How many more AG's will he be here next year asking for? You can be sure if we take and accept this Bill and pass this Bill, that the AG's Office will need a lot of additional people.

Consumers are well protected now. If they weren't, you can be sure we, as Senators and Representatives, would be hearing from them. If we pass this Bill we might as well be prepared like I said, to give the AG more money, because you can be sure he'll be here next year asking for more money.

Today, those of you that are familiar/perhaps not familiar: if you were to go and buy an automobile from a dealer (a used automobile) and you bought that automobile and the odometer read fifty thousand miles. In the process of registering your car and getting a title, which sometimes takes a lengthy period of time; it can run up to three months and sometimes even longer. If they were to find that that automobile had more miles on it than fifty thousand, you immediately, with a letter from the Motor Vehicle Department Office telling you that that car does not have fifty thousand miles but in fact it has seventy thousand miles, bring that car right back. That dealer writes out a check for you, and there's been absolutely no damage to you. You've used that car for three months, and you've paid nothing for that. This bill would allow for some of those things, but that is not the issue here today.

The issue here today is, we do not need the AG's Office getting involved in every civil case because they'll be no ending to it. They'll be here asking for more AG's and for more money, and you had better be prepared to give it to them. So I hope you will support me and defeat this bill.

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

Senator **BUSTIN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. The Senator from York, Senator Danton, is absolutely correct the AG would be able to help the people restore damages that may have occurred because of violation of a used car law.

We wouldn't even be considering this Bill if there were no violations in used car laws.

All we are doing on this particular Bill is saying that, when there is a violation and when the AG's Office gets involved in that — there are not that many cases that they get involved in that is a red herring that he's going to come in and ask for more AG's because on this particular issue he will not be coming in, and asking for more AG's, because you don't handle that many.

The problem is that when the AG gets the case of a violation of a used car law, all he can ask for is restitution. So that if you have suffered other damages other than what it actually costs you to buy that car, for instance, registration, inspection, anything that you may have added of value to that, you're not going to be able to recover. You won't recover, for instance, if you lost time because you bought this used car, it didn't come up to the standards, it was a violation, it was taken to the AG's Office, and you had to either lose some time from work, you had to do any number of things. What we have to say now to those people who are willing to work with the AG and take these people to court to prove that there was a violation and the person says: "what about this amount of money that I spent and I'm not going to get back?" All the AG can say to them

is, "sorry, we can't do anything for you. You've now got to go back into court, hear the same case over again, probably with the same lawyers, and pay additional money, in order to get the additional damages." That's all this Bill is about.

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

Senator **SEWALL**: Thank you, Mr. President, Members of the Senate, there's nothing that you should consider in this Bill. That is, if you can prove an unfair trade practice that a used car dealer has been performing some sort of unfair trade practice, you can get triple damages; in other words, three times what the cost was. So there's that remedy along with the civil remedy that we're discussing here.

The question is, in a civil case do you want to have the AG trying cases for consumer or do you believe that in civil law you can hire your own attorney and take that case to court?

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

Senator **BALDACCI**: Mr. President, I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may state his inquiry.

Senator **BALDACCI**: Mr. President, are we now broadening the suitability of individuals in these violations or do they now, if they feel that they have had their rights infringed in some manner have the ability to do that now, and it is just the difference of having a lawyer do it or the AG's Office do it?

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci has posed a question through the Chair which any Senator may respond to if they so desire.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN**: Thank you, Mr. President, as a matter of fact, it does not increase their ability to sue, it merely allows them not to have to go into a court to sue for the same thing that has already been proven in a court of law before. I might remind people that the AG's Office are lawyers.

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

Senator **DANTON**: Mr. President, I don't quite agree with that explanation that the good Senator from Kennebec, Senator Bustin gave.

They have the right to sue now, but what they want is not to go to Attorney Trafton and sue, they want the Attorney General's Office to sue. This is the dangerous part about this Bill.

Are we going to allow the Attorney General to get involved in civil suits, and can he do it with his present staff? You and I in here know that he can't, and he'll be back here next year asking for more staff to do it. If you're prepared to pay for that more staff, than you should vote for this Bill.

