

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
Tuesday
May 28, 1985
Senate called to Order by the President.

Prayer by the Reverend Brian Rebert of the New Hope Baptist Church in Farmington.

REVEREND REBERT: Shall we pray. Our precious Heavenly Father, we thank You for the memory of the servicemen who died that we might have freedom from oppression and tyranny. But Father, most of all we thank You for Your Son, Jesus Christ, who died that we might have freedom from sin.

Lord, bless this Body today, these men and women, our Senators, who are going to make laws and discuss the problems here in our great State of Maine. Be with them we pray so that we might live a quiet and peaceful life in all godliness and honesty.

We thank You in Jesus's Name. Amen.

Reading of the Journal of Friday, May 24, 1985.

PAPERS FROM THE HOUSE Non-concurrent Matter

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

In Senate, May 17, 1985, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSAGE TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-182)** in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act Authorizing a Bond Issue in the Amount of \$3,500,000 for the Purpose of Historic Preservation and Main Street Projects" (H.P. 1100) (L.D. 1608)

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

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

Resolve, Concerning Reauthorization of the \$30,000,000 Bond Issue for the Planning, Construction and Equipment of the Water Pollution Abatement Facilities (Emergency) (H.P. 1101) (L.D. 1609)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

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, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED** without reference to a Committee and **ORDERED PRINTED**, in concurrence.

Bill "An Act Authorizing a Bond Issue for Penobscot County to Raise Funds to Renovate or Expand the Penobscot County Jail" (H.P. 1102) (L.D. 1610)

Committee on **LOCAL AND COUNTY GOVERNMENT** suggested.

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, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED** without reference to a Committee and **ORDERED PRINTED**, in concurrence.

Resolve, Authorizing the Somerset County Commissioners to Expend \$130,000 from Revenue Generated Through the Boarding of

Prisoners for the Purpose of Making Modifications to the Somerset County Jail to Increase the Jails Rated Capacity (Emergency) (H.P. 1103) (L.D. 1611)

Committee on **LOCAL AND COUNTY GOVERNMENT** was suggested.

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

On motion by Senator VIOLETTE of Aroostook, tabled until later in today's session, pending **REFERENCE**.

Off Record Remarks

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in Both the Unorganized Territory and the Municipalities of the State (H.P. 1099) (L.D. 1607)

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

Study Report COMMISSION TO STUDY THE IMPLEMENTATION OF EDUCATIONAL REFORM

The **Majority** of the **SPECIAL COMMISSION TO STUDY THE IMPLEMENTATION OF EDUCATIONAL REFORM**, pursuant to Revised Statutes, Title 20-A, Section 13510, ask leave to submit its findings and Report that the accompanying Bill "An Act to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers" (H.P. 1087) (L.D. 1580)

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

Comes from the House with the Report **READ** and **ACCEPTED**, and the Bill referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

Under suspension of the Rules, the Bill **READ ONCE** and **ORDERED PRINTED** pursuant to Joint Rule 18, and **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**, in **NON-CONCURRENCE**.

Study Report COMMISSION TO STUDY THE IMPLEMENTATION OF EDUCATIONAL REFORM

The **Minority** of the **SPECIAL COMMISSION TO STUDY THE IMPLEMENTATION OF EDUCATIONAL REFORM**, pursuant to Revised Statutes, Title 20-A, Section 13510, ask leave to submit its findings and Report that the accompanying Bill "An Act to Implement Recognition Grants for Teachers, Establish a Minimum Salary for Teachers and Provide Money for School Administrative Units to Operate Preschool Programs for Handicapped Children" (H.P. 1088) (L.D. 1581)

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

Comes from the House with the Report **READ** and **ACCEPTED**, and the Bill referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

Under suspension of the Rules, the Bill **READ ONCE** and **ORDERED PRINTED**, pursuant to Joint Rule 18, and **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**, in **NON-CONCURRENCE**.

Study Report

COMMISSION TO STUDY THE IMPLEMENTATION OF EDUCATIONAL REFORM

The **Minority** of the **SPECIAL COMMISSION TO STUDY THE IMPLEMENTATION OF EDUCATIONAL REFORM**, pursuant to Revised Statutes, Title 20-A, Section 13510, ask leave to submit its findings and Report that the accompanying Bill "An Act to Implement Teacher Recognition Grants, Establish a Summer Grants Program for Teachers and Establish a Minimum Salary for 1986-87" (H.P. 1089) (L.D. 1582)

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

Comes from the House with the Report **READ** and **ACCEPTED**, and the Bill referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

Under suspension of the Rules, the Bill **READ ONCE** and **ORDERED PRINTED**, pursuant to Joint Rule 18, and **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**, in **NON-CONCURRENCE**.

COMMUNICATION The Following Communication: STATE OF MAINE HOUSE OF REPRESENTATIVES May 24, 1985

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

House Paper 970, Legislative Document 1379, AN ACT to Require Notice of the Smoking Policy in Restaurants, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Thirty-eight voted in favor and eighty-nine against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/ Edwin H. Pert

Clerk of the House

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

Off Record Remarks

COMMITTEE REPORTS

House

Ought Not To Pass

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

Bill "An Act Concerning the Placement of Railroad Lights" (H.P. 618) (L.D. 888)

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 Require Medical Practitioners to Warn Patients of Possible Side Effects for Prescription Drugs" (H.P. 894) (L.D. 1289)

Resolve, Establishing the Commission on Limited Benefit Health Insurance (Emergency) (H.P. 679) (L.D. 966)

Resolve, Requiring the Bureau of Public Improvements to Study and Evaluate Various Alternatives for Centrally Locating the Several Economic Development Agencies of the State Within a Single Facility (Emergency) (H.P. 77) (L.D. 97)

Bill "An Act to Provide for Termination or Non-renewal of State Contract Funds to Private Nonprofit Organizations for Cause" (H.P. 412) (L.D. 565)

Bill "An Act to Provide the State Payment for Residential Placements for Special Education Students in the Current Year" (Emergency) (H.P. 946) (L.D. 1355)

Bill "An Act Concerning the Adoption and Implementation of Mandatory Local Measured Telephone Service" (H.P. 416) (L.D. 582)

Bill "An Act to Study the Effect of Local Measured Service" (Emergency) (H.P. 826) (L.D. 1167)

Bill "An Act to Delay Implementation of New Telephone Systems Pending Further Study" (Emergency) (H.P. 691) (L.D. 977)

Bill "An Act Relating to Measured Local Telephone Charges" (Emergency) (H.P. 447) (L.D. 629)

Ought to Pass

The Committee on EDUCATION on Bill "An Act Concerning Service Requirements for Medical Students" (H.P. 1025) (L.D. 1477)

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 ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on STATE GOVERNMENT on Bill "An Act to Improve the Functioning of the Maine Milk Commission" (H.P. 918) (L.D. 1324)

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 ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Committee on TRANSPORTATION on Bill "An Act to Repeal an Outdated Provision of the Highway Law" (H.P. 124) (L.D. 149)

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 ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass As Amended

The Committee on EDUCATION on Bill "An Act to Improve the Laws on School Health Programs" (H.P. 718) (L.D. 1028)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-172).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-172).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-172) READ and ADOPTED, in concurrence.

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

The Committee on EDUCATION on Bill "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (H.P. 563) (L.D. 834)

Reported that the same Ought to Pass as Amended by Committee Amendment "B"

(H-170).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-170).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-170) READ and ADOPTED, in concurrence.

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

The Committee on EDUCATION on Bill "An Act Establishing Educational Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty" (H.P. 478) (L.D. 681)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-176).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-176) READ and ADOPTED, in concurrence.

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

The Committee on EDUCATION on Bill "An Act to Provide for State Certification of School Administrators" (H.P. 871) (L.D. 1228)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-173).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173) AS AMENDED BY HOUSE AMENDMENT "A" (H-181), thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-173) READ and ADOPTED, in concurrence.

House Amendment "A" (H-181) to Committee Amendment "A" (H-173) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-173) as Amended by House Amendment "A" (H-181) thereto ADOPTED, in concurrence.

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

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Relating to Municipal Regulation of Hazardous Waste and Chemical Substances" (H.P. 961) (L.D. 1382)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-138).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-138) AND HOUSE AMENDMENT "A" (H-157).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-138) READ and ADOPTED, in concurrence.

House Amendment "A" (H-157) READ and ADOPTED, in concurrence.

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

The Committee on FISHERIES AND WILDLIFE on Bill "An Act Relating to Coyote Control" (H.P. 634) (L.D. 902)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-174).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-174) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Expand the Victim's Rights Laws" (H.P. 808) (L.D. 1154)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-175).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-175) READ and ADOPTED, in concurrence.

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

The Committee on LEGAL AFFAIRS on Bill "An Act Concerning Abandoned or Unclaimed Property and Security Deposits in a Landlord and Tenant Agreement" (H.P. 732) (L.D. 1041)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-177).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-177) READ and ADOPTED, in concurrence.

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

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Provide County Commissioner Districts in Washington County" (H.P. 194) (L.D. 228)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-186).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-186) READ and ADOPTED, in concurrence.

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

The Committee on STATE GOVERNMENT on Resolve, Authorizing the Sale of State-owned Land to the Crisis and Counseling Center (H.P. 538) (L.D. 765)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-178).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178).

Which Report was READ and ACCEPTED,

in concurrence.

The Resolve **READ ONCE**.

Committee Amendment "A" (H-178) **READ** and **ADOPTED**, in concurrence.

The Resolve as **AMENDED ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

The Committee on **STATE GOVERNMENT** on Resolve, to Authorize Granting a Sewer Line Easement on State Land to the Town of Thomaston (Emergency) (H.P. 948) (L.D. 1357)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-171)**

Comes from the House, with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-171) **READ** and **ADOPTED**, in concurrence.

The Resolve as **AMENDED ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

The Committee on **TRANSPORTATION** on Bill "An Act to Expand the Inspection of Used Car Dealers Conducted by the Division of Motor Vehicles" (H.P. 737) (L.D. 1046)

Reported the same **Ought to Pass as Amended by Committee Amendment "A" (H-184)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-190)**, thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-184) **READ**. House Amendment "A" (H-190) to Committee Amendment "A" (H-184) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-184) as Amended by House Amendment "A" (H-190) thereto, **ADOPTED**, in concurrence.

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

Ought to Pass in New Draft under New Title

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Providing for Repair, Maintenance and Operation of State-owned Dam on Dead River, Androscoggin County" (H.P. 680) (L.D. 986)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Providing Funding for Repair, Maintenance, Operation and Study of the Dead River Dam" (H.P. 1079) (L.D. 1570)

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

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

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

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Establish a Greenbelt Area Along the Kennebec River" (H.P. 82) (L.D. 102)

Reported the same **Ought to Pass in New Draft under New Title** Resolve, to Provide for an Agreement Between the State and the City of Augusta to Establish a Greenbelt Area on State-owned Land on the East Bank of the

Kennebec River in Augusta (H.P. 1017) (L.D. 1468)

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve, in **NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-168)**.

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

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

House Amendment "B" (H-168) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Clarify Certain Errors and Inconsistencies in Marine Resources Laws" (Emergency) (H.P. 607) (L.D. 877)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Clarify and Correct Certain Laws Relating to Marine Resources Laws" (Emergency) (H.P. 1066) (L.D. 1548)

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, in **NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-188)**.

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

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

House Amendment "A" (H-188) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE GOVERNMENT** on Bill "An Act to Provide for One-stop State Licensing and Permitting of Businesses" (H.P. 930) (L.D. 1349)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Establish a Directory of Licenses and Permits Required of New and Expanding Businesses" (H.P. 1082) (L.D. 1574)

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

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

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

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

Committee of Conference

The **Second Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Resolve, to Name the Wiscasset Bridge the Donald E. Davey Bridge (H.P. 373) (L.D. 492)

Have had the same under consideration and ask leave to report that the House **Recede from Passage to be Engrossed**; that Committee of Conference Amendment "B" (H-187) be **Read** and **Adopted** and the Resolve **Passed to be Engrossed as Amended by Conference Committee Amendment "B" (H-187)**, in **Non-Concurrence**.

That the Senate **Recede** and **Concur** with the House.

Signed on the Part of the House:
Representative ALLEN of Washington
Representative MILLS of Bethel
Representative STROUT of Corinth
Signed on the Part of the Senate:
Senator DANTON of York
Senator CHALMERS of Knox
Senator McBREAIRTY of Aroostook

Comes from the House, with the Second Committee of Conference Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "B" (H-187)**, in **NON-CONCURRENCE**.

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

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

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

Senator **GILL** of Cumberland was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator **GILL** of Cumberland **RECESSED** until the sound of the Bell.

After Recess

The Senate called to Order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Restrict certain Agencies with Respect to Purchases of Real Property" (H.P. 630) (L.D. 774)

Tabled — March 5, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **ASSIGNMENT FOR SECOND READING**.

(In Senate, March 5, 1985, the **Ought to Pass in New Draft under New Title** Report **READ** and **ACCEPTED** and the Bill in New Draft **READ ONCE**.)

(In House, March 1, 1985, **PASSED TO BE ENGROSSED**.)

Under suspension of the Rules, the Bill **READ A SECOND TIME**.

On motion by Senator **KANY** of Kennebec, Senate Amendment "A" (S-125) **READ**.

Senator **KANY**: Mr. President and fellow Senators just a brief description of the amendment. We wanted to run an amendment by some of the bond counsels for the Maine State Housing Authority and the Finance Authority of Maine, and this amendment would allow the Maine State Housing Authority and FAME to purchase mortgages, foreclose on property and lease foreclosed property pending sale, yet it would restrict generally their ability to purchase real property for office space without the prior written approval of the Governor.

It would prohibit the Maine State Retirement System from purchasing, leasing or renting real property without the prior written approval of the Governor.

Senate Amendment "A" (S-125) **ADOPTED**. Which was **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Authorize Counties, Municipalities and Other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institution, Insurance Companies and Investment Firms" (H.P. 349) (L.D. 470)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-166)**.

Signed:

Representatives:

BRANNIGAN of Portland
MURRAY of Bangor
HILLOCK of Gorham
RYDELL of Brunswick
ALBERTI of Lewiston
TELOW of Lewiston
STEVENS of Bangor

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
BUSTIN of Kennebec

Representatives:

BAKER of Orrington
ARMSTRONG of Wilton
MARTIN Van Buren

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-166)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-166)**.

Which Reports were **READ**.

On motion by Senator **BUSTIN** of Kennebec the Minority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Increase Consumers' Remedies under the Unfair Trade Practices Laws" (H.P. 715) (L.D. 1025)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-167)**.

Signed:

Senators:

BUSTIN of Kennebec
DANTON of York

Representatives:

RYDELL of Brunswick
MURRAY of Bangor
BRANNIGAN of Portland
TELOW of Lewiston
ALIBERTI of Lewiston
STEVENS of Bangor
MARTIN of Van Buren

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

ARMSTRONG of Wilton
BAKER of Orrington
HILLOCK of Gorham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)**.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence. The Bill **READ ONCE**.

Committee Amendment "A" (H-167) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Mandate a Course in Cardiopulmonary Resuscitation in High Schools" (H.P. 257) (L.D. 311)

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

Signed:

Senator:

HICHENS of York

Representatives:

CROUSE of Caribou
LAWRENCE of Parsonsfield
BROWN of Gorham
SMALL of Bath
ROBERTS of Farmington
FOSS of Yarmouth
BOST of Orono

The Minority of the same Committee on the

same subject reported that the same **Ought to Pass in New Draft** under same title. (H.P. 1073) (L.D. 1562)

Signed:

Senators:

BROWN of Washington
GAUVREAU of Androsocoggin

Representatives:

MATTHEWS of Caribou
O'GARA of Westbrook
HANDY of Lewiston

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

Which Reports were **READ**.

THE PRESIDENT: Is it now the pleasure of the Senate to Accept the Ought to Pass in New Draft Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Webster.

Senator **WEBSTER**: I request a division.

THE PRESIDENT: A division has been requested.

Will all those Senators in favor of Acceptance of the Minority Ought to Pass in New Draft Report, please rise and remain standing until counted.

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

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator **SEWALL**: Mr. President, I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN**: Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me briefly explain the issue that is before us before you vote on accepting the majority or minority report.

It was the intention to have the Minority Report Accepted in New Draft so that an amendment could be offered which would have simply required a local school board or school committee to have held a public meeting to see how much interest exists in a community as to whether or not the schools should offer a course in CPR.

Initially the Bill came in, L.D. 311, which would have mandated a course of study on CPR in public school. This was not anything that the Committee felt should be mandated to the locals. We decided, or some of us decided that it would be proper to go ahead and to have the locals perhaps offer a course in Health Education dealing with CPR, — that is down in the New Draft L.D. 1562.

The effort is to further amend the bill down further, (if we are allowed to in Second Reader) to then say, a local community does not even have to offer the course, it just has to hold a meeting to see whether or not the local community has any interest in having a course offered in CPR.

We had a large number of people that turned out for the hearing on this issue. CPR courses and the interest in CPR and the fact of what it can do for our community, if a number of people are trained, is a very important issue. The Committee felt it important enough so that a community should, if they are not going to offer the course, should at least have the opportunity to find out how the local citizens feel about it.

So I would urge you to Accept the Minority Ought to Pass in New Draft, and then on Second Reader an amendment will be offered (which has been distributed this morning)

which will simply say that the Committee only has to hold a hearing. Thank you, Mr. President.

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

Senator **WEBSTER**: Mr. President, may I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **WEBSTER**: I am just somewhat confused on this issue as to whether we need a law to allow the school boards to do this.

It is my understanding that there are some places in this State that are within the health program that are now offering this course. I am curious as to whether we need to pass a law to allow them to do something that they are already doing.

I know that if there was some interest in my school district I feel quite sure that the local school boards would decide that or the teacher would decide to teach it and it could be taught. I am just curious as to the need for this legislation. Could somebody answer that?

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN**: Thank you, Mr. President in response to the good Senator's question. The answer is No, we do not need this law to have the locals determine whether or not the course should be offered.

We at different times in here though try to just send some messages to people in terms of whether or not something is important enough at the local level.

This is an issue that is extremely important; a life or death situation where the locals would simply hold a meeting to determine what interest exists, what the cost is going to be if they were to offer a course, nothing more.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE**: Mr. President, could I ask a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **SHUTE**: Would there be a fiscal note on this bill to cover the cost of the public meeting?

Senate at Ease

The Senate called to Order by the President.

THE PRESIDENT: The Chair in response to the inquiry by the Senator from Waldo, Senator Shute, would quote from the document which lists under fiscal note: "This new draft would not begin to affect State funds until fiscal year 1989, at that time the effect would be insufficient. The local cost would depend upon how successful a school was in cooperating with local hospitals and rescue services."

This the Chair would respond that a fiscal note is not needed.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator **PERKINS**: Mr. President and Ladies and Gentlemen of the Senate. I commend the Committee on Education for the work that they have done to get this bill to the point that it has already today because I am fearful of these mandations which are not backed up by state funds.

In my area we have a fair amount of water so I wonder if perhaps they might consider adding a provision that we discuss the teaching of swimming in this thing and whether there would be interest in that because this indeed is a hazard in my area, also. So, if CPR is something that is necessary and some other things could be.

There is, also, a fair amount of hazard on CPR if it is not given correctly, so in order for a school district to do it correctly it is going to

have to be done by some experts. I think, as the good Senator from Windham tells us, that it indeed requires some degree of expertise. So, therefore, I guess that I would agree with those who would wonder whether indeed this is a necessary bill.

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

Senator **BROWN:** Thank you, Mr. President. I am glad that the good Senator from Hancock, Senator Perkins, brought up this issue because it is precisely one of the reasons why with CPR we didn't want to be offering it in local schools, for communities like his where there are swimming accidents that occur. Someone who is skillfully trained, as these people will be under a skillful teacher, would have those kinds of skills available so that they could save individuals, like in his own community. So that swimming wouldn't be necessary but the CPR certainly would be to handle someone that might be involved in a swimming accident. Thank you, Mr. President.

Off Record Remarks

THE PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate is the **Acceptance** of the Majority **Ought to Pass** Report?

A Yes vote will be in favor of Acceptance of the Majority Ought to Pass Report.

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Andrews, Baldacci, Berube, Brown, Bustin, Chalmers, Clark, Diamond, Dow, Dutremble, Erwin, Gauvreau, Kany, Matthews, Najarian, Pearson, Trafton, Violette, The President — Charles P. Pray.

NAYS:—Senators, Black, Emerson, Gill, Maybury, McBreairty, Perkins, Sewall, Shute, Stover, Twitchell, Webster.

ABSENT:—Senators, Carpenter, Danton, Hichens, Tuttle, Usher.

19 Senators having voted in the affirmative and 11 Senators in the negative, with 5 Senators being absent, the motion to **ACCEPT** the Minority **OUCHT TO PASS IN NEW DRAFT** Report in **NON-CONCURRENCE**, **PRAVAILED**.

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

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

Divided Report

The Majority of the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act Relating to the Frequency of Payments by Certain County Officials to County Treasurers" (H.P. 313) (L.D. 402)

Reported that the same **Ought to Pass in New Draft under New Title** Resolve, Directing County Officials to Manage and Invest County Funds in Accordance with Sound and Prudent Financial Principles" (H.P. 1078) (L.D. 1569)

Signed:

Senators:

STOVER of Sagadahoc
BALDACCI of Penobscot
TUTTLE of York

Representatives:

ROTONDI of Athens
McHENRY of Madawaska
WENTWORTH of Wells
MURPHY of Berwick
NICKERSON of Turner
DAGGETT of Manchester

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

Signed:

Representatives:

SMITH of Island Falls

SALSBURY of Bar Harbor
HALE of Sanford
MASTERMAN of Milo

Comes from the House with the Majority **OUCHT TO PASS IN NEW DRAFT UNDER NEW TITLE** Report **READ** and **ACCEPTED** and the Resolve, in **NEW DRAFT UNDER NEW TITLE, PASSED TO BE ENGROSSED**.

Which Reports were **READ**.

The Majority **OUCHT TO PASS** in **NEW DRAFT Under NEW TITLE** Report was **ACCEPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **STATE GOVERNMENT** on Resolution, Proposing an Amendment to the Constitution of Maine to Correct Certain Inconsistencies Relating to Civil Offices (H.P. 943) (L.D. 1353)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-169)**.

Signed:

Senators:

KANY of Kennebec
ANDREWS of Cumberland

Representatives:

GWADOSKY of Fairfield
COTE of Auburn
DESCOTEAUX of Biddeford
LACROIX of Oakland
SPROUL of Augusta
BOUTILIER of Lewiston

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

Signed:

Senator:

HICHENS of York

Representatives:

DILLENBACK of Cumberland
NADEAU of Saco
HICHBORN of LaGrange
WENTWORTH of Wells

Comes from the House with the Majority **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**.

Which Reports were **READ**.

The Majority **OUCHT TO PASS as Amended** Report was **ACCEPTED**, in concurrence.

The Resolve **READ ONCE**.

Committee Amendment "A" (H-169) **READ** and **ADOPTED**, in concurrence.

The Resolve as **AMENDED ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

Divided Report

The Majority of the Committee on **STATE GOVERNMENT** on Bill "An Act to Provide for Biennial Conference on Small Business" (H.P. 558) (L.D. 830)

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

Signed:

Senators:

KANY of Kennebec
HICHENS of York
ANDREWS of Cumberland

Representatives:

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

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

Signed:

Representatives:

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

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.

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 Make Jail Sentences Mandatory in Cases of Sex Offenses Against Children" (S.P. 275) (L.D. 733)

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 Provide Disclosures to Nursing Homes and Hospital Residents Transferring Property" (S.P. 430) (L.D. 1188)

Resolve, Establishing an Alcohol Awareness Study for Servers of Alcohol" (S.P. 573) (L.D. 1497)

Bill "An Act Creating a Department of Maine's Economic Future" (S.P. 262) (L.D. 671)

Bill "An Act to Extend the Operation of the Low-level Waste Siting Commission and the Low-level Waste Siting Fund" (S.P. 83) (L.D. 264)

Resolve to Establish an Advisory Committee on Public Lands and Policy Mangement (S.P. 238) (L.D. 632)

Bill "An Act Relating to the Classification of the Deputy Treasurer and Supervisor of Abandoned Property" (S.P. 466) (L.D. 1269)

Resolve, Creating a Commission to Study Age Discrimination in Employment (S.P. 483) (L.D. 1311)

Ought to Pass As Amended

Senator **MAYBURY** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Relating to Payment of Back Contributions and Withdrawn Contributions by Members of the Maine State Retirement System" (S.P. 241) (L.D. 636)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-122)**

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

Committee Amendment "A" (S-122) was **READ** and **ADOPTED**.

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

Senator **BUSTIN** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Promote Free Enterprise in the Banking and Insurance Industries" (S.P. 294) (L.D. 783)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-119)**

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

Committee Amendment "A" (S-119) **READ** and **ADOPTED**.

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

Senator **KANY** for the Committee on **STATE GOVERNMENT** on Bill "An Act to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings" (S.P. 185) (L.D. 503)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"**

(S-123)

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

Committee Amendment "A" (S-123) **READ** and **ADOPTED**.

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

Ought to Pass in New Draft

Senator **BUSTIN** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Provide Protections to Boxers" (S.P. 253) (L.D. 648)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 613) (L.D. 1606)

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

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

Senator **USHER** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Restructure the Duties and Funding of the Maine Land Use Regulation Commission" (Emergency) (S.P. 448) (L.D. 1251)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 606) (L.D. 1600)

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

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

Senator **STOVER** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Relating to Absentee Voting for Residents of Coastal Islands" (S.P. 61) (L.D. 87)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 607) (L.D. 1601)

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

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

Senator **NAJARIAN** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Relating to the Selection of Counters under the Election Laws" (S.P. 360) (L.D. 981)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 608) (L.D. 1602)

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

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

Senator **NAJARIAN** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Change Voting Booth Requirements" (S.P. 113) (L.D. 328)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 609) (L.D. 1603)

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

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

Senator **SHUTE** for the Committee on **TRANSPORTATION** on Bill "An Act to Amend Certain Motor Vehicle Laws" (S.P. 56) (L.D. 75)

Reported that the same **Ought to Pass in New Draft** under same title (Emergency) (S.P. 605) (L.D. 1599)

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

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

Ought to Pass in New Draft under New Title

Senator **DANTON** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act Relating to Collateral and Terms of Consumer Loans under the Maine Consumer Credit Code" (S.P. 146) (L.D. 413)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Relating to Collateral and Terms of Credit Transactions Under the Maine Consumer Credit Code" (S.P. 612) (L.D. 1605)

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

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

Divided Report

The Majority of the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Clarify the Authority of Nonprofit Hospital and Medical Service Organizations to Make Incidental Indemnity Payments" (S.P. 230) (L.D. 592)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 611) (L.D. 1604)

Signed:

Sensors:

DANTON of York
BUSTIN of Kennebec

Representatives:

BRANNIGAN of Portland
MURRAY of Bangor
ALIBERTI of Lewiston
RYDELL of Brunswick
BAKER of Orrington
TELOW of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-120)**.

Signed:

Sensor:

SEWALL of Lincoln

Representatives:

MARTIN of Van Buren
ARMSTRONG of Wilton
STEVENS of Bangor
HILLOCK of Gorham

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Amend the Nuclear Issues Clearinghouse Law" (S.P. 561) (L.D. 1490)

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

Signed:

Sensor:

HICHENS of York

Representatives:

MATTHEWS of Caribou
FOSS of Yarmouth
BROWN of Gorham
SMALL of Bath
LAWRENCE of Parsonsfield
O'GARA of Westbrook
ROBERTS of Farmington

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

Signed:

Sensors:

GAUVREAU of Androscoggin
BROWN of Washington

Representatives:

CROUSE of Caribou
BOST of Orono
HANDY of Lewiston

Which Reports were **READ**.

The Minority **UGHT NOT TO PASS** Report was **ACCEPTED**.

The Bill **READ ONCE**.

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Allow the Department of Human Services to Investigate and Provide Information on Community Health Issues" (S.P. 535) (L.D. 1436)

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

Signed:

Sensors:

BERUBE of Androscoggin
BUSTIN of Kennebec

Representatives:

MANNING of Portland
KIMBALL of Buxton
CARROLL of Gray
MELENDY of Rockland
BRODEUR of Auburn
TAYLOR of Camden
NELSON of Portland
ROLDE of York

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

Signed:

Sensor:

GILL of Cumberland

Representatives:

PINES of Limestone
SEAVEY of Kennebunkport

Which Reports were **READ**.

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

The Bill **READ ONCE**.

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

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Return of Security Deposits Paid by Tenants" (S.P. 156) (L.D. 423)

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

Signed:

Sensors:

TRAFTON of Androscoggin
STOVER of Sagadahoc

Representatives:

PERRY of Mexico
PAUL of Sanford
RIoux of Biddeford
DILLENBACK of Cumberland
MURPHY of Berwick
MASTERMAN of Milo
BOTT of Orono
NICKERSON of Turner
WARREN of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-117)**.

Signed:

Sensor:

NAJARIAN of Cumberland

Representative:

REEVES of Pittston

Which Reports were **READ**.

On motion by Senator **NAJARIAN** of Cumberland the Minority **UGHT TO PASS AS AMENDED** Report was **ACCEPTED**.

Senator **TRAFTON** of Androscoggin moved that the Senate **RECONSIDER** its action whereby it **ACCEPTED** the Minority **UGHT TO PASS AS AMENDED** Report.

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

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator **Trifton**.

Senator **TRAFTON**: Thank you, Mr. President. Mr. President and Members of the Senate. I recognize the good Senator from Cumberland, Senator **Najarian**, has just graduated from the University of Maine School of Law. We all should congratulate her for her recently acquired diploma that she received this weekend,

however, I simply can't give this type of graduation present to her today, so I rise to support my motion for Reconsideration.

I urge you to Reconsider this action we just took and to Accept the Ought Not to Pass Report of L.D. 423.

This particular Bill is an act concerning the payment of interests on security deposits by a landlord to a tenant. It would require all landlords in the State to pay four percent interests on all security deposits held for over a year's time when those security deposits are larger than one hundred dollars.

I suggest there are considerable problems raised by this particular Bill: First, all security deposits would have to be held in an interest bearing account. Those interests bearing accounts would have to be identified and they would have to be identified as to the tenants social security number and names. The landlords would be responsible for attaining the social security number information and the proper address to comply with Federal Internal Revenue requirements. Additionally, annual reports would have to be provided to those tenants in form of 1099 documents that a bank must provide for all interests bearing accounts.

I suggest the requirement of additional paper work in these areas and the additional paper work that the landlord would have to keep in terms of forwarding security deposits to new addresses would be onerous and that simply unfair to landlords to impose this additional requirement.

So that is why I suggest we Reconsider our motion whereby we Adopted the Minority Report. I move at this time Indefinite Postponement of L.D. 423 and all its Accompanying Papers. So I urge you to support my motion for Indefinite Postponement. Thank you.

Senator **TRAFTON** of Androscoggin moved the **INDEFINITE POSTPONEMENT** of the Bill and Accompanying Papers.

Off Record Remarks

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

Senator **NAJARIAN:** Mr. President, Members of the Senate. This is probably the first and only Bill out of Legal Affairs, in which the capable Chairman of that Committee and I will have any disagreement. I opposed the motion to Indefinitely Postpone the Bill, and primarily I did not see the requirement that the landlord repay four percent of the interest accrued on security deposits as any great burden on the landlord. The banks usually keep count of that interest rate, if it is in a single escrow account, and if a landlord is large enough to have many, many tenancies, the chances are that he has a bookkeeper or an accountant or a manager, such as our Honorable Senator Stover used to be, to keep track of those things for him. The present law requires that if the tenant damages the apartment through abuse or neglect, or fails to pay the rent, the landlord can keep the security deposit. That is the purpose of the security deposit.