Let me just get on to another point: right now when you go to buy a used car, there's all kinds of stickers on cars. I'm in no way condoning that anyone should go to who's rated either higher or lower than us politicians. I don't know where we are on the ladder now, at one point, we were higher at another point used car dealers were higher than politicians; but any way, there's stickers on cars and they tell you about every possible defect that the car has: there's a federal sticker, and the State of Maine has a sticker.

Somewhere along the line, you know, if people see an automobile that they're not interested in, they should not buy it. I'm not saying that we should abide by that rule one hundred percent Buyer Beware. I am saying somewhere along the line, we have to say, "listen, make your own deal, don't expect mama in Augusta or papa in Washington to keep bailing you out every time you get into a bad deal." That's exactly what this Bill will do.

THE PRESIDENT: A Division has been

requested.

Will all those Senators in favor of the motion of Senator **BUSTIN** of Kennebec to **Accept** the Majority **Ought to Pass as Amended Report**, please rise and remain standing until counted.

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

10 Senators having voted in the affirmative, and 24 Senator having voted in the negative, the motion to **ACCEPT** the Majority **OUGHT TO PASS As Amended Report FAILED**.

The Minority **OUGHT NOT TO PASS Report** was **ACCEPTED**, in **NON-CONCURRENCE**. Sent down for concurrence.

Divided Report

The Majority of the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Allow Sheriffs' Deputies to Hold Non-partisan Local Elected Office" (H.P. 366) (L.D. 486)

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

Signed:

Senators:

BALDACCI of Penobscot

TUTTLE of York

STOVER of Sagadahoc

Representatives:

ROTONDI of Athens

NICKERSON of Turner

SMITH of Island Falls

DAGGETT of Manchester

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

Signed:

Representatives:

McHENRY of Madawaska

MURPHY of Berwick

HALE of Sanford

WENTWORTH of Wells

MASTERMAN of Milo

SALSBURY of Bar Harbor

Comes from the House with the Majority **OUGHT TO PASS Report READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-148)**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-148) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Relating to the Management and Conservation of the Lobster Resource" (H.P. 733) (L.D. 1042)

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

Signed:

Senators:

CHALMERS of Knox

BROWN of Washington

SHUTE of Waldo

Representatives:

CROWLEY of Stockton Springs

CONNORS of Franklin

SALSBURY of Bar Harbor

RUHLIN of Brewer

COLES of Harpswell

RICE of Stonington

MITCHELL of Freeport

VOSE of Eastport

MANNING of Portland

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

Signed:

Representative:

SCARPINO of St. George

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

Which Reports were **READ**.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending the **ACCEPTANCE OF EITHER COMMITTEE REPORT.**

**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 Relating to Service of Process by Sheriffs, Deputies and Constables" (S.P. 307) (L.D. 796)

Ought to Pass in New Draft

Senator NAJARIAN for the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Licensing of Small Maine Breweries" (S.P. 343) (L.D. 934)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 603) (L.D. 1579)

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

Senator TWITCHELL for the Committee on **TAXATION** on Bill "An Act Concerning Tax Exemptions for Certain Pollution Control Facilities" (S.P. 188) (L.D. 506)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 602) (L.D. 1578)

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

SECOND READERS

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

House

Bill "An Act Relating to Scalping and Dragging in the Frenchboro Area" (H.P. 1055) (L.D. 1534)

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

Bill "An Act Concerning the Location of Agency Liquor Stores and the Licensing of Seasonal Agency Stores" (H.P. 1047) (L.D. 1522)

Which was **READ A SECOND TIME**.
On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED.**

House As Amended

Bill "An Act to Require Full Disclosure by Financial Planners" (H.P. 793) (L.D. 1123) (C "A" H-143; H "A" H-159)

Bill "An Act to Establish a Vehicle Rental Agency in the Department of Conservation" (H.P. 834) (L.D. 1178) (H "A" H-161 to C "A" H-129)

Resolve, Concerning the Establishment of a Social Services Transportation Review Committee (Emergency) (H.P. 1053) (L.D. 1529) (H "A" H-160)

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

Senate

Bill "An Act to Transfer and Allocate Funds to the Judicial Department for the Fiscal Year Ending June 30, 1985" (S.P. 546) (L.D. 1459)

Bill "An Act to Amend the Maine Insurance Guaranty Association Act" (S.P. 559) (L.D. 1488)