This simply provides that he can also keep the interest accrued on that. Again, if the damage exceeds the security deposit, and he needs that interest to repair the damage or rent that hasn't been paid. I imagine that most tenants are very responsible, that they do not damage the property, in fact, probably improve the property, many of them.

This could languish in a bank account for ten years, with four percent interest, I am sure the landlord gets more than that, even if he has a simple account. It could be a substantial amount of money to a tenant. This only requires that four percent of that be returned to the tenant if it is more than one hundred dollars and has been held for more than one year.

I just rather suspect that if the situations to-

day were reversed, and the tenant got all of the interest, that if this Bill were to give four percent of that accrued interest to the landlord, the landlords wouldn't be in here arguing that that would be too much of a bookkeeping hassle for them to do.

So I hope that the Senate will go along with this very modest addition to what I think a tenant rightfully deserves. I would appreciate your support, not as a graduation present, but just on the merits of the issue.

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

Senator **TRAFTON:** Thank you, Mr. President. I rise to ask a Parliamentary Procedure question. Doesn't my motion to Reconsider, take precedence over my motion for Indefinite Postponement?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator **TRAFTON:** Thank you, Mr. President. If I may continue, I would urge you to support my motion for Reconsideration, so then I could move to Indefinitely Postpone this particular Bill. Thank you.

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

Senator **BUSTIN:** Thank you, Mr. President. Ladies and Gentlemen of the Senate. I want to give the good Senator from Cumberland, Senator Najarian, a graduation present, and so I am doing that by voting on her side of this issue. I would urge you to vote with her.

I am learning a new business, as some of you may know. If any of you have ever heard of "the Rule of 72" and compounding of money, I think you would probably go along with Senator Najarian in her quest to get this Bill Passed, because even at that low four percent interest, that deposit money those people are using, and I suspect they are using it for whatever you use money for, if they were good investors, they would be investing it, they are probably making ten, could be making up to twenty percent on it if they have gotten into the right Mutual Fund, or whatever they've gotten into. Every time you add money on to that, you compound it. The Rule of 72 would tell you just how quickly you could compound that little security deposit in X number of years. I urge you to go along with Senator Najarian.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Stover.

Senator **STOVER:** I would like to rise in support of Senator Trafton's motion. As Senator Najarian said, I was a landlord for many years. I didn't own any apartments, I managed them — two hundred and thirty-eight apartments. I'm no authority on landlord-tenant relations, but I did have a lot of experience.

The apartments I rented, and I do not think that was unique, I always called them kind of a bus stop. People on their way somewhere. They did not intend to live there the rest of their lives. Young people getting married and as soon as they get money enough to get a house, or a job somewhere else, it was a very mobile population.

The turnover is quite large, very large, in fact. Also, the time element for staying there isn't that much, so the bookkeeping that it would create would be far in excess in expense of what little bit they would get back.

Another thing, we have set a special security account, but we have to keep a lot of that in a checking account, because of this fast turnover, you have to have money available to give them back their security deposits when they move out. You get no interest on that, whatsoever. We just did not have enough money, and I don't think many landlords do to put into those CD Accounts, and things like that.

In my mind, this could react unfavorably to the tenant, in that the landlord would have to factor his cost into the rent, and they would wind up paying more rent. It would be a wash-

out, plus all of the extra headaches it would cause the landlord. Thank you.

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

Senator **USHER:** Thank you, Mr. President, Members of the Senate. I am the Sponsor of this Legislation. It started out with me meeting some of my relatives from Rhode Island, and we were discussing rents and different things, and they were a young married couple. They talked about the nice law they had down in Rhode Island that allows them to get part of the interest being made by the landlord.

I thought it would be a good "Consumers Bill." I don't usually sponsor a good consumers bill. I thought I would take a crack at it and present this Bill before the Committee. I understand there was another Bill also similar to it. Also, I would like to inform you that the State of Massachusetts has adopted this, and in their legislation, it requires that they keep a separate escrow account, with the landlord just sends a slip indicating the account number, and the amount that is acquired throughout the year, so both parties have a record of all of the interest acquired through the year.

So it is not a new idea. It is happening in other States, and I think it would help a lot of newly married couples, as they start in their first apartment. They have a major requirement of making a security deposit. Sometimes it is very, very difficult. When you get down in our area, you are talking six or seven hundred dollars, sometimes, for a security deposit. That is a lot of money.

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

Senator **MATTHEWS:** Mr. President, Members of the Senate. May I pose a question to the Chair to the Signers of the Ought Not To Pass Report?

THE PRESIDENT: The Senator may state a question to the floor, which any Senator may respond to, if they so desire.

Senator **MATTHEWS:** Thank you, Mr. President. My question is, what entitles the landlord to use this security deposit, and then keep the interest? How is that legally a rightful act? I guess that is my concern, that those people that are renting apartments, that security deposit is their money, and why should a landlord be able to collect the interest, and keep that interest on the money?

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

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

With the apartment we rented were to low income people, and maybe I had too much of a heart, but, all we charged was a fifty dollar security deposit, anyway. It was just a token. I can't remember of any instances, very few instances, where we didn't have to go in there and spend far more than that in order to put the apartment back into a livable condition. We usually gave back the security deposit, because I found that one area where if you want to irritate a tenant is to hold their security deposit and tell him, his wife is a bad housekeeper or whatever—the world will drop on you.

So anyway, we kept very few security deposits. To answer Senator Matthews question, I think this is all agreed upon when the tenant came in and signs up, and gives his security deposit, and you give back his security deposit when he moves out. There was never any argument as to whether or not you should give interest on it. I think this is something that perhaps, if someone wanted to bring up in an agreement, but I cannot see putting this into law.

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

Senator **BALDACCI:** Mr. President. As we get into the waning days of the Session, I was

thinking that maybe the Public Utilities Commission should have measured microphone service instituted in the Chamber.

In regards to this particular issue, there are two points that need to be made. The first point is that you are putting a burden upon people to do more and more accounting in separate accounts that are going to earn much less interest, a two or three hundred dollar security deposit, set up into special accounts, review it, the paper work from the bank, the charges in handling the particular account, and I think we have to stop and we have to begin to watch and look at what is going on here in our State. We're just placing many more burdens on people. You get around to doing business, there are people out there who are saying: "I cannot put up with it anymore, let me go out and do my business — you know you have so many licenses, and so many regulations, and rules, and things like that — that you know, you don't have a time to engage in business." I think we should be very concerned about that.

Another point, I think, needs to be made, is the fact of the matter is, how many people that are renting homes, or renting those apartments, don't pay the last months rent, and then say "Use the security deposit"? How many people that say "Use the security deposit" have damage done to the apartment? So where does that leave the landlord? I think in looking at all of these laws, there should be some sort of a balance that is stricken. So, Mr. President, I would encourage the vote on the Reconsideration, and then Indefinite Postponement.

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

Senator **BUSTIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just wanted to clear up one thing. I hope the Members took my comment about giving Senator Najarian a graduation gift, as meant in the way it was given, in jest. That I am not trading my vote for a graduation present, I will give her the appropriate graduation present. That I am definitely in favor of her Bill, and will vote for it on its merits.

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

Senator **NAJARIAN:** Mr. President, Members of the Senate. I just want to emphasize a few things, that this Bill, as Amended, would not cover any security deposits under one hundred dollars. So if someone rented by the week, and required a fifty dollar security deposit, or whatever, this Bill would not cover that. All interest on that would remain with the landlord.

I would just again, point out, that most rents are very high today. Five hundred, six hundred in Portland, and even in Freeport, the minimum rents, I understand, is around three hundred and ninety-five dollars, and up. So we are talking about a substantial amount of money. All of the interest accrued is not returned to the tenant, only four percent. So, any expense, or whatever, that the landlord has incurred, his expenses could be taken account of in the excess interest rate that is not returned to the tenant.

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

Senator **WEBSTER:** Mr. President. May I pose a question to the Chair?

THE PRESIDENT: The Senator may state his inquiry.

Senator **WEBSTER:** I am just somewhat curious as to what happens in my area. It seems that most people end up paying their security deposit in installments. Now, I have a rent of my own, I rent two hundred sixty a month, and people pay me over four months. I am curious as to whether this is going to mean that I am going to have to keep records, further than I do now, or whether there is going to be just more need for government involvement here?

I get a little frustrated, I think we all do, with

all of these rules and regulations placed on everybody. I am curious as to what makes this Body feel, what makes the Legislature in general feel, that those of us who are out there trying to provide a service, sometimes are out there doing something that we shouldn't be.

Mr. President, I would ask whether I should be exempted from voting on this issue, due to a conflict of interest?

THE PRESIDENT: The Chair's response would be: pursuant to the statutes on conflict of interest, the Chair would have the Senator answer the question himself, as to whether he has a direct financial gain or loss from the passage or the defeat of this Legislation. It is his determination as to whether or not that he should be excused, not the Chair's.

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

Senator **PEARSON:** Mr. President, this seems to me to be aiming right at the core of a question that has not yet been answered for, lo, these many years as to what does constitute a Conflict of Interest. It seems to me, if we were to pursue this to its' natural conclusion, we might even end up without a quorum in the Senate.

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

Senator **ANDREWS:** Thank you, Mr. President. Mr. President, Members of the Senate, just for the record, I might have a Conflict of Interest. There might be a question about, my voting on this Bill, because I am a landlord, however I am not going to ask leave of the Senate to be excused. One of the reasons for that is I plan to support this measure — I am a co-sponsor of this Bill. I do not believe this is going to place any unnecessary or burdensome responsibilities — accounting responsibilities on me. I recognize that those security deposits I hold for my tenants are theirs and they should be receiving some type of interest payment on them. So, I will not be excusing myself from voting today.

Senator **ERWIN** of Oxford requested and received Leave of the Senate to abstain from voting due to the appearance of a conflict of interest.

Senator **PEARSON** of Penobscot requested and received Leave of the Senate to abstain from voting due to the appearance of a conflict of interest.

Senator **WEBSTER** of Franklin requested and received Leave of the Senate to be excused from voting due to the appearance of a conflict of interest.

Senator **PERKINS** of Hancock requested and received Leave of the Senate to be excused from voting due to the appearance of a conflict of interest.

THE PRESIDENT: Will all those Senators in favor of the motion to **Reconsider the Acceptance of the Minority Ought To Pass As Amended** Report of the Committee, please rise and remain standing on their places until counted.

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

14 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to **RECONSIDER, PREVAILED.**

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

Senator **SEWALL:** I move the Senate accept the Majority Ought Not to Pass Report.

THE PRESIDENT: The Senator from Lincoln, Senator Sewall moves the Acceptance of the Majority Ought Not To Pass Report of the Committee.

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

Senator **NAJARIAN:** Mr. President, I request a Roll Call.

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

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

Senator **TRAFTON:** Thank you, Mr. President. Mr. President, Members of the Senate. I think it may be useful to simply summarize the issue before us, because there has been some confusing procedural matters before us this morning.

The Majority Report was against requiring security deposits interest for those security deposits of larger than one hundred dollars and held for a period longer than one year.

The reason why I support the Majority Report is not the concept that the good Senator from Kennebec, Senator Matthews raises as a legitimate goal, and that is, returning the interest on a tenants money to that tenant.

Yes, the security deposit is property of the tenant, and yes, the landlord should not gain at the tenants expense. Although, I think that rarely happens, if ever, in this State. As the good Senator from Sagadahoc, Senator Stover, indicated — landlords do not make money on security deposit accounts. A lot of landlords do not require two months security deposit, even though two months is permitted under the current law.

The reason is simply tenants cannot raise two months security deposit, and especially at the high rents required in the Southern part of our State today. So the security deposits are generally one month's rent or less, and in some instances, some landlords don't require any security deposit at all.

The concern that I have is one of the mechanics that a landlord must go through to properly return four percent interest on any security deposit that is held. First, there is a requirement that the landlord obtain the proper social security number and the proper address of this particular tenant.

If that proper social security number is not given, the tenant, not the landlord, is subject to civil penalties under the Internal Revenue Code. It will be the landlord who will be responsible for obtaining those figures. Second, the landlord would have to verify the 1099 forms, also pursuant to the Internal Revenue Code. They must be sent to each tenant for which he held a security deposit. Often there is a problem with changing addresses when the tenant moves on, and the landlord would be responsible for forwarding these 1099 forms onto the tenant.

Some banks in the Southern part of the State will provide, in a separate account — a separate escrow account — interest bearing for these security deposits. In those banks the problem would not be as great as in the other areas of the State where banks will simply refuse to give a separate interest bearing escrow account for each unit that a landlord holds a security deposit for.

It is those portions of the State that I am concerned about. It is those portions of the State where a landlord will have considerable extra accounting responsibilities, and some legal liability, if in fact, he does not properly report that interest rate and the return of interest to the tenant in question. Yes, some States do require the return of interest on security deposits. I suggest that it is possible for a Bill to be drafted in the State of Maine to properly do that. I suggest that this Bill does not do that. There would be some changes necessary to this particular Bill that would be necessary to make it workable as other States have passed similar laws.

So I suggest this Bill has not been properly drafted. If, in fact, there is interest in pursuing this, I suggest the sponsors and those interested in the Bill itself, consider some amend-

ments to reduce the additional liability to the landlords, because I think we're shifting too much responsibility and potential legal liability to the landlord, in an area where they are simply not benefited.

I urge you to vote for an Indefinite Postponement of this particular Bill. Perhaps this Bill will come back in a later time, and in a different form where the idea would merit your support. Thank you.

THE PRESIDENT: The pending question before the Senate is the Motion by Senator Sewall of Lincoln, to Accept the Majority Ought Not To Pass Report of the Committee. A Roll Call has been ordered.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate. Is it still appropriate to talk On the Record?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate. Before I ask for a leave from voting on this issue, I am a little curious as to how this process works. I am not sure that I have any great financial gain to make on the interest on three rental units that I might receive on three or four hundred dollars in the course of a year.

I am sure the damage, the costs to me are going to be more than the ten or twelve dollars interest I might receive from these three units. I am not sure that unless I owned a number of units, a vast number of units, I could ever benefit financially enough from this legislation or any rental landlord legislation to really cause a conflict. I guess I am not sure whether or not I should ask for one. I am not going to.

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

Senator **USHER:** Thank you, Mr. President. I guess I consider myself a landlord. I only have one tenant. I am the sponsor of this Legislation. I am not going to ask for a leave. All we're asking to do, is share the interest. That is all it is — sharing. Sharing with people who are occupying your apartments or home. It is just a share program. It is a consumer bill. I have mine in a separate account. Only one, you're not going to make much money, it will probably cost more for the stamp than what they are going to get. It is just a sharing system. I am sure if somebody has forty or forty-five apartments, then they are going have to share a little bit more money. I don't see any conflict anyway.

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

Senator **SEWALL:** Due to equipment failure the remarks made where not recorded for the Record.

THE PRESIDENT: A Roll Call has been ordered.

The pending question is the motion by Senator Sewall of Lincoln, Accept the Majority Ought Not To Pass Report.

A Yes vote will be in favor of Acceptance of the Majority Ought Not To Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. Senator **PERKINS** of Hancock requested and received Leave of the Senate to abstain from voting due to the appearance of a conflict of interest.

Senator **ERWIN** of Oxford requested and received Leave of the Senate to abstain from voting due to the appearance of a conflict of interest.

Senator **PEARSON** of Penobscot requested and received Leave of the Senate to abstain from voting due to the appearance of a conflict of interest.

The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Baldacci, Berube, Black, Brown, Carpenter, Dow, Emerson, Gauvreau, Gill, Maybury, McBreairty, Sewall, Shute, Stover, Trafton, Webster.

NAYS:—Senators, Andrews, Bustin, Chalmers, Clark, Diamond, Dutremble, Kany, Matthews, Najarian, Twitchell, Usher, Violette, The President — Charles P. Pray.

ABSENT:—Senators, Danton, Hichens, Tuttle.

16 Senators having voted in the affirmative and 13 Senators in the negative, with 3 Senators being absent and 3 Senators being excused the motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**. Sent down for concurrence.

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

Senator **PEARSON:** Mr. President, I share the frustration with the Senator from Franklin, Senator Webster. I have one apartment, I think my security deposit was two hundred dollars from my tenant. The interest would be minimal. I don't remember whether or not I agreed to give interest back, or not. I know that I put back into the apartment more than two hundred dollars when I fixed it up for the next tenant. I don't know whether I was in conflict or not. It really bothers me because there are some issues from time to time that we deal with in here that affects almost everybody in here.

Out of order and under suspension of the Rules, on motion by Senator **VIOLETTE** of Aroostook, the Senate considered the following:

SECOND READERS

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

House

Bill "An Act to Protect Deer Yards in the Organized Townships" (H.P. 1081) (L.D. 1573) Which was **READ A SECOND TIME**.

On further motion by the same Senator, **REFERRED** to the Committee on **FISHERIES AND WILDLIFE**, in concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Allow a Landlord to Enter a Rental Unit if the Rental Unit Reasonably Appears to have been Vacated Permanently and no Notice has been Given" (S.P. 252) (L.D. 647)

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

Signed:

Senators: **TRAFTON** of Androscoggin
NAJARIAN of Cumberland

Representatives:
REEVES of Pittston
PAUL of Sanford
BOTT of Orono
NICKERSON of Turner
WARREN of Scarborough

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

Signed:

Senator: **STOVER** of Sagadahoc

Representatives:
PERRY of Mexico
RIOUX of Biddeford
MURPHY of Berwick
MASTERMAN of Milo
DILLENBACK of Cumberland

Which Reports were **READ**.

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

Senator **TRAFTON:** Thank you, Mr. President. I move the Majority Ought Not to Pass Report.

THE PRESIDENT: The Senator from Androscoggin, Senator Trafton moves the Senate **Accept** the Majority **Ought Not to Pass** Report.

The Chair recognizes the Senator from

Sagadahoc, Senator Stover.

Senator **STOVER:** I would like to request a Division and speak on my motion.

THE PRESIDENT: The Senator has the floor.

Senator **STOVER:** Thank you. This Bill before us would authorize landlords to enter apartments if they thought or it looked as though they had been abandoned. This is especially important in a State like Maine, because we have a lot of cold weather here and if an apartment is abandoned you could have frozen pipes and a lot of damage can ensue.

Also, there are other times when it would seem to me, you should have the authority to go into an apartment. Admittedly these are judgment calls. These apartments are the house or the castle of the tenant. However, as I have told you many times, I have managed two hundred and thirty-eight apartments, and you just cannot write a law that itemizes every little thing that comes up.

Let me give you another instance, not to bore you. For instance: one night I received a call about nine o'clock from this lady from Brunswick, and she said, "So and so is a tenant of yours has not reported for work for two days. She had been in a very agitated condition and we were kind of worrying about her." So I said, "Well, it is nine o'clock at night, but something might have happened, so I will go in." So I went in. It was a bedroom apartment and I had a passkey. I opened the door, apparently against the law. I did not realize it then. There was a little poodle there and you could tell from the droppings, there had been nobody there for a couple of days. I got the dog some water and I got it some food, fed it. Everything looked all right in the livingroom. I went into the bedroom — the door was opened — I went right in. There was no one there.

The door to the two bedroom apartment was shut. I will admit that I was not too happy about having to open that other door, wondering what might be behind it. However, I did open the door and there was no sign of anyone there. So then I went to the sheriff and asked him if he could trace down and find out what had happened.

What had happened was the lady was having some problems with her husband who lived in South Carolina or somewhere, and had gone down to get the children. She thought she would be back in twenty-four hours, and was delayed.

The point I am making, is that there could have been something wrong there. I could give you several other instances. I could give you many instances where, it would seem to me, to be expedient for the landlord to have that right, and for the safety, perhaps of even the tenants themselves.

I will give you one more. I remember one time I was walking down Heath Lane — we had a lot of streets in our apartments complex — it covered thirty-five or forty acres. This house looked to me as though, again, there might be something wrong. I went in, opened the door, and the lady who lived there all alone — she was probably maybe in her seventies — anyway, she had fallen. She had gone out back and fallen — broken her leg — crawled in the house and couldn't get to a phone. I got on the telephone and got her to the hospital, and so forth, and so on.

It is a judgment call in many instances. It does seem to me that we should not make it illegal for a landlord not to go into an apartment if he feels there is something wrong there. That is all this Bill does.

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

Senator **TRAFTON:** Thank you, Mr. President. Mr. President, Members of the Senate. Currently law permits a landlord to enter a tenants' unit upon twenty-four hours' notice to that tenant, that he wants to go into that particular unit, unless there is an emergency.

If there is an emergency, for instance, in the example given by the good Senator from Sagadahoc, Senator Stover, of freezing pipes or possible weather damage, then the landlord may go in immediately. No notice is required at all.

So I think that emergency provision in our current laws, protects the landlord's right to protect his own property. The Bill before you goes one step further — it allows the landlord to go into a tenants unit at any time without any notice. I think that goes a bit too far. If all landlords had the good judgment of the good Senator from Sagadahoc, Senator Stover, I would not be too concerned, because I know that as a manager of many apartments, Senator Stover has had the experience of time and many experiences to learn when is the appropriate time to enter somebody else's unit.

As he indicated, himself, this morning, he felt uncomfortable entering a particular unit one time. So I suggest the twenty-four hours' notice when no emergency exists, it is not unreasonable. I suggest that you accept the Ought Not to Pass Report.

Off Record Remarks

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Stover.

Senator **STOVER:** Listening to the remarks of the Senator from Androskoggin, Senator Trafton, it puts a different version on this Bill than I had thought there was. If a person has the right to go in if he feels there is an emergency, as he has cited, then I have no problem with the rest of it. I certainly I would think a tenant should have the right of a twenty-four hour notice if he wanted to schedule some work for that apartment, or something like that. So I would withdraw my motion.

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

Senator **ERWIN:** Mr. President, has a Division been requested?

THE PRESIDENT: The Chair would inform the Senator, that the good Senator from Sagadahoc, Senator Stover, has just asked leave to withdraw his motion for a division.

Senator **ERWIN:** I was going to request leave of the Senate to be excused from voting on this issue due an appearance of a conflict of interest. I need not ask that question now?

THE PRESIDENT: The Chair would answer in the affirmative.

Is it the pleasure of the Senate to grant the Senator from Sagadahoc, Senator Stover, leave to withdraw his request for a Division?

It is a vote.

On motion by Senator **TRAFTON** of Androskoggin, the Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Establish Age 21 Years as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" (Emergency) (S.P. 332) (L.D. 820)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-118).

Signed:

Senators:

TRAFTON of Androskoggin
NAJARIAN of Cumberland
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PERRY of Mexico
PAUL of Sanford
RIOUX of Biddeford
WARREN of Scarborough
DILLENBACK of Cumberland
MURPHY of Berwick

MASTERMAN of Milo
NICKERSON of Turner

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

Signed:

Representative: **BOTT** of Orono
Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-118) **READ** and **ADOPTED**.

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

Senate at Ease

The Senate called to Order by the President.

There being no objections all items previously acted upon with the exception of those items previously held were sent forthwith.

On motion by Senator **CLARK** of Cumberland, **RECESSED** until 4:00 P.M. this afternoon.

Recess

After Recess

The Senate called to Order by the President.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Requiring Protective Headgear for all Motorcycle, Motor Driven Cycle and Moped Riders" (S.P. 63) (L.D. 89)

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

Signed:

Senators:

ERWIN of Oxford
SHUTE of Waldo

Representatives:

SOUICY of Kittery
CALLAHAN of Mechanic Falls
STROUT of Corinth
CAHILL of Woolwich

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-121).

Signed:

Senator:

DANTON of York

Representatives:

THERIAULT of Fort Kent
MILLS of Bethel
POULIOT of Lewiston

Which Reports were **READ**.

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

Senator **DANTON:** Mr. President, I move Acceptance of the Minority Ought to Pass As Amended Report.

THE PRESIDENT: The Senator from York, Senator **Danton** moves the Senate **Accept** the Minority **Ought to Pass As Amended** Report.

The Chair recognizes the Senator from Waldo, Senator Shute.

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

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Senator **DANTON:** Mr. President just a brief explanation and I don't want to take too much time with this, what we did with this bill was that right now whoever gets a learners permit or a first year license has to wear a helmet.

Of course when we did this three years ago we were talking about the first year, you know motorcycle years are really four or five months, so what we did was we changed it from one year to two years. So that would give someone experience for about ten months.

Now the problem is that we have thirty-five thousand registered motorcycles and we have about seventy-five thousand licensed motor-

cycle riders. What that really means is that a lot of people who ride this year really do not own a motorcycle and they will get their own next year and without getting real familiar with their bike they are on their motorcycle without a helmet.

We thought that it would just be an improvement for their safety and that is why I proposed this. Thank you.

THE PRESIDENT: Will all those Senators in favor of the motion by Senator **Danton** of York to **Accept** the Minority **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 19 Senators having voted in the negative, the motion to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

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

Sent down for concurrence.

HELD BILL

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter. Senator **CARPENTER:** Mr. President is the Senate in possession of L.D. 423?

THE PRESIDENT: The Chair would answer in the affirmative having been held at the Senator's request.

Bill "An Act Concerning the Return of Security Deposits Paid by Tenants" (S.P. 156) (L.D. 423)

(In Senate May 28, 1985, Reports from the Committee on Legal Affairs **READ**.)

RECONSIDERED ACCEPTANCE of the Minority **OUGHT TO PASS AS AMENDED** by Committee Amendment "A" (S-117) Report. Subsequently, the Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**.

Senator **CARPENTER:** Mr. President I move that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter moves the Senate Reconsider its action whereby it Accepted the Majority Ought Not to Pass Report.

On motion by Senator **VIOLETTE** of Aroostook, tabled for 1 Legislative Day, pending the motion by Senator **CARPENTER** of Aroostook to **RECONSIDER ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report.

SECOND READERS

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

House

Bill "An Act Concerning Snowmobile Registration Fund Distribution" (H.P. 1071) (L.D. 1558)

Bill "An Act to Clarify the Law Regarding the Taking of Soft-shell Clams" (H.P. 1065) (L.D. 1547)

Bill "An Act to Clarify and Make Technical Changes in the Law Governing Boards and Commissions" (Emergency) (H.P. 1072) (L.D. 1560)

Bill "An Act to Guarantee Equitable Access to Soft-shell Clam Resources" (H.P. 1067) (L.D. 1549)

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

House As Amended

Bill "An Act to Amend Calculation of Period of Imprisonment under the Maine Criminal Code" (H.P. 683) (L.D. 969) (C "A" H-158)

Bill "An Act to Allow Sheriffs' Deputies to Hold Nonpartisan Local Elected Office" (H.P. 366) (L.D. 486) (H "A" H-148)

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

Bill "An Act to Establish a Kennebec County Budget Committee" (H.P. 300) (L.D. 389) (C "A" H-155)

Which was **READ A SECOND TIME**.

On motion by Senator **BUSTIN** of Kennebec the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **PERKINS** of Hancock the Senate **RECONSIDERED** its action whereby the Bill and Accompanying Papers were **INDEFINITELY POSTPONED**.

Senator **BUSTIN** of Kennebec was granted permission to Withdraw her motion to Indefinitely Postpone the Bill and all its Accompanying Papers.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as amended.

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

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

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of Passage to be Engrossed, please rise and remain standing until counted.

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

9 Senators having voted in the affirmative and 21 Senators having voted in the negative, the Bill **FAILED** of **PASSAGE TO BE ENGROSSED, as Amended**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Bill "An Act Concerning Tax Exemptions for Certain Pollution Control Facilities" (S.P. 602) (L.D. 1578)

Bill "An Act Concerning the Licensing of Small Maine Breweries" (S.P. 603) (L.D. 1579)

Bill "An Act to Permit the Manufacture and Sale of Higher Efficiency Laundry Detergents" (S.P. 604) (L.D. 1598)

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 Establish a Budget Committee to Provide Local Input in the Waldo County Budget-making Process (H.P. 685) (L.D. 971)

An Act to Increase Citizen Participation in the Municipal Charter Revision Process (H.P. 1054) (L.D. 1530)

An Act Pertaining to Municipal Licensing Fees (H.P. 1058) (L.D. 1538)

An Act to Remove the Time Limit for Tabulating Election Returns and the Requirement for the Presence of the Municipal Officers (H.P. 1062) (L.D. 1541)

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 Pertaining to Polling Times (H.P. 1061) (L.D. 1540)

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

Senator **PEARSON:** Mr. President I would like to have somebody explain this Bill to me if that is possible.

THE PRESIDENT: The Senator from Penobscot, Senator **Pearson**, has made an inquiry through the Chair which any Senator may respond to if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator **Trafton**.

Senator **TRAFTON:** Thank you, Mr. President. Mr. President and Members of the Senate, in an attempt to answer the good Senator from Penobscot, Senator **Pearson's** question. This Bill requires polls throughout the State of Maine, all municipal polls, to open at least by eight

o'clock in the morning and to stay open until at least eight p.m. Municipalities may open as early as six in the morning.

The purpose of this Bill is to provide a uniform closing time of eight p.m. throughout the State. Currently there is a problem in some municipalities where municipal polls close soon after they are open because the registrar of voters or the municipal officers feel that they know how many voters are in fact in that municipality. That early closing of the polls however denies the opportunity to register on Election Day. A new resident of the municipality would therefore be deprived of registering on that Election Day and voting if the polls were closed let's say, five minutes after eight o'clock when the polls were to open or in the early afternoon.

As you know several municipalities in this State enjoy being the first to report their returns. Yes, this bill would in fact deny that early reporting, but I think the effort here is to insure that all voters in the State have an opportunity to vote on Election Day. Yes, that may inconvenience those small municipalities but I think when you err in providing some assurance you err on the side of the voter to afford that opportunity. Thank you.

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

Senator **PEARSON:** Mr. President and Men and Women of the Senate. You know, in America there is a mystic about New England, and about small town New England. People all over this Country have a view of some of our villages in New England as being sort of in the backwoods and in the mountains, and all the pristine and placid views that they have with perhaps more cows than there are people and everything.

I think that one of the ways that you fortify that view, and I think that it is a good one, and one of the ways that you get publicity is that every four years on Election Day, (actually every two I suppose) there are some places in Maine, one in New Hampshire, that are able because they know everybody in town to gather everybody around the cookstove in somebody's house and vote at 1 o'clock in the morning, and turn their results in before anyone else in the nation. Lake View Plantation is one of those places in Maine that does that. I use to represent one, Grand Falls, which is now deorganized. I remember going into Grand Falls one time when I was looking for a voting list and the lady that was the town clerk, who had no electricity said: "sit right down there at the kitchen table and I'll give you the list of the voters and their party here in Grand Falls." I sat down and I thought that she was probably going to go to a draw somewhere and take out a list. She didn't have a written list it was all here (point to head). She named every single soul in town and every party that they belonged to. Then looked at me while she was doing her dishes and said: "would you like to know where they all are today?" She did literally know where they all were that day, because there were only six of them, and three of them where her relatives.

Until reapportionment last year I represented a plantation that had in the results of the election when I ran against President Sewall-two for Sewall/one for Pearson and I knew exactly who they were. Everybody in town, in that plantation, knew where everybody was.