Bill "An Act to Provide Greater Discretion to the Governor in Making Appointments to the Maine State Board of Nursing and to Require that this Board Contain at least 2 Representatives with Administrative and Supervisory Experience" (S.P. 599) (L.D. 1571)

Bill "An Act Concerning the Court Mediation Service and the Conduct of Mediation" (S.P. 597) (L.D. 1566)

(See Action Later Today)

Bill "An Act Relating to the Maine-New Hampshire Interstate Bridge Authority Portsmouth-Kittery Bridge and Approaches Thereto" (S.P. 601) (L.D. 1577)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.
Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify the Laws Relating to Landlords and Tenants" (S.P. 308) (L.D. 797) (C "A" S-106)

Bill "An Act Concerning Programs for the Homeless" (S.P. 402) (L.D. 1112) (C "A" S-108)

Resolve, Establishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons in Maine (S.P. 355) (L.D. 963) (C "A" S-110)

Bill "An Act Concerning Misuse of Dealer Plates and Clarification of Dealer Plate Provisions" (S.P. 320) (L.D. 809) (C "A" S-111)

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

Bill "An Act to Encourage A Viable Agriculture for Maine" (S.P. 489) (L.D. 1316) (C "A" S-105)

Which was **READ A SECOND TIME**.
On motion by Senator DANTON of York the Senate **RECONSIDERED** its action whereby it **ADOPTED**, Committee Amendment "A" (S-105).

THE PRESIDENT: The Senator has the floor.

On motion by Senator DANTON of York, Senate Amendment "A" (S-114) to Committee Amendment "A" (S-105) **READ** and **ADOPTED**.

Committee Amendment "A" (S-105) as Amended by Senate Amendment "A" (S-114) thereto **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, as Amended**.
Sent down for concurrence.

Bill "An Act to Amend Certain Sections of the Employment Security Law" (S.P. 493) (L.D. 1319) (C "A" S-104)

Which was **READ A SECOND TIME**.
On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED as Amended**.

Bill "An Act to Create the Advisory Commission on Radioactive Waste to Replace the Low-level Waste Commission" (Emergency) (S.P. 247) (L.D. 642) (C "A" S-107)

Which was **READ A SECOND TIME**.
On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED as Amended**.

On motion by Senator VIOLETTE of Aroostook the Senate **RECONSIDERED** its action of earlier in today's session whereby it **PASSED TO BE ENGROSSED**:

Bill "An Act Concerning the Court Mediation Service and the Conduct of Mediation" (S.P. 597) (L.D. 1566)

On further motion by same Senator, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED**.

ORDERS OF THE DAY

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Table:

Bill "An Act to Protect Deer Yards in the Organized Townships" (H.P. 1081) (L.D. 1573)

Tabled—May 24, 1985, by Senator VIOLETTE of Aroostook.
Pending—**REFERENCE**
(In House, May 23, 1985, referred to the Com-

mittee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED.**)

On motion by Senator VIOLETTE of Aroostook, under suspension of the Rules, Bill **READ ONCE** and **ORDERED PRINTED**, without Reference to a Committee, in non-concurrence.

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

ENACTORS

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

An Act Concerning the Allocation of Costs Incurred for Incarceration in County Jails (H.P. 219) (L.D. 253) (C "A" H-132)

An Act to Clarify the Definition of Spouse (H.P. 426) (L.D. 606) (H "B" H-153 to C "A" (H-102)

An Act to Clarify the Laws of the Department of Marine Resources (H.P. 686) (L.D. 972)

An Act Concerning the Taking of Smelts (H.P. 734) (L.D. 1043)

An Act to Prevent Double Benefits for the Same Period of Service, to Provide Membership as of the Effective Date of First Contributions and to Provide that Benefits be Paid only to Members, their Dependents or Beneficiaries (H.P. 999) (L.D. 1441) (H "B" (H-152)

An Act to Change the Law Relating to Liens for Unpaid Property Tax Assessments" (H.P. 1041) (L.D. 1516)

An Act Concerning Funeral and Burial Expenses of Municipal General Assistance Recipients (H.P. 1042) (L.D. 1517)

An Act Concerning the Composition of the Board of Elevator and Tramway Safety (H.P. 1043) (L.D. 1518)

An Act to Amend the Statutes on Sex Offenses (S.P. 283) (L.D. 772) (C "A" S-83)