What I am trying to say is that I think that it is a shame to say that those places can't close earlier. Now the good gentlemen from Androscoggin, Senator **Trafton**, will probably tell you what would happen if somebody moves in town. Nobody moves into those towns without everybody knowing it. Nobody! They can tell you every pulp truck that goes through those towns every day.

There are some other places that have become famous for their littleness in Maine. The American Telephone and Telegraph, or

New England Tel what ever is left now, made a big publicity show having pictures in Time Magazine, and advertisements on the radio all the time about Bowerbank, Maine. You could call from Bowerbank, Maine to Blessing, Texas, (I think it was). Well, that littleness, that little village is a view of Maine, I think is as important as anything else.

So, although I may incur the wrath of the Committee on Legal Affairs I would like to move the Indefinite Postponement of this Bill and all Accompanying Papers.

THE PRESIDENT: The Senator from Penobscot, Senator **Pearson** moves that this Bill and all accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Franklin, Senator **Webster**.

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate, I think that it is appropriate that I reminisce or discuss a similar situation in my district. One of the towns I represent now had a grand total of sixteen to six and everybody voted and they closed the polls at nine-thirty and that was everybody who lived in town, was registered to vote. I would argue that perhaps the current law helps the process.

I know the town clerk told me that she had contacted a resident who was in the service who was going to be out of the State and contacted him personally to see if he wanted to vote so that she could list him as having had that opportunity. He did indeed want to vote, probably wouldn't have had he not been contacted. Under current law if she hadn't given him that opportunity she would have had to stay open.

I went to the town meeting in Dennistown, this is the town I am talking about, back in January or March when ever it was, two years ago, and it was a nice experience. There were eight of us sitting in an old schoolhouse and we all sat around and I listened to what they all had to say and believe it or not, this can be a major expense to a small town. You have to pay minimum wage, you have to have a Democrat and a Republican, you have to have the town clerk, you have to have at least three people there now. I listened to some of the arguments over whether they were going to spend eighteen dollars for one item, (I don't remember what it was) in some of these small towns you're talking about a budget of less than three or four thousand dollars. It just seems to me that it is just unnecessary.

I think the Senator from Penobscot has made a good point. I think that it is kind of a special place to live if you live in one of those small towns. I remember reading the day after elections in that last race, how Dennistown had a one hundred percent turnout. A hundred percent of the people in town voted, and I think that that is kind of a special thing. So I would ask you to support the Senator from Penobscot, Senator **Pearson**, on this issue. I don't think that it really hurts that process very much.

I asked the town clerk, as a matter of fact, she called me and wanted to know if she could close early. I got a copy of the law for her and discussed the law with her, and she asked me what would happen if somebody moved into town? I explained to her that I thought that probably they could always use an absentee ballot, they could always go to their hometown and vote if they really wanted to. She explained to me that: "probably what would happen if somebody did move into town, she'd call them on the phone and tell them that they had better get down there before nine-thirty or the polls would be closed."

I think that Senator **Pearson** has a good point and I hope that you'll support his motion.

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

Senator **NAJARIAN:** Mr. President and Members of the Senate. I hope that you wouldn't support the motion to Indefinitely

Postpone this Bill.

The gentlemen from Penobscot and Franklin have mentioned sixteen people, twenty people, or a hundred, but we are a population now of a State of a million people. I am not sure that this backwoods image is anything that we want to perpetuate, it's colorful and so forth but it is not trend setting information and the outcome of the election is never determined by how ten people voted in some plantation in northern Maine.

We saw as our goal, our role was to facilitate the voting of as many people in this State as we could and that is what the Legal Affairs Committee has tried to do.

While you're thinking of one little town where the town clerk knows everybody that's fine, but there are a little bigger towns hundred, hundred-fifty, two hundred where they might not know everybody in town and obviously it has happened that some persons have been disenfranchised or this bill would not be before us.

So I hope, you know we have to say goodbye to some nostalgic things just like we did the old crank telephone in Brenton Woods, not Brenton Woods, but Bryant Pond. That is the way that we progress, so I would hope that you would reject the motion to Indefinitely Postpone.

On motion by Senator **VIOLETTE** of Aroostook Tabled 1 Legislative Day, pending the motion by Senator **PEARSON** of Penobscot that the Bill and accompanying papers be **INDEFINITELY POSTPONED**.

Resolve

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

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

Senate at Ease

The Senate called to Order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS — from 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)

Majority Report — **Ought Not to Pass**
Minority Report — **Ought to Pass**
Tabled — May 24, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 24, 1985, **REPORTS READ**.)
(In House, May 20, 1985, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **CHALMERS** of Knox 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 Concerning the Location of Agency Liquor Stores and the Licensing of Seasonal Agency Stores" (H.P. 1047) (L.D. 1522)

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

Pending—**PASSAGE TO BE ENGROSSED**.
(In Senate, May 24, 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 to Amend Certain Sections of

the Employment Security Law" (S.P. 493) (L.D. 1319) (C "A" S-104)

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

Pending—**PASSAGE TO BE ENGROSSED AS AMENDED**
(In Senate, May 24, 1985, **READ A SECOND TIME**.)

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:

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)

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

Pending—**PASSAGE TO BE ENGROSSED AS AMENDED**.
(In Senate, May 24, 1985 **READ A SECOND TIME**.)

On motion of Senator **DANTON** of York, Senate Amendment "A" (S-115) **READ**.

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

Senator **USHER:** Mr. President, I have another Senate Amendment to offer but it was typed up as Senate Amendment "A" and it should be "B."

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 **ADOPTION OF SENATE AMENDMENT "A" (S-115)**.

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 24, 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 24, 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)**.)

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

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 24, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ADOPTION**
(In Senate, May 24, 1985, **RECONSIDER ADOPTION**.)

THE PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator Erwin.

Senator **ERWIN:** Mr. President and Ladies and Gentlemen of the Senate, I present Senate Amendment "A" to S.P. 581 and move its Adoption.

THE PRESIDENT: The Senator from Oxford, Senator Erwin offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-135) was **READ**.

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

Senator **VIOLETTE:** Mr. President, I would request a Division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator **ERWIN:** Mr. President, perhaps this amendment can best be explained by telling you that the title has been changed in the original resolution into a resolve. The title will explain to you exactly what the change is: "Joint Resolution Memorializing the President and Members of Congress of the United States to Impose a Surcharge on Advertizing for Alcohol on Radio and Television to Support Alcoholism Prevention, Treatment, Education and Research Programs."

During our discussion of this resolution for the past two weeks a number of questions have come out and I would like to review with you several that are foremost in my mind: "Is there a moral limit on how far television may go?" In my mind there is a moral limit on how far they can go. "Is the well-being of our children and our future important?" I think that everyone here has to say that the answer to that is "Yes." "Is there a dollar amount that may be considered over the importance of our children?" To me the answer is "No, there is no amount of money in the world worth more than our children."

If I may read to you from an article that is in a magazine that many of us get: "snorting, pill popping, mainlining, smoking pot, deserves attention, but there is one other problem, in fact, the number one problem in the United States, Alcohol Abuse. More and more of today's youngsters are being washed up on the rocks of life by the waves of beer, wine and hard liquor."

I realize that I don't have much chance on this vote, but I think that some good will come out of it, because the curtain has been drawn back exposing what is really at the root of the problem and that is the continuing growth of violence on television. Perhaps this will encourage many of us to think deeply about that continued growth of violence and maybe in the future we can gather enough strength to do something about it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook Senator Violette.

Senator **VIOLETTE:** Mr. President, I would withdraw my request for a Division.

THE PRESIDENT: The Senator from Aroostook, Senator Violette requests leave of the Senate to withdraw his motion for a Division.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

Senate Amendment "A" (S-135) **ADOPTED**.

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

Senator **TRAFTON:** Thank you, Mr. President. Mr. President and Members of the Senate, I have stood before opposing this particular resolve and I stand again today suggesting to you that this amendment does not improve this resolve in any substantial way.

I share with the good Senator from Oxford, Senator Erwin, the concern that all of us have for the abuse of alcohol and just among our children, but among all of our age groups in the State of Maine. I suggest that this particular resolve memorializing the President and

Members of Congress does not address this particular problem. It does ask the President and Congress to impose a surcharge of one percent on all advertising revenues derived through the advertisement of alcohol beverages on radio and television.

Why are we singling out the broadcasters? Why aren't we broadening this to all media? Is there some reason why printed media should be exempted from this?

Again, as the earlier resolution was in its original state, this is patently discriminatory against broadcasting.

Let me suggest to you that an administrative nightmare would be created in terms of trying to keep track of this one percent surcharge. Think of the bureaucracy that would be necessary to determine what advertisements are in fact broadcast on radio and television. Think of the separate accounting books and schedules that would have to be kept and the differing values of those advertising costs.

Who in fact is the collection agent for this particular surcharge? Is it the national firms that are originally marketing this type of advertising that we see? It is our local radio and television studios that must go into the collection of this surcharge and go through the accounting difficulties imposed by this particular measure?

Yes, this is only a memorial and yes, it doesn't have the affect of a full law in the State of Maine but I am suggesting that it is irresponsible for us to recommend to Congress this type of surcharge that has not been carefully thought out. This particular memorial does little of use.

Let's go on with bills in other areas such as the premium tax that is currently before the Joint Standing Committee on Business and Commerce. That's a legitimate concern, that is where the premium ought to rest. I suggest we'll have an opportunity to discuss that later in this session. But this Memorial does little to address our problem. Thank you.

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

Senator **BUSTIN:** Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate and the good Senator from Kennebec, Senator Kany. I would like to address the issue of this Resolution.

It is an issue that I have been wanting to put before Congress for a long time and I hope that you will vote in favor of this Resolution. What it does is, as you can read, is ask for a cent on every piece of advertising for alcoholic beverages that are done on the electronic media.

Now, in this State, as you know, we have the one cent premium on alcohol. It has worked extremely well, as I think everybody can attest to who has anything to do with any of the treatment centers, the off-residential centers, any of your counseling center that you have, if you've talked to any of the young adults who have taken advantage of these programs, you will understand.

We're doing it here in Maine and we're doing it well, and what I would like to see is to have the Nation as a whole address the problem. Having them not put alcohol advertising on TV, might have accomplished something but it doesn't accomplish stopping people from drinking and it doesn't accomplish having money available to treat the problem of those people who get in trouble with the drinking, and that's what you need to address. What you need to look at is how you treat the societal problem that we allow to happen simply because the product is available.

Now, whether or not the product is legal or illegal, whether or not is advertised or not advertised, is not the issue. If people want to drink, they are going to drink. What you need to do is address the problem of what you do when people get into trouble with it, and people get into trouble with it for lots and lots and lots of reasons. We're discovering more and

more every day.

All this does is try to raise the conscientiousness of Congress to try to address the issue in a more monetary term. Thank you.

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

Senator **GILL:** Mr. President, I request permission to pose a question through the Chair.

THE PRESIDENT: The Senator may state her inquiry.

Senator **GILL:** It is possible for this Body to propose a surcharge to Congress?

THE PRESIDENT: The Chair would answer in the affirmative. It is a proposal.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACC:** Mr. President and Members of the Senate. I was watching Sunday afternoon talk shows with all the different Senators and Representatives in Washington going over the budget situation and the tax proposals, and I'm sure we don't have to add to their predicament at this time by proposing that they put a surcharge on advertising revenues for alcohol. I would think that the position that they are in now they've probably already reviewed that.

But more importantly, I think, you know, you have so many different reports about the impact of television advertising, and remembering the debate, I get a particular enjoyment out of watching some of the beer commercials, when they bust through a wall or John Madden can't drive through a train tunnel at night because he's scared of the dark or he doesn't want to fly in an airplane. I enjoy those, I think they are a lot of creativity, I think the artists that are doing that have a tremendous amount of genius, but I don't drink beer, and it doesn't encourage me to drink beer, but I enjoy watching that, that little bit of entertainment.

I would think that before we try to ensure that kind of creativity, and at the same time, realizing what the studies have talked about in regards to this particular subject, that we ought to really stop and think about the entire issue. I mean, as much as the broadcasters and the electronic media have treated me so kindly over the last few years, I would be the last one to stand up here and defend that, but I think in America we realize our freedoms that we do have. I think we ought to just step back and look at this particular piece of legislation and what we are doing, and I think that rather than condemn that, we ought to try to work together, because certainly they've gone the distance with their advertising on television and on radio about drinking and driving. They've been pounding that into our heads, that false news story about somebody died that was drinking, and we think about that all the time, and I think they are giving a lot of public service spots, a lot of their own time, money and effort to that cause.

Like ourselves, in State Government, we condemn drinking alcohol, but yet we sell it at liquor stores, and I think we ought to be a little bit more judicial in reviewing this particular area before we go off on a tangent. Thank you Mr. President.

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

Senator **BUSTIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I cannot resist answering the good Senator from Penobscot, Senator Baldacci.

In responding to the creativity that is shown on the ads, how I would dearly love to see that kind of creativity telling about our treatment centers, telling about what needs to be done, telling about what the problems are. And, the good Senator from Penobscot, Senator Baldacci, is absolutely correct, the media does an excellent job of public service announcements.

I remind you, this resolution will not harm that, it probably will help it.

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

Senator **MAYBURY:** Thank you, Mr. President, Members of the Senate. I am disturbed with all the debate we've had on this and I wanted to add my few cents worth to it before we go much further.

I reviewed a magazine that we all receive called *Legislative Policy* and it had a recent issue on alcohol and social policy. I want to read a few paragraphs from that.

This article was done by Morris E. Chafetz who is an M.D. and these are his views on taxes and alcohol and that type of thing: "Claims that state the use of broadcast media is the source of many social ills is not new. Visibility invites scapegoating. Furthermore, the enormous sums of money spent on advertising signifies proof to a doubting public that advertising is the root of alcohol misuse. When the public hears and sees alcohol extolled as an intimate part of the good life, the successful sophisticated life, the natural cauldron of suspicion and temptation begins to bubble among perennial scapegoaters."

"However, there's a huge chasm between words and action. If we said what we thought and did what we said, we'd get into a lot of trouble. An example of how we incriminate advertising is illustrated by a study of youngsters in an elementary school in Connecticut. The students were asked to spell the word "relief." When most of the children reeled off the letters of an antacid advertised extensively on television, their responses were cited as an example of how TV corrupts the young."

"However, the crucial telling point here is not the youngster's automatic repetition of a catchy phrase, but whether any of these youngsters went out and bought the product."

"The consensus of studies examining behavior response to alcoholic beverage advertising shows the potential an ad has to make viewers switch brands but not the potential to make viewers drink more than intended. For the heavy and problem drinker, however, no such inducement is necessary. Studies correlating alcohol beverage consumption and young people show the models for most drinking behavior are not found on television but in the home."

"Most findings reveal that parents are the role models for the young: alcoholic parents are at greater risk of having alcoholic children. Heavy drinking parents generally produce heavy drinking children; moderate drinkers produce moderate drinkers and so on. And, social codes to guide young people and drinking practices are set forth in such a way as to befuddle them."

"If advertising does not increase consumption, why does smart business spend so much money on it? Advertising works, but what happens is when you are faced with a forest of products, brand name familiarity is essential in making a decision."

"The belief that advertising contributes to alcohol problems is belied by the fact that the Soviet Union, which has the highest per capita consumption and incidence of alcohol problems in the world, has banned advertisements since the Russian Revolution of 1917."

I would ask that those of you here vote against the motion. Thank you.

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

Senator **TRAFTON:** Thank you, Mr. President. Mr. President, I move Indefinite Postponement of Joint Resolution, Senate Paper 581 as amended and would ask for a Roll Call.

THE PRESIDENT: The Senator from Androscoggin, Senator Trafton, moves that Senate Paper 581 and all accompanying papers be **Indefinitely Postponed** and requests a Roll Call. Under the Constitution, in order for the Chair to order a Roll Call it required 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 Hancock, Senator Perkins.

The pending question before the Senate is the motion of the Senator from Androscoggin, Senator **Trafton**, that S.P. 581 be **Indefinitely Postponed**.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Senator **PERKINS** of Hancock who would have voted Yea requested and received Leave of the Senate to pair his vote with Senator **HICHENS** of York who would have voted Nay.

ROLL CALL

YEAS:—Senators, Andrews, Baldacci, Berube, Black, Brown, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Gauvreau, Gill, Matthews, Maybury, McBreairty, Najarian, Perkins, Shute, Twitchell, Usher, Violette, Webster, The President, Charles P. Pray

NAYS:—Senators, Bustin, Erwin, Kany, Pearson, Stover

ABSENT:—Senators, Sewall, Tuttle

26 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 2 Senators Pairing their votes, and 2 Senators being absent, the Motion to **INDEFINITELY POSTPONE, PREVAILS**.

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 24, 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 **TWITCHELL** of Oxford, the Bill and all accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **VIOLETTE** of Aroostook, the Senate voted to remove from the Table Later Today Assigned matter:

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)

Tabled—May 28, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ADOPTION OF SENATE AMENDMENT "A" (S-115)**

(In Senate May 24, 1985, **READ A SECOND TIME**. Senate Amendment "A" (S-115) **READ**) Senate Amendment "A" (S-115) was **ADOPTED**.

On motion by Senator **USHER** of Cumberland the Senate **SUSPENDED THE RULES**.

On further motion by the same Senator, **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-107).

Senator **USHER**: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" under filing number S-134, and move its Adoption.

Senate Amendment "A" (S-134) to Committee Amendment "A" (S-107) **READ**.

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

Senator **USHER**: Mr. President what we did was put an amendment on to include the fiscal note, and move the allocation because of the change in the different status of the

committees.

Senate Amendment "A" (S-134) to Committee Amendment "A" (S-107) **ADOPTED**.

Committee Amendment "A" (S-107) as amended by Senate Amendment "A" (S-134) thereto **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

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

COMMUNICATION

The Following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

May 28, 1985

Honorable Joy J. O'Brien

Secretary of the Senate

112th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on **RESOLVE**, to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws (Emergency) (S.P. 321) (L.D. 810):

Representative **CARTER** of Winslow

Representative **KANE** of South Portland

Representative **McPHERSON** of Eliot

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

Bill "An Act to Change the Frequency of Determination of Stumpage Value for Purposes of the Maine Tree Growth Tax Law" (H.P. 747) (L.D. 1070)

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 Deductions from State Disability Retirement Allowances of Social Security Disability Benefits" (H.P. 656) (L.D. 928)

Bill "An Act to Regulate Rate of Insurance Charged to Motor Coaches used in the Tourist Trade" (H.P. 711) (L.D. 1021)

Bill "An Act Amending the Maine Juvenile Code to Allow the Attorney General to Exercise the Powers of a Juvenile Caseworker in Appropriate Cases" (H.P. 410) (L.D. 563)

Ought to Pass

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Require Disclosures by Transient Sellers" (H.P. 708) (L.D. 1018)

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 **AGRICULTURE** on Bill "An Act to Strengthen the Law Relating to Purchase of Foodstuffs from Maine Concerns" (H.P. 920) (L.D. 1325)

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

Amended by Committee Amendment "A" (H-189).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-189)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-189) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (H.P. 376) (L.D. 517)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-193)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-193)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-193) **READ** and **ADOPTED** in concurrence.

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

The Committee on **STATE GOVERNMENT** on Bill "An Act to Provide for Legislative Oversight Prior to the Implementation of Departmental Rules" (H.P. 784) (L.D. 1117)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-196)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-196)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-196) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass in New Draft

The Committee on **EDUCATION** on Bill "An Act Concerning Education Programs for Gifted and Talented Children" (H.P. 564) (L.D. 835)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 1092) (L.D. 1585)

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 **LEGAL AFFAIRS** on Bill "An Act Concerning Retail Sales of Beer and Wine" (H.P. 535) (L.D. 754)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 1093) (L.D. 1586)

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 **LEGAL AFFAIRS** on Bill "An Act to Provide for a Setup Period Prior to Opening of the Polls" (H.P. 461) (L.D. 662)

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

New Draft under same title (H.P. 1094) (L.D. 1587)

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 **LEGAL AFFAIRS** on Bill "An Act to Clarify and Standardize Enrollment Status on Voting Lists" (H.P. 598) (L.D. 868)

Reported that the same **Ought to Pass** in **New Draft** under same title (H.P. 1095) (L.D. 1588)

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 **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Protect the Voting Rights of Township Residents" (H.P. 93) (L.D. 113)

Reported that the same **Ought to Pass** in **New Draft** under same title (H.P. 1097) (L.D. 1590)

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 **TAXATION** on Bill "An Act Relating to One-way Rental Vehicles" (H.P. 140) (L.D. 165)

Reported that the same **Ought to Pass** in **New Draft** under same title (H.P. 1091) (L.D. 1584)

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**.

Divided Report

The Majority of the Committee on **AGRICULTURE** on Bill "An Act to Create the Commission on Farmland Loss" (H.P. 434) (L.D. 635)

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

Signed:

Sensors:

CARPENTER of Aroostook
BLACK of Cumberland
ERWIN of Oxford

Representatives:

McCOLLISTER of Canton
TARDY of Palmyra
MICHAEL of Auburn
DAGGETT of Manchester
WHITCOMB of Waldo
LORD of Waterboro

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

Signed:

Representatives:

PARENT of Benton
SHERBURNE of Dexter
CROUSE of Caribou
BRAGG of Sidney

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

ENGROSSED.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

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

Divided Report

The Majority of the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" (H.P. 566) (L.D. 837)

Reported that the same **Ought to Pass** in **New Draft** under same title (H.P. 1096) (L.D. 1589)

Signed:

Sensors:

KANY of Kennebec
USHER of Cumberland

Representatives:

MICHAUD of Medway
JACQUES of Waterville
MITCHELL of Freeport
COLES of Harpswell
HOGLUND of Portland

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

Signed:

Sensor:

EMERSON of Penobscot

Representatives:

RIDLEY of Shapleigh
DEXTER of Kingfield
BROWN of Livermore Falls
HOLLOWAY of Edgcomb
LAW of Dover-Foxcroft

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

Which Reports were **READ**.

THE PRESIDENT: Is it now the pleasure of the Senate to Accept the Majority Ought to Pass in New Draft under Same Title Report?

The Chair recognizes the Senator from Hancock, Senator Perkins.

Sensor **PERKINS**: Mr. President, I ask for a Division on Acceptance of the Majority Report.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of Acceptance of the Majority Ought To Pass in New Draft Under Same Title Report, please rise and remain standing until counted.

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

19 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion to **ACCEPT** the Majority **OUCHT TO PASS** in **NEW DRAFT UNDER SAME TITLE** Report **PREVAILED**.

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

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Limit the Number of Clients Assigned to Human Services Caseworkers" (H.P. 940) (L.D. 1350)

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

Signed:

Sensors:

GILL of Cumberland
BERUBE of Androscoggin

Representatives:

MELENDY of Rockland
MANNING of Portland
SEAVEY of Kennebunkport
CARROLL of Gray
PINES of Limestone
KIMBALL of Buxton
TAYLOR of Camden

ROLDE of York

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

Signed:

Sensor:

BUSTIN of Kennebec

Representatives:

NELSON of Portland
BRODEUR of Auburn

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

Which Reports were **READ**.

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

Sensor **BERUBE**: Thank you, Mr. President, I hope that the Report that was Accepted was Ought Not to Pass.

THE PRESIDENT: The Chair would inform the Senator that there is no motion before the Chair.

Sensor **BERUBE**: I move that we Accept the Majority Ought Not to Pass Report, please.

THE PRESIDENT: The Senator from Androscoggin, Senator **Berube** moves that the Senate **Accept** the Majority **Ought Not to Pass** Report.

The Senator has the floor.

Sensor **BERUBE**: The reason this Bill was signed by such a large majority of Ought Not to Pass, is simply that this has been assigned to a study which will be implemented during the summer months. Thank you.

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

Sensor **BUSTIN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I only rise to call your attention to this Bill because it does have something to do with child abuse and all of the things that you've been hearing all of this session about it. I simply want to call your attention to the fact that this Bill does in fact call for a limit or a cap on how many clients an individual caseworker is supposed to handle.

If it is going to be in a study I needed to bring it to your attention. That is what I am doing for you so that you can focus in on this very horrendous problem that is out there for child abuse cases, especially child abuse cases in Kennebec County.

I have been meeting all summer long, all fall long, all winter long, all spring long on this issue. It is an important issue, it can't be glossed over, you can't just ignore it. Those people are sitting there in Human Resources having thirty and forty and fifty cases that they can't even handle, they don't even look at.

Your constituents are calling them in and nobody can look at them. They take it on a basis of the worst case scenario. They have to approach it in that manner.

So take a good look at that, I am not sure that it can wait for a study. I would have liked to have seen this bill passed now to limit the caseload so that we can begin addressing that problem. Thank you.

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

Sensor **DIAMOND**: Mr. President, and Members of the Senate. I would just inform you, and let you know that the Committee on Audit and Program Review has already started, per the statues, a natural review of the child protection. We have Members of the Human Resources Committee on our Committee, we have had three or four meetings now and we plan to complete the study probably by October. I think that the Senator from Androscoggin, Senator Berube, has the right idea.

I don't think that we can really make a judgment with this Bill, yet. We are finding out things that we never even thought to entertain in terms of questions. We're finding the concerns being raised at almost every meeting that we have.

I concur with the Senator from Kennebec,

Senator Bustin, that it is, in fact, a very important issue but I would say that we are for one committee, as I say by statute, have to review this and we are. We'll, with the help of the Members of the Human Resources Committee, will be finished with this by October. It would seem appropriate that we follow the lead of the Senate chairman and albeit difficult decision. I think that we need to put it off just a little bit longer. Thank you.

On motion by Senator **BERUBE** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Repeal Provisions for Same Day Registration under the Election Laws" (H.P. 188) (L.D. 222)

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

Sensors:

TRAFTON of Androscoggin
NAJARIAN of Cumberland
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PERRY of Mexico
PAUL of Sanford
RIOUX of Biddeford
WARREN of Scarborough
BOTT of Orono
NICKERSON of Turner

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as **Amended by Committee Amendment "A"** (H-194).

Signed:

Representatives:

MURPHY of Berwick
DILLENBACK of Cumberland
MASTERMAN of Milo

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

Which Reports were **READ**.

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

Senator **WEBSTER:** Mr. President, is there a motion before the floor?

THE PRESIDENT: The Chair would answer in the negative.

THE PRESIDENT: It is now the pleasure of the Senate to **Accept** the Majority **Ought Not to Pass** Report?

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President, I would pose a question through the Chair?

THE PRESIDENT: The Senator may state his inquiry.

Senator **WEBSTER:** May I ask who made that motion?

THE PRESIDENT: The Chair made the motion in the absence of a motion.

Senator **WEBSTER:** I would request a Division and speak briefly.

THE PRESIDENT: A Division has been requested.

The Senator has the floor.

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate. Excuse my taking your time up on this matter but I would just like to have a Division. There are some people throughout this State who feel that this provision perhaps ought to be at least amended in some way and have some type at least a short residency requirement. I happen to be one of those people who feel that there ought to be some way to at least show that you do live in the town where you are voting.

I had a problem in one of my towns recently, in this area, so I would just like to be in a division situation so that I could vote against this prevailing motion. Thank you.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of **Accept-**

tance of the Majority **Ought Not to Pass** Report, please rise and remain standing until counted.

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

21 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Forfeiture of Vehicles of Persons Operating after License Suspension who are Operating under the Influence" (H.P. 684) (L.D. 970)

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

Signed:

Sensors:

NAJARIAN of Cumberland
TRAFTON of Androscoggin
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PERRY of Mexico
PAUL of Sanford
RIOUX of Biddeford
WARREN of Scarborough
DILLENBACK of Cumberland
BOTT of Orono
NICKERSON of Turner

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

Signed:

Representatives:

MASTERMAN of Milo
MURPHY of Berwick

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Providing for the Regional Management of Marine Fisheries Within the Territorial Water of the Atlantic States" (H.P. 855) (L.D. 1211)

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

Signed:

Sensor:

BROWN of Washington

Representatives:

MANNING of Portland
VOSE of Eastport
SALSBURY of Bar Harbor
CONNERS of Franklin
CROWLEY of Stockton Springs
COLES of Harpswell

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

Signed:

Sensors:

CHALMERS of Knox
SHUTE of Waldo

Representatives:

RICE of Stonington
SCARPINO of St. George
MITCHELL of Freeport
RUHLIN of Brewer

Comes from the House with the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **MARINE RESOURCES**.

Which Reports were **READ**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled Later Tabled, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Repeal the Maximum Length Lobster Measurement" (H.P. 196) (L.D. 230)

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

Signed:

Sensor:

SHUTE of Waldo

Representatives:

RICE of Stonington
COLES of Harpswell
CROWLEY of Stockton Springs
MITCHELL of Freeport
RUHLIN of Brewer
MANNING of Portland

The Minority of the same Committee on the same subject reported that the same **OUGHT NOT TO PASS**.

Signed:

Sensors:

CHALMERS of Knox
BROWN of Washington

Representatives:

SALSBURY of Bar Harbor
CONNERS of Franklin
VOSE of Eastport
SCARPINO of St. George

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

Which Reports were **READ**.

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

Senator **BROWN:** Thank you, Mr. President. I move we Accept the Minority Ought Not to Pass Report of the Committee.

THE PRESIDENT: The Senator from Washington, Senator **Brown** moved that the Senate **Accept** the Minority **Ought Not to Pass** Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE:** I move the Senate vote against the motion of the Senator from Washington, Senator Brown, that we Accept the Minority Ought Not to Pass Report of the Committee.

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

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

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

21 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report of the Committee **PREVAILED**.

On motion by Senator **VIOLETTE** of Aroostook the Senate removed for the Table: **HOUSE REPORTS—Committee on MARINE RESOURCES** on Bill "An Act Providing for the Regional Management of Marine Fisheries Within the Territorial Waters of the Atlantic States" (H.P. 855) (L.D. 1211)

Majority Report—**Ought to Pass**

Minority Report—**Ought Not to Pass**.

Tabled—May 28, 1985, by Senator

VIOLETTE of Aroostook.

Pending—**ACCEPTANCE OF EITHER COMMITTEE REPORT**

(In Senate May 28, 1985, Reports **READ**.)

In House May 28, 1985, Bill and Accompanying Papers **RECOMMENDED** to the Committee on **MARINE RESOURCES**.

On motion by Senator **VIOLETTE** of Aroostook the Bill and accompanying papers **RECOMMENDED** to the Committee on **MARINE RESOURCES**, in concurrence.

SECOND READERS

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

House

Bill "An Act Concerning Service Requirements for Medical Students" (H.P. 1025) (L.D. 1477)

Bill "An Act to Improve the Functioning of the Maine Milk Commission" (H.P. 918) (L.D. 1324)

Bill "An Act to Repeal an Outdated Provision of the Highway Law" (H.P. 124) (L.D. 149)

Bill "An Act Providing Funding for Repair, Maintenance, Operation and Study of the Dead River Dam" (H.P. 1079) (L.D. 1570)

Bill "An Act to Establish a Directory of Licenses and Permits Required of New and Expanding Businesses" (H.P. 1082) (L.D. 1574)

Resolve, Directing County Officials to Manage and Invest County Funds in Accordance with Sound and Prudent Financial Principles" (H.P. 1078) (L.D. 1569)

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

Bill "An Act to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers" (H.P. 1087) (L.D. 1580)

Bill "An Act to Implement Recognition Grants for Teachers, Establish a Minimum Salary for Teachers and Provide Money for School Administrative Units to Operate Preschool Programs for Handicapped Children" (H.P. 1088) (L.D. 1581)

Bill "An Act to Implement Teacher Recognition Grants, Establish a Summer Grants Program for Teachers and Establish a Minimum Salary for 1986-1987" (H.P. 1089) (L.D. 1582)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Mandate a Course in Cardiopulmonary Resuscitation in High Schools" (H.P. 1073) (L.D. 1562)

Which was **READ A SECOND TIME**.