An Act Relating to Theft Offenses (S.P. 326) (L.D. 815) (C "A" S-82)

An Act Relating to Prearranged Funerals or Burial Plans (S.P. 571) (L.D. 1498)

An Act to Simplify and Clarify the Public Utilities Commission's Authority Over Utility Issuance of Stocks, Bonds and Notes (S.P. 574) (L.D. 1499)

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

An Act Concerning Annual Inspection Fees for Inclined Lifts and Vertical Lifts (H.P. 1044) (L.D. 1519)

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

An Act to Increase the Number of Superior Court Justices and District Court Judges (S.P. 197) (L.D. 523) (C "A" S-81)

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

Resolve

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 (H.P. 799) (L.D. 1129) (C "A" H-126)

Which was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Relating to the Development of an Interagency Plan to Address the Identified Gaps in Mental Health Services for Children and Families (H.P. 931) (L.D. 1337) (H "A" H-135)

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

Emergency Resolve

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

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

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

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$20,000,000 to Match Available Federal Funds for Highway, Bridge and Airport Improvements (S.P. 512) (L.D. 1374)

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

ORDERS OF THE DAY

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

Bill "An Act to Provide Family Counseling and Legal Assistance in Cases of Alleged Child Abuse or Neglect" (H.P. 483) (L.D. 686)

Tabled—May 23, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—Motion of Senator **NAJARIAN** of Cumberland to **RECONSIDER ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report (In Senate, May 23, 1985, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.)

(In House, May 20, 1985, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

Senator **NAJARIAN:** Mr. President and Members of the Senate. I would like to withdraw my motion to Reconsider, primarily, because I didn't realize yesterday that the Amendment that I was going to offer had already been offered in the House and been defeated, and I thought that it would be a waste of Legislative time to introduce it in the Senate.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian asks leave of the Senate to Withdraw her motion for Reconsideration.

Is it the pleasure of the Senate to grant this

leave.

It is a vote.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED** in concurrence.

The President laid before the Senate the Tabled and Specially Assigned matter: Bill "An Act to Require Final Usage Labeling for all Surimi Products" (Emergency) (H.P. 1052) (L.D. 1528)

Tabled—May 23, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED** (In Senate, May 23, 1985, **READ A SECOND TIME**.)

(In House, May 20, 1985, **PASSED TO BE ENGROSSED**.)

On motion of Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-116) **READ**.

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

Senator **BUSTIN:** Before you Adopt it, I'm sure that everybody is curious as to what Surimi is, and what we're doing with this Bill. You get all kinds of pronunciations of the word, but in fact, it is "Surimi."

Surimi is an imitation seafood product. It's made from what it commonly known as trash fish, that we won't buy in a supermarket and the Japanese, somehow, have come up with a way to make it look like lobster, crabmeat, scallops, all that kind of thing. You can imagine that it would cost much less to buy, in fact, right in your own Statehouse Cafeteria, what you get is Surimi when you ask for a crabmeat sandwich. It is Surimi; it is not crabmeat.

To protect the very valuable resources that we feel we have in the State of Maine with lobster, scallops, crabs and what have you, we have asked that anybody who is selling an imitation seafood product, put on that product that it is an imitation of whatever product that they are saying that it is: crab, lobsters, scallops, and that's what we are doing.

The Amendment merely does a technical thing for us. We had put in an enforcement provision in there. We did not need it, because the Marine Resources who will be enforcing this, already have the general enforcement statute that allows them to do that.

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

Senator **HICHENS:** Mr. President and Members of the Senate. Although I am altogether in favor of this Amendment, I would like to correct the good Senator from Kennebec, Senator Bustin, they do not advertise the sandwiches in the cafeteria as crabmeat sandwiches, they are seafood sandwiches.

Senate Amendment "A" (S-116) **ADOPTED**. Which was **PASSED TO BE ENGROSSED** as **Amended**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates" (H.P. 1063) (L.D. 1542)

Tabled—May 23, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED** (In Senate, May 23, 1985, **READ A SECOND TIME**.)

(In House, May 20, 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:

Bill "An Act Pertaining to Interest on Abated Property Taxes" (H.P. 497) (L.D. 700) (C "A" H-147)

Tabled—May 23, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED**

AS AMENDED.

(In Senate, May 23, 1985, **READ A SECOND TIME**.)

(In House, May 20, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)**.)

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

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

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

(S.P. 581)

Tabled—May 23, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—Motion by Senator **BUSTIN** of Kennebec to **RECONSIDER ADOPTION** (In Senate, May 17, 1985, **READ** and **ADOPTED**.)

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

Senator **ERWIN:** Mr. President, Ladies and Gentlemen of the Senate. It has been my privilege to serve as a member of this Chamber for some three years now. During that three years, I received several very good lessons, and perhaps this afternoon my education might be furthered.

We've heard this resolution: is simple; it can't possibly accomplish anything, but if that is so why is the large bore artillery rolled out on the ramparts? Is it because there's a similar movement in Washington, D.C.? With similar aims with what this resolution is concerned about? If you checked, I think you'll find that's so.

Last Friday I discussed with you some of the ads that are on television that our children are beginning to imitate. Perhaps you've seen the latest version, at least the latest version to me. A very popular sport's announcer breaks through what appears to be a concrete block wall in his anxiety to get some beer. He's not drooling, but he puts on a good show. The bartender requests, "next time perhaps he shouldn't break through the wall, but he should use the door!" So what happens then, in his anxiety to be served a glass of beer and consume it, he breaks through the door, breaks it off its casing, instead of opening the door and coming in as a normal individual.

How far will the writers and the producers go? Are we going to do something to try to slow them down a little bit, or are we going to let them just keep going farther and farther?

I really have no problem in trying to reach a decision on this matter. All I do is ask myself: "Who elected me? Who sent me down to the Legislature to serve their interests? The people of District 8 or the special interest groups?" You know every time I ask myself that question, I seem to get the same answer. The people of District 8.

Mr. President, I ask for a Roll Call.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON:** Mr. President and Members of the Senate. As you know this particular Resolution has been debated before in this Body; it was debated last week, but as most Resolutions in this Legislature, this particular Resolution did not have a public hearing. So that there was very little opportunity

for a public dialogue on this particular issue presented by the Resolution. I would like to use this opportunity to put before you the facts that you should consider in your vote today, as whether or not this particular Resolution is a useful tool for the Legislature.

I think it's very important to recognize the State of Maine's Office of Drug and Alcohol Abuse Planning, and the Mothers Against Drunk Driving, have recently concluded that an advertising ban would have minimal effect, if any.

It's, also, important to note that a complete advertising ban in three Scandinavian countries showed no change in alcohol consumption within those countries.

Third, that the Federal Trade Commission in a recently released report concluded that an ad ban would not result in less alcohol abuse.

Finally, it's important to note that this particular Resolution clearly discriminates against broadcasters; it doesn't apply to newspapers, magazines, direct mail, only to those broadcasters.

I think it is, also, important to consider that in the area we discussed last week, our broadcasters within the State of Maine through the Maine Association of Broadcasters' have taken a very strong initiative against drunk driving. They have spent considerable dollars, in the vicinity of over two hundred thousands dollars since October 1, 1984, airing public service ads aimed against drunk driving and abuse of alcohol. They've also been very instrumental in supporting "project graduation" which again aims at a particular problem that we're all concerned about, and that is drinking and driving and the abuse of alcohol.

Individual stations throughout the State have devoted countless hours in individual programs of the talk show variety, and similar public service programming addressing this particular issue heightening the awareness throughout the State of the problems and the abuse of alcohol that we are all very well aware of.

There's no question that this particular Resolution is intended to penalize broadcasters; they would be denied revenues from beer and wine distributors for the advertisement of their products on the airways. Yes, the denial of those revenues might restrict their continued public service announcements and the amounts of money that they can devote to this particular effort.

What bothers me most about this particular Resolution is, that it is discriminatory. We're taking an aim, or this Resolution takes an aim, at only one area of advertising within the State of Maine. I feel that it is unnecessary. I feel it is discriminatory, and I see no connection between this type of ban broadcasting advertisements, to the real problems that we're all concerned about, and that is the abuse of alcohol. There have been other programs, many within the Office of Drug and Alcohol Abuse Planning; many among other organizations such as server education within the Maine Innkeepers Association, the Maine Restaurant Association, and other similar programs which aim at the heart of the problem that is; when is alcohol abused? When should drunk driving be discouraged? What are the best means in doing it?