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

Senator **BROWN:** Thank you, Mr. President. I would offer Senate Amendment "A" to L.D. 1562 under filing number S-126 and move its adoption.

THE PRESIDENT: The Senator from Washington, Senator Brown offers Senate Amendment "A" and moved its Adoption.

Senate Amendment "A" (S-126) was **READ** and **ADOPTED**.

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

Senator **WEBSTER:** Is this body still in possession of 1562?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator **WEBSTER:** I move that this Bill and all accompanying papers be Indefinitely Postponed.

THE PRESIDENT: The Chair would answer in the affirmative.

Senator **WEBSTER:** I move that this Bill and all accompanying papers be Indefinitely Postponed.

THE PRESIDENT: The Senator from Franklin, Senator **Webster** moves that the Bill and accompanying papers be **Indefinitely Postponed**.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN:** Thank you, Mr. President. I request a division.

THE PRESIDENT: A Division has been requested.

Off Record Remarks

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

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate. This is my day on the floor, I guess, and I want to ask you to consider it very strongly, look at this Bill and vote with me to Indefinitely Postpone it.

I think that we had plenty of debate this morning but I am not known as being one to

give up when I think that I am right. I think that I am right on this issue. I think that we have too much government on a lot of things and I think that local towns can already, I know that the local towns can already do this without another mandate from Augusta. I think that I want to be in a position where the people at home know that I am not telling them everything that they can do from the cradle to the grave.

I find this legislation unnecessary and I would ask that you vote to Indefinitely Postpone it.

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

Senator **PEARSON:** Mr. President, I am somewhat confused. As I understood it the bill that we had this morning mandated the teaching of this particular subject in high school. This amendment does no longer mandate it. Is that not correct?

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN:** Thank you Mr. President, Ladies and Gentlemen. In response to the good Senator from Penobscot, Senator Pearson's question, I'd like to draw your attention to the new draft of the L.D. under number 1562. Under the Statement of Fact is a very detailed reason as to why this is an important thing for the local school board or school committee to do.

The new draft simply requires the secondary schools offer a course in CPR. Cardiovascular Disease remains the leading cause of death in the United States, this is simply an effort to try and increase the pool of available people to administer CPR. It does not mandate that the locals have to have that to graduate, it just simply says that the local school committee shall hold a hearing to see if there is enough interest in the community to offer the course. It doesn't even say they have to offer it.

We started off with the original bill saying it mandated the course for graduation. We moved from that to this version which says that they just have to offer the course. By the way, a course, we're talking two weeks or maybe a one week course in a health unit, where we mandate a number of other things that will be offered in that health unit, and we're just simply saying that CPR is important enough to rise to a level that it ought to be included in the health or phys. ed course or whatever. We're talking about a maximum of maybe two weeks, and the new draft just simply says they will have to hold a meeting to see if the locals would like to have it offered, that's all.

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

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate. When the time comes that we can't pass something here the way we like it, we water it down. Here is an example. It is still a mandate, it says "shall," for those of you who take the time to read this amendment, it says "you shall have a meeting," whether we want it or not, whether it does any good or not, we're going to tell the school boards they have to have a meeting. Well, that is wonderful. I would suggest that this amendment has been brought before this Body and has passed because it's the only possible way you are going to get this legislation to make it through the whole process. It doesn't make it good, it's still a poor idea. I think if the schools want to do this they can do it without us passing another law, and I still feel it is unnecessary and would ask you to vote against it.

THE PRESIDENT: The pending motion is the motion of the Senator from Franklin, Senator **Webster**, that this Bill and all accompanying papers be **Indefinitely Postponed**. A Division has been requested.

Will all those Senators in favor of the Indefinite Postponement please rise in their places to be counted.

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

The Chair recognizes the Senator from Franklin, Senator Webster.

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

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Mr. President, Senators, I'd like to pose a question through the Chair. I am wondering if the Bill, as amended, if the mandation could apply to any regularly scheduled meeting of the board and perhaps thereby not incur additional costs for the local school district.

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN:** Thank you Mr. President. Senator Kany from Kennebec pointed out a very logical thing for a local committee to do. The end of a school board meeting, the beginning of a school board meeting, any regularly scheduled meeting, this could be done.

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

Senator **DIAMOND:** Mr. President, Members of the Senate, thank you very much. I'll be very brief.

I know that some folks are going to be concerned about being on the Record in terms of mandating something like this back home, but let me tell you, or share with you, the fact that if it gets one person in one town in the whole State certified in CPR and saves one life then, good Lord, I think we certainly can do that. We're not mandating anything other than saying just that.

You're having a public meeting, as we do in my town, we have public hearings all the time and in the first ten minutes of the school board, so we're not really mandating anything other than saying this is a very important issue, we should bring it to your attention, CPR is something that can be learned by anybody in this Chamber, any school board member and any student, and CPR takes about seven to eight hours, straight hours to learn max, and that includes practicum, so I think that, I would hope that you would go along with the good Senator from Washington, Senator Brown and the others, and maybe we can get a few more people certified in CPR and maybe they can save your father or my motuer or whatever it might be. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from Franklin, Senator **Webster**, that this Bill and all accompanying papers be **Indefinitely Postponed**.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be in opposed.

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

ROLL CALL

YEAS:—Senators, Black, Bustin, Dow, Maybury, McBreairty, Perkins, Shute, Stover, Twitchell, Webster

NAYS:—Senators, Andrews, Baldacci, Berube, Brown, Clark, Danton, Diamond, Dutremble, Emerson, Erwin, Gauvreau, Gill, Kany, Matthews, Najarian, Pearson, Trafton,

Usher, Violette, The President—Charles P. Pray
 ABSENT:—Senators, Carpenter, Chalmers, Hichens, Sewall, Tuttle

10 Senators having voted in the affirmative and 20 Senators in the negative, with five Senators being absent and no Senators being excused the motion to **INDEFINITELY POSTPONE FAILS**.

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

Sent down for concurrence.

House As Amended

Bill "An Act to Improve the Laws on School Health Programs" (H.P. 718) (L.D. 1028) (C "A" H-172)

Bill "An Act Establishing Educational Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty" (H.P. 478) (L.D. 681) (C "A" H-176)

Bill "An Act to Provide for State Certification of School Administrators" (H.P. 871) (L.D. 1228) (H "A" H-181; C "A" H-173)

Bill "An Act Relating to Municipal Regulation of Hazardous Waste and Chemical Substances" (H.P. 961) (L.D. 1382) (C "A" H-138; H "A" H-157)

Bill "An Act Relating to Coyote Control" (H.P. 634) (L.D. 902) (C "A" H-174)

Bill "An Act to Expand the Victim's Rights Laws" (H.P. 808) (L.D. 1154) (C "A" H-175)

Bill "An Act Concerning Abandoned or Unclaimed Property and Security Deposits in a Landlord and Tenant Agreement" (H.P. 732) (L.D. 1041) (C "A" H-177)

Bill "An Act to Provide County Commissioner Districts in Washington County" (H.P. 194) (L.D. 228) (C "A" H-186)

Resolve, Authorizing the Sale of State-owned Land to the Crisis and Counseling Center (H.P. 538) (L.D. 765) (C "A" H-178)

Resolve, to Authorize Granting a Sewer Line Easement on State Land to the Town of Thomaston (Emergency) (H.P. 948) (L.D. 1357) (C "A" H-171)

Bill "An Act to Expand the Inspection of Used Car Dealers Conducted by the Division of Motor Vehicles" (H.P. 737) (L.D. 1046) (H "A" H-190 to C "A" H-184)

Resolve, to Provide for an Agreement Between the State and the City of Augusta to Establish a Greenbelt Area on State-owned Land on the East Bank of the Kennebec River in Augusta (H.P. 1017) (L.D. 1468) (H "B" H-168)

Bill "An Act to Clarify and Correct Certain Laws Relating to Marine Resources Laws" (Emergency) (H.P. 1066) (L.D. 1548) (H "A" H-188)

Resolution, Proposing an Amendment to the Constitution of Maine to Correct Certain Inconsistencies Relating to Civil Offices (H.P. 943) (L.D. 1353) (C "A" H-169)

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

Bill "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (H.P. 563) (L.D. 834) (C "B" H-170) Which was **READ A SECOND TIME**.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute in reference to L.D. 834.

Senator **SHUTE:** Mr. President and Ladies and Gentlemen of the Senate. L.D. 834 is another mandated medium by the Legislature of the school boards to have a public meeting, we might be able to lump this meeting with the other meeting they're going to have, but what does, as I understand the Bill, if 50% or more of the children are eligible for free or reduced price of meals, the school committee is required to hold another public hearing to see if the people in that area want to have free breakfast programs. I think they can do that now without the Legislature telling them that they have to do it.

Another thing that I think maybe the Education Committee could do when they are dreaming up the different meetings for the school boards to hold or public meetings, they might give some direction to the administrators of the school departments to verify the income of some of the people that are already getting free lunch or reduced lunch. I know there are people in my area that are getting free hot lunch, the children are, or reduced hot lunch, with people that are working in the mill with me and some of these people are making \$30,000 to \$40,000 a year and their wife is working. I don't think people with income of \$50,000 should be getting free hot lunch or reduced hot lunch and I think the principles and the administrators should be allowed to verify the income, and as I understand it, up until two years ago they weren't allowed to do that.

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

Senator **GAUVREAU:** Thank you Mr. President, Men and Women of the Maine Senate. This LD is co-sponsored by myself and I might point out that it came out of the Committee on Education with unanimous report as amended.

I would concur with the remarks of the good gentlemen from Waldo, Senator Shute, as it will pertain to the Bill in its original form which would have, in fact, mandated that all eligible school districts take part in the National School Breakfast Program. However, the Committee tried to craft a compromise between legitimate concerns for local control and also the overriding State interests that the children in our schools are properly nourished so that they can properly attend to their agendas during the course of the school day.

We did so by requesting the Department of Education to conduct a survey to determine the extent to which the school breakfast program in in affect here in the State of Maine and we targeted our survey upon 134 districts or schools which were eligible for the National School Breakfast Program but which had not adopted the program.

We were curious as to the extent to which this issue had been brought up by the school administrations and brought to the public, to bring to the public's attention the availability of this program. The response came back in the survey that only one of 134 districts had even notified the community or it had a public meeting to make available to the public, knowledge that the school breakfast program was in fact available. Therefore, the Committee felt that we would request by means of the Bill as amended the school boards, in the course of a regular scheduled school board meeting, to have a hearing to determine the extent to which there was a local interest for the school breakfast program.

Some people, I suppose, might characterize this as a mandate. It seems to me what it really is is simply articulation of concern at the Legislative level that the beneficial aspect of the National School Breakfast Program be publicized and that in the local districts the people be afforded the opportunity to come forward and express their support for the program.

I might also point out that when this issue arose in Committee I took the time to contact my school board to ask whether or not any such meeting had taken place in the City of Lewiston and I was advised that, no, there had been no publication of the program and no meetings of the school breakfast program. And furthermore, the school administration did not intend to have any such programs, so it was clear to me that without some sort of directive at the State level there would be no action taken, certainly none that would effect the City of Lewiston.

I might point out that in my particular Senate District I have a school which is 100%, 100%

eligible for the school breakfast program, and it is a sincere concern of mine that the citizens of my senatorial district at least be afforded an opportunity to address their concerns to the school board, to have a chance to come forward and express their support, if there is any, for the National School Breakfast program.

For these reasons, and I'm not sure, Mr. President, whether or not there is a pending motion before the Body.

THE PRESIDENT: The Chair would inform the Senator that the pending motion is Passage to be Engrossed as amended.

Senator **GAUVREAU:** Thank you. Then, I would simply urge the Body to go along with the present motion and I thank you for your attention.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE:** Mr. President, Ladies and Gentlemen of the Senate. I'd like to have it understood that I'm not against feeding children breakfast or a hot lunch but I am against the State continually mandating programs and mandating meetings upon the local districts and municipalities.

I guess while I'm on my feet, I would merely ask the question how will this program be funded if it is adopted. Would it be funded with the State Revenue or where it might certainly cost State money, or would it be financed with the Nation Debt and nobody would have to pay for it.

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

The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator **GAUVREAU:** Thank you Mr. President, Men and Women of the Maine Senate. Under current law the program costs for the National School Breakfast Program will be funded totally by the Federal Government. Now, it is true that if there is substantial, and I underscore substantial, administrative error at the local level, there is a possibility that there might be some penalties imposed by the Federal Government, but by far the ordinary experience has been that the programs run very well and there has been no cost at all at the local level.

I might also point out, of course, that funding for the National School Breakfast Program, as is funding for the National School Lunch Program, is somewhat jeopardized now due to the budget talks in Washington, but, this Legislation is predicted upon the assumption that the program will still be in effect.

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

Senator **BROWN:** Thank you Mr. President, Men and Women of the Senate. I would be remiss if I didn't say just a couple words concerning this issue.

Back a number of years ago, my work history, I spent as a high school principle. During that time, one of the programs that I initiated and started was a school breakfast program. I got tired of seeing children coming to school in the morning running across to the store, to the 7-11 place, picking up some potato chips and coke and try then to attend school through the day. We started a school breakfast program that worked extremely well. Shortly after I left the program went also.

The fact is that many school districts do not even make the people in the lunch room, the dietician, aware of the fact that they could offer this. All this says is that it, I would have gone for a stronger version, Ladies and Gentlemen, than what you have before you, I would have mandated it, and we will have a course in the thing, but we had a unanimous committee report that said all we're going to ask is that the local committee, perhaps at the same time as the good Senator from Waldo, Senator Shute, suggested, we could hold the

other meeting, just make people aware that the program could be offered if there were enough interest, nothing more.

Thank you.

THE PRESIDENT: The Chair will order a Division

Will all those Senators in favor of this Bill being Passed to be Engrossed please rise and remain standing in their places to be counted.

The Chair recognizes the Senator from Waldo, Senator Shute.

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

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

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

Less than one-fifth having arisen, a Roll Call is not in order.

Will all those Senators in favor of **Passage to be Engrossed**, please rise and remain standing in their places until counted.

Will all those opposed please rise and remain standing in their places until counted.

19 Senators having voted in the affirmative and 9 Senators in the negative, with 7 Senators being absent, this Bill is **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act to Increase Consumers' Remedies under the Unfair Trade Practices Laws" (H.P. 715) (L.D. 1025) (C "A" H-167)

Which was **READ A SECOND TIME**.

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

Senate

Bill "An Act Relating to Absentee Voting for Residents of Coastal Island" (S.P. 607) (L.D. 1601)

Bill "An Act Relating to the Selection of Counters under the Election Laws" (S.P. 608) (L.D. 1602)

Bill "An Act to Change Voting Booth Requirements" (S.P. 609) (L.D. 1603)

Bill "An Act to Amend Certain Motor Vehicle Laws" (S.P. 605) (L.D. 1599)

Bill "An Act to Amend the Nuclear Issues Clearinghouse Law" (S.P. 561) (L.D. 1490)

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

Sent down for concurrence.

Bill "An Act to Provide Protections to Boxers" (S.P. 613) (L.D. 1606)

Which was **READ A SECOND TIME**.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond, in reference to L.D. 1606.

Senator **DIAMOND:** Thank you, Mr. President and Members of the Senate. This L.D., 1606, as I just quickly read it in our books, talks about regulating Kick-Boxing, and Kick-boxing was the bill that I put in last time and we came to an agreement on it in that if this Bill passes, I'm concerned about all the angry Kick-boxers out there.