I suggest that this particular ban does nothing to address the particular problems of which we're concerned. So I urge you to vote for the motion to Reconsider, so that I can then rise to offer my particular motion for Indefinite Postponement on this particular Resolution. Thank you.

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

Senator **USHER:** Thank you, Mr. President. Mr. President and Members of the Senate. I concur with the words from the good Senator from Androscoggin, being a member of the Maine Highway Safety Committee for the past five years, we have worked very closely with

the broadcasters. They have been very accommodating to us in the "project graduation" which we started out in that Committee, and has been very successful statewide. As a matter of fact our people were even going into other states and telling them about the program which I hope they adopt. That is just one of the things. They're helping us in working with the "MADD" "Mothers Against Drunk Drivers." They are putting the problem on the air, and when you put the problem on the air, that makes the people aware of it, and people are intelligent today.

You're talking about the different ads that go on the air. You only picked out the ones probably rough and tough guys, some are comical, probably some of the programs are more comical than the comedian programs that we do have on the air. What about Christmastime? You see the ads come on, not even one word on certain commercials. On the Budweiser one—it shows all the Clydesdale horses—not one word is said. That's a form of advertisement and that is a beer commercial! I don't see anything wrong with that. I think that that is a very good ad. It's just certain ones. Let the certain ones be picked out and let the broadcasting group choose the ones they don't want to have, but I don't think we should ban all the ads on the media.

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

Senator **HICHENS:** Mr. President and Members of the Senate, I cosponsored this Resolution because way back in December I received a petition signed by eight hundred and twenty-five people in my district and Senator Tuttle from Sanford's District, asking that we do something in the State of Maine to coincide with a petition, which is being sent to the President and Congress from these people, which stated: "alcohol abuse and alcoholism was America's number one drug problem contributing to over one hundred thousand deaths and one hundred twenty billions of money in economic damage each year. Despite the massive data or the harm caused by drinking, public airways carry over five hundred million dollars worth of ads for beer and wine annually.

"The ads portray drinking as an indispensable part of a happy successful life. Children are miraged by the ads almost from infancy, and many ads specifically have impressed young people. To correct this intolerable situation, we petitioned the President and Congress to ban all advertising for alcoholic beverages on radio and television, or require broadcasters to give equal time to health messages about alcohol." This Resolution we have before us today is practically the same as what this petition has asked us to do.

It has been stated here this morning that the broadcasters have an initiative against drunk driving and have spent nearly two hundred thousands dollars in time since October 1, 1984. I present to you that that is a very small percentage of the profits which they are making. It has also been stated that it's discriminatory. It's no more discriminatory than cigarette advertisement which has been banned for several years on television. If that has worked, and they say it has worked, I don't know why we can't ban the advertising of liquor on our radio and television programs.

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

Senator **ERWIN:** I request permission to Withdraw my request for a Roll Call.

THE PRESIDENT: The Senator from Oxford, Senator Erwin, asks Leave of the Senate to Withdraw his request for a Roll Call.

Is this the pleasure of the Senate.

It is a vote.

The Senator has the floor.

Senator **ERWIN:** I would like to explain to the Members of the Senate, why I made the request. An Amendment will be prepared for the

next Legislative Day, which is Tuesday.

I intend to vote for Reconsideration and then Leadership will request the Resolution be tabled until Tuesday.

On motion by Senator **BUSTIN** of Kennebec the Senate **RECONSIDERED** its action whereby it **ADOPTED** the Joint Resolution.

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ADOPTION**.

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

An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax. (H.P. 764) (L.D. 1084)

Tabled—May 23, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ENACTMENT**.

(In Senate, May 13, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 17, 1985, **PASSED TO BE ENACTED**.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ENACTMENT**.

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

Resolve, Creating the Commission to Study Emergency Medical Services in Maine. (H.P. 341) (L.D. 458) (C. "A" H-116)

Tabled—May 23, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**FINAL PASSAGE**.

(In Senate, May 20, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-116), in concurrence.)

(In House, May 17, 1985, **FINALLY PASSED**.)

On motion by Senator **BERUBE** of Androscoggin the Senate **SUSPENDED THE RULES**.

On further motion by Senator **BERUBE** of Androscoggin the Senate **RECONSIDERED** action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-116).

On further motion by same Senator, Senate Amendment "A" (S-112) to Committee Amendment "A" (H-116) **READ**.

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

Senator **BERUBE:** Mr. President, this Amendment simply adds a fiscal note to the Bill of eight thousand six hundred dollars. Thank you.

Senate Amendment "A" (S-112) to Committee Amendment "A" (H-116) was **ADOPTED**.

Committee Amendment "A" (H-116) as Amended by Senate Amendment "A" (S-112) thereto was **ADOPTED**, in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED As Amended**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

An Act to License Dietitians. (S.P. 520) (L.D. 1397)

Tabled—May 23, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**CONSIDERATION**.

(In Senate, May 20, 1985, Veto Message from the Governor **READ** and **ORDERED PLACED ON FILE**.)

(In Senate, May 3, 1985, **PASSED TO BE ENACTED**, in concurrence.)

(In House, April 30, 1985, **PASSED TO BE ENACTED**.)

THE PRESIDENT: The pending question before the Senate is, "Shall this Bill become law

notwithstanding the objection of the Governor?" Accordance to the Constitution Article IV Part 3 Section 2, the vote will be taken by the Yeas and Nays.

A Yes vote will be in favor of the Bill.

A No vote will be in favor of sustaining the recommendation of the Governor.

Senator **BALDACCI** of Penobscot requested and received permission to abstain from voting due to the appearance of a conflict of interest.

Is the Senate ready for the question?

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

ROLL CALL

YEAS:—Senators, Andrews, Berube, Dow, Hichens, McBreairty, Sewall, Tuttle.

NAYS:—Senators, Black, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dutremble, Emerson, Erwin, Gauvreau, Gill, Kany, Matthews, Maybury, Najarian, Pearson, Perkins, Shute, Stover, Trafton, Twitchell, Usher, Violette, Webster, The President—Charles P. Pray

ABSENT:—Senator, Brown

7 Senators having voted in the affirmative and 26 Senators in the negative, with 1 Senator being absent, and 1 Senator being excused, and 7 being less than two-thirds of the Membership present and voting, the veto was **SUSTAINED**.

The Secretary shall inform the Speaker of the House.

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

Bill "An Act to License Respiratory Care Practitioners" (S.P. 591) (L.D. 1554)

Tabled—May 23, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED**. (In Senate, May 20, 1985, **READ A SECOND TIME**.)

Which was **PASSED TO BE ENGROSSED**. Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON STATE GOVERNMENT 112th LEGISLATURE

May 24, 1985

The Honorable Charles P. Pray
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Tobie Nathanson of Saco, as a member of the State Personnel Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	2
	Representatives	10
NAYS:		0
ABSENT:	1 (Senator Andrews of Portland)	

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Tobie Nathanson of Saco, as a member of the State Personnel Board be confirmed.

Sincerely,
S/ JUDY KANY
Senate Chair
S/ DAN GWADOSKY
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Joint Standing Com-

mittee on **STATE GOVERNMENT** has recommended that the nomination of **Tobie Nathanson** be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **STATE GOVERNMENT** be overridden?" In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEAS:—Senators, None

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

ABSENT:—Senator, Brown

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Tobie Nathanson** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON STATE GOVERNMENT 112TH LEGISLATURE

May 24, 1985

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Harold Gosselin of Lewiston, as a member of the State Personnel Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
	Representatives	10
NAYS:		0
ABSENT:		0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Harold Gosselin, as a member of the State Personnel Board be confirmed.

Sincerely,
S/ JUDY KANY
Senate Chair
S/ DAN GWADOSKY
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Joint Standing Committee on **STATE GOVERNMENT** has recommended that the nomination of **Harold Gosselin** be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on **STATE GOVERNMENT** be overridden?" In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas

and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEAS:—Senators, None

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

ABSENT:—Senators, Brown, Carpenter

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Harold Gosselin** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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 Authorize a Bond Issue in the Amount of \$2,000,000 to Establish an Occupational Safety Loan Fund" (S.P. 491) (L.D. 1318)

Out of order and under suspension of the Rules, the President laid before the Senate:

SENATE PAPERS

Bill "An Act to Permit the Manufacture and Sale of Higher Efficiency Laundry Detergents (S.P. 604) Presented by Senator **CLARK** of Cumberland Cosponsored by: Senator **PERKINS** of Hancock, Representative **DAVIS** of Monmouth, Representative **HAYDEN** of Durham. Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

Committee on **ENERGY AND NATURAL RESOURCES** suggested.

Senate at Ease

The Senate called to Order by the President.

Under suspension of the Rules the Bill **READ ONCE** and **ORDERED PRINTED**.

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

Out of order and under suspension of the Rules, the President laid before the Senate:

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 Allow Certain Fish and Wildlife Offenses to be Treated as Civil Violations" (S.P. 88) (L.D. 269)

Bill "An Act to Provide for Continued Educational Opportunities for Disabled Students" (S.P. 567) (L.D. 1495)

Bill "An Act to Provide for an Independent Study of Telephone Service Costs" (Emergency) (S.P. 378) (L.D. 1012)

Bill "An Act to Maintain Universal Telephone Service" (Emergency) (S.P. 377) (L.D. 1011)

Bill "An Act to Ensure Affordable Telephone Costs for Nonprofit Social Service Corporations by Prohibiting the Local Measured Service Rate Structure for these Customers" (S.P. 469) (L.D. 1272)

Bill "An Act to Preserve Affordable Flat Rate Local Telephone Service" (Emergency) (S.P. 454) (L.D. 1257)

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

JOINT RESOLUTION PRAISING THE GOVERNMENT OF THE REPUBLIC OF IRELAND FOR ITS EFFORTS TO HELP THE MINORITY AND MAJORITY POPULATIONS IN NORTHERN IRELAND ACHIEVE PEACE (H.P. 1083)

Tabled — May 24, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **ADOPTION**

(In Senate, May 24, 1985, **READ**.)

(In House, May 23, 1985, **READ** and **ADOPTED**.)

On motion by Senator **VIOLETTE** of Aroostook, Tabled Unassigned, pending **ADOPTION**.

Senate at Ease

The Senate called to Order by the President.

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

ORDERS

JOINT ORDER

On motion by Senator **VIOLETTE** of Aroostook, the following Joint Order: (S.P. 610) **ORDERED**, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, May 28, 1985 at 10:00 in the morning.

Which was **READ** and **PASSED**.

Under suspension of the Rules, sent forthwith for concurrence.

Senator **BALDACCI** of Penobscot was granted unanimous consent to address the Senate On the Record.

Senator **BALDACCI**: Mr. President and Members of the Senate. I want to report to you that the Local Measured Service issue that has been in front of the Utilities Committee, as you will notice that all of the bills have been taken Leave to Withdraw.

The Committee, working with the Commission, has agreed to put this matter on hold until we have had an opportunity to work with the Commission and to reopen the public hearings and the expert testimony, and they put off the date until February 15th.

We'll be coming back to the Legislature some time next week to report On the Record how this procedure is going to be established, and the order in which it is going to be taken, so it would be On the Record.

I would, also, like to express the happiness of the Committee of the generosity of the Legislative Council, in approving our study of this subject, so that we could deal with the bills that were in committee. Also, I liked to thank Senator Andrews and Senator Webster for their diligence and membership on the committee during this very trying time. Thank you, Mr. President.

Off Record Remarks

Senate at Ease

The Senate called to Order by the President.

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 just want to call to the attention of the Members of this Body this afternoon the decision by the University of Maine at Orono to further their divestiture from South Africa.

I think some things happen in this Body, and in this Legislature, that seemed to be coincidental. This is an issue which we debated rather summarily last night. I'm not sure where

that stands now, but it doesn't look very good for the State to join in the crusade.

I do want to go on public record of thanking the students at the University of Maine at Orono for continuing their concern for human rights, for world humanity, and continuing their outspoken action against a system of racial segregation in South Africa.

The issue is thousands of miles away, but it seems to me that the students of this State, those who will be the future leaders of the State of Maine, have seen that issue close at hand, and I commend the students at the University of Maine, and I commend the trustees and the faculty. Thank you.

Senate at Ease

The Senate called to Order by the President.

The **ADJOURNMENT ORDER** having been returned from the House, **READ** and **PASSED**, in concurrence, on Motion by Senator **CLARK** of Cumberland, **ADJOURNED** until Tuesday, May 28, 1985, at 10:00 in the morning.