I'm just wondering what the reason was for putting in this statute for this Bill based on what we had done last year, and I guess I pose that question to anyone who might care to answer.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond, has posed a question through the Chair to any Senator who may respond if they so desire.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Maybe it's going to take a while to find out. If that is the case, as opposed to moving Indefinite Postponement, I would ask someone to Table this for one day.

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

Bill "An Act to Restructure the Duties and Funding of the Maine Land Use Regulation Commission" (S.P. 606) (L.D. 1600)

Which was **READ A SECOND TIME**.

On motion by Senator **McBREAIRTY** of Aroostook, Senate Amendment "A" (S-136) was **READ**.

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

Senator **PEARSON:** Could we have an explanation of this Amendment please?

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

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator **McBREAIRTY:** Mr. President and Honorable Members of the Senate. This started out as L.D. 1251 and the purpose of L.D. 1251 was to try to eliminate part of the discrimination against plantations in the State of Maine and towns organized after I think it's '71. The Bill was amended by the Committee and most of it eliminated, but they did come out with L.D. 1600.

Presently, the Land Use Regulation Commission is made up of seven members. They do have jurisdiction over all of our plantations and towns organized after '71. As of today, they have never, the plantations have never and towns have never, had a member on the Land Use Regulation Commission.

Now, L.D. 1600 give this one member but it's from the complete commission jurisdiction. My Amendment would give us one member from the 45 towns and plantations that come under LURC jurisdiction. This is the planning and zoning board from these towns, and it seems pretty far fetched that you have a planning and zoning board of seven members and not have any representation whatever. This would give the towns and plantations one member of the board.

L.D. 1600 created a study of the problems of the unorganized and plantation. We already have another study sponsored by Speaker Martin up in Taxation, so the study on L.D. 1600 is no longer needed. So, instead of the study, this amendment requires that in their zoning, river zoning, in the towns and plantations that come under LURC's jurisdiction, that if they zone these towns more stringent then required in organized municipalities, that the town or plantation be able to vote on the approval of the more stringent regulation.

Some of these plantations, we had about 15 plantations represented at the hearing on this Bill, and I had a companion bill that would have put more stringent zoning on some of our shore lands that come under the Rivers Bill. These plantations testified in favor of more stringent regulations. But, in some cases the Land Use Regulation Commission has proposed, and already has put shore-land zoning on the shore lands in these plantations that completely eliminates any development whatever. Now, I'm sure that this could never happen in organized townships, there would be a real uproar if we had the State going in and mandating shore land zoning that completely wipes out any development.

Some of these plantations are right in between organized townships. Now, all this requires, this is just giving them a little bit of home-rule, if the Land Use Regulation Commission wishes to zone a more stringent, they would to approve it. I don't think this is asking very much.

One of the ladies that came down from one of the plantations, when she found that the Bill had been practically eliminated over this study order, said to me "You people have always told us that we should attend hearings," she said,

"I don't think it does any good. You people didn't listen to us at all when we went down and asked for just a little bit of control at our own local level." This is what this would do and I hope you will adopt this much.

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

Senator **PEARSON:** Mr. President, this amendment is completely new to me and I only know, in a very peripheral way, very much about this at all.

I do understand that it calls for the one member of the board of the Land Use Regulation Commission to be from an unorganized or a plantation, and I have no quarrel with that. I wouldn't care if it was two or three or four, it really wouldn't bother me at all. I think that it should be that way.

What I am troubled with is the language that says, and I've only been able to read the Statement of Fact that says that the Commission could not adopt any standards that could be more restrictive than in all organized towns. Which organized town? Which yard stick are you measuring it against? We run the gambit in organized towns that have been organized in this State prior to our separation from Massachusetts all the way from very restrictive to very liberal. If you say a plantation of the Land Use Regulation Commission in those plantations couldn't adopt standards any more strict than Maine towns, I don't think that says very much. It doesn't give me any kind of bench mark from which to spring.

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

Senator **McBREAIRTY:** Mr. President and Members of the Senate. It's spelled out very plainly what this does.

Presently, we do have a law on the books that mandates shore land zoning, mandates it, for all towns within the State. Now, if a town didn't adopt shore land zoning then the State went out and did it for them. I have a list of towns here and I won't read it, I won't take that much time, but I think there are 138 towns that the State went out and did the shore land zoning for. Now, who did the shore land zoning? DEP, the Land Use Regulation Commission and the Planning Office. What did they require of these towns? The very minimum standards required under Section, I think, 4811 of the Land Zoning Laws.

Now, what this amendment would do if they zone more stringent than required under that section, and also required under the Significant Rivers Section and the Outstanding Rivers Section, if they want to zone more stringent than required under these three sections of our law, it would have to be approved by the plantation.

To give you an example. In Aroostook County, the Land Use Regulation Commission has already zoned the St. John River, a hundred miles of the St. John River, no development whatever. They went into the Town of Allagash six miles with this zoning. They went into private small land owner's territory and zoned it, no development whatever. PRR or PRP. They took all the tributaries of the St. John River, the Big Black, all the branches, all zoned no development. If you went up in Aroostook Country and wanted to build a hunting camp on any of this hundred of miles of river, you couldn't do it because it is zoned no development. The whole of the Allagash River is zoned PRR. Recently they took the branches, the tributaries of the Allagash River, zoned it no development. The Aroostook River, all the upper part of the Aroostook River, has already been zoned no development. The Millinocket Stream, the Munsungan Stream.

Now, we think when they come down into the organized municipalities, if they want to zone more stringent that the Rivers Bill calls for or the State Shore Land Zoning calls for, that the town should have a right or a chance to approve or disapprove. This is not asking any more than you allow in your towns with your

planning board. If your planning board wants to zone the people have a chance to approve. So, I would hope you would go along with this.

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

Senator **PEARSON:** Mr. President, I thank the Senator from Aroostook, Senator McBreairty, for his explanation. It is a completely new subject to me.

I know, as many of you know, the director of the Land Use Regulation Commission and I know some of the members of that Commission, and they have been utterly, totally, absorbed completely, fourteen hours a day, with Big A and I understand that they have been utterly, it has been almost utterly impossible for them to concentrate on any other piece of legislation.

Senator McBreairty's explanation to me sounds to be logical. I will review it a little more, it'll be back, and for the time being, it sounds satisfactory to me.

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

Senator **VIOLETTE:** Mr. President, Ladies and Gentlemen of the Senate. I know the hour is late and you have yet other business to transact but I just wish to rise and to echo the comments of the gentlemen from Aroostook, Senator McBreairty and his very eloquent comments. He's been, really, the leader in the front in the fight for the unorganized townships and the plantations, communities that I happen to represent, as well as organized municipalities and he's really been a champion in this area, in my opinion, for the rights of people that, at times, their rights have been usurped by the State of Maine.

I wanted to rise with him today and concur completely with his remarks and to be on Record as supporting this legislation. Thank you.

Senate Amendment "A" (S-136) **ADOPTED** Which was **PASSED TO BE ENGROSSED** as Amended.

Sent down for concurrence.

Bill "An Act Relating to Collateral and Terms of Credit Transactions Under the Maine Consumer Credit Code" (S.P. 612) (L.D. 1605)

Which was **READ A SECOND TIME**.

On motion by Senator **DANTON** of York, Senate Amendment "A" (S-137) was **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED** as Amended.

Sent down for concurrence.

Bill "An Act to Allow the Department of Human Services to Investigate and Provide Information on Community Health Issues" (S.P. 535) (L.D. 1436)

Which was **READ A SECOND TIME**.

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

Senate As Amended

Bill "An Act to Promote Free Enterprise in the Banking and Insurance Industries" (S.P. 294) (L.D. 783) (C "A" S-119)

Bill "An Act to Require the State to Comply with Municipal Ordinances Governing the Construction of Buildings" (S.P. 185) (L.D. 503) (C "A" S-123)

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

Sent down for concurrence.

Bill "An Act Relating to Payment of Back Contributions and Withdrawn Contributions by Members of the Maine State Retirement System" (S.P. 241) (L.D. 636) (C "A" S-122)

Which was **READ A SECOND TIME**.

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

Bill "An Act to Establish Age 21 Years as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" (Emergency) (S.P. 332) (L.D. 820) (C "A" S-118)

Which was **READ A SECOND TIME**.

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

Senator **TRAFTON:** In reference to L.D. 820, has that been Tabled 1 Legislative Day?

THE PRESIDENT: The Chair would answer in the negative. This issue is now before us.

On motion by Senator **TRAFTON** of Androscoggin, Senate Amendment "A" (S-140) was **READ**.

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

Senator **TRAFTON:** Thank you Mr. President. Mr. President, Senate Amendment "A" is what I would describe as a housekeeping amendment to the Legislative Document L.D. 820, "An Act to Establish Age 21 Years as the Legal Age to Purchase or Consume Alcohol Beverages and to Deter Drinking and Driving by Minors."

What this Amendment does is simply clarifies the authority of the Secretary of State's office through its Motor Vehicle Division to issue an educational license, similar to a work restricted license, for those who have been convicted of operating under the influence. It's simply a parallel provision to the current work restricted license that currently exists under our O.U.I. laws and this amendment was inadvertently left off the bill as it left committee and I present it on behalf of the Committee.

Senate Amendment "A" (S-140) **ADOPTED**.

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

ENACTORS

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

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

An Act to Clarify the Agricultural Exemption in the Workers' Compensation Laws (H.P. 883) (L.D. 1240) (C "A" H-156)

An Act to Redefine the Southern Boundary to Enlarge the Moose Hunting District (H.P. 681) (L.D. 967) (C "A" H-150)

An Act to Regulate Fishing Derbies (H.P. 646) (L.D. 916) (H "A" H-180)

An Act to Amend Permit Procedures Relative to Final Disposition of Dead Human Bodies (H.P. 422) (L.D. 602) (C "A" H-136)

An Act Authorizing the Department of Inland Fisheries and Wildlife to Continue to Regulate the Harvest of Antlerless Deer (H.P. 268) (L.D. 338) (C "A" H-151)

An Act to Amend the Maine Community Services Act (H.P. 266) (L.D. 336) (S "A" S-102)

An Act Requiring Clarification of Dates Upon Which Local Property Tax Penalties Accrue (H.P. 139) (L.D. 164) (C "A" H-139)

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

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 to Assure Appropriate Education and Treatment of People who are Deaf or Hearing Impaired (H.P. 1064) (L.D. 1543)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENACTED**.

Under Suspension of the Rules, the Senate voted to consider the following inclusively:

Emergency

An Act to Amend the Law Concerning the

Student Incentive Scholarship Program Under the Education Law (S.P. 68) (L.D. 119) (S "A" S-88; C "A" S-85)

Emergency

An Act to Amend the School Construction Law (H.P. 508) (L.D. 713) (S "A" S-96 to C "A" H-128)

Emergency

An Act to Place the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals Within the Department of Business, Occupational and Professional Regulation (H.P. 978) (L.D. 1410) (C "A" H-145)

These being Emergency Measures and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

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)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **PASSAGE TO BE ENACTED**.

Emergency Resolve

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

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

Out of Order and Under Suspension of the Rules the Senate took up additional Papers:

SENATE PAPERS

Bill "An Act Concerning the Bureau of Public Lands" (S.P. 616) Presented by Senator **KANY** of Kennebec Cosponsored by: Representative **MITCHELL** of Freeport, President **PRAY** of Penobscot, Speaker **J. MARTIN** of Eagle Lake. Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

Under Suspension of the Rules the Bill **READ ONCE**.

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

Bill "An Act to Authorize Aroostook County to Raise \$2,100,000 for Renovations and Additions to the Aroostook County Jail" (S.P. 617) Presented by Senator **CARPENTER** of Aroostook Cosponsored by: Senator **VIOLETTE** of Aroostook Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Committee on **LOCAL AND COUNTY GOVERNMENT** was suggested and **ORDERED PRINTED**.

Under Suspension of the Rules, the Bill **READ ONCE**.

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

Bill "An Act Relating to Cumberland County Budget Process" (S.P. 618) Presented by Senator **DIAMOND** of Cumberland. Cosponsored by: Representative **COOPER** of Windham, Representative **NICHOLSON** of S. Portland, Representative **JACKSON** of Harrison. Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

Committee on **LOCAL AND COUNTY GOVERNMENT** suggested and **ORDERED PRINTED**.

Under Suspension of the Rules, the Bill **READ ONCE**.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Bill "An Act to Amend the Reapportionment Law" (S.P. 619) Presented by Senator NAJARIAN of Cumberland Cosponsored by: Representative O'GARA of Westbrook, Representative BONNEY of Falmouth, Representative HOGLUND of Portland Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27 Committee on STATE GOVERNMENT suggested.

Under Suspension of the Rules, the Bill **READ ONCE AND ORDERED PRINTED.**

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Implement the Recommendations of the Maine Land and Water Resources Council Ground Water Review Policy Committee" (S.P. 353) (L.D. 961)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-132)**

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

Committee Amendment "A" (S-132) **READ** and **ADOPTED.**

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

Senator BERUBE for the Committee on HUMAN RESOURCES on Bill "An Act to Protect Applicants for Admission to Nursing Homes from Unfair and Illegal Trade Practices" (S.P. 229) (L.D. 591)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-133)**

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

Committee Amendment "A" (S-133) **READ** and **ADOPTED.**

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

Senator TRAFTON for the Committee on LEGAL AFFAIRS on Bill, "An Act Concerning the Standards for Handicapped Restricted-use Elevators" (S.P. 251) (L.D. 646)

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

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

Committee Amendment "A" (S-128) **READ** and **ADOPTED.**

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

Senator NAJARIAN for the Committee on LEGAL AFFAIRS on Bill "An Act Relating to Absentee Voting" (S.P. 32) (L.D. 33)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-129)**

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

Committee Amendment "A" (S-129) **READ** and **ADOPTED.**

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

Senator NAJARIAN for the Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Habitual Offender Law" (S.P. 152) (L.D. 419)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-130)**

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

Committee Amendment "A" (S-130) **READ** and **ADOPTED.**

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

Senator TRAFTON for the Committee on LEGAL AFFAIRS on Bill "An Act to Facilitate Detection of Drivers Operating Under the Influence of Intoxicating Liquor or Drugs" (S.P. 486) (L.D. 1314)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-131)**

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

Committee Amendment "A" (S-131) **READ** and **ADOPTED.**

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

Out of Order and Unders Suspension of the Rules, the Senate took up additional Papers: **PAPERS FROM THE HOUSE**

Non-concurrent Matter

Bill "An Act to Increase the Handling Fee for Returnable Containers" (S.P. 93) (L.D. 291)

In Senate May 23, 1985, the Minority **OUCHT NOT TO PASS** Report **READ** and **ACCEPTED.**

Comes from the House the Majority **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-103)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-103)** in **NON-CONCURRENCE.**

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

Senator CLARK: Thank you, Mr. President. I move that the Senate Adhere.

THE PRESIDENT: The Senator from Cumberland, Senator Clark, moves that the Senate **Adhere.**

The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: I move that we Recede and Concur with the other body.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell, moves that the Senate **Recede and Concur** with the other Body.

The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: I request a Division.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell, requests a Division.

Would all those Senators in favor of the motion of the Senator from Oxford, Senator Twitchell, to Recede and Concur with the other Body, please rise and remain standing until counted.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President, is it appropriate to speak on this Bill at this time?

THE PRESIDENT: The Chair would answer in the negative.

Senator BUSTIN: I request a Roll Call.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, requests a Roll Call. 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 in order.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: I will reiterate some of the arguments that we said last time that this Bill was up. I will bring to your attention, as you already know, the other Body has seen the wisdom of this Bill and has sent it back to us—

THE PRESIDENT: The Chair would inform the Senator that it is inappropriate to speak of the action of the other Body.

Senator BUSTIN: Thank you, Mr. President. What I would like to say to you today is that I concur to a great extent with the Senator from Cumberland, Senator Clark, in the arguments that she made.

Due to a technical malfunction the following Senator's debate cannot be transcribed:

SENATOR BUSTIN DEBATE—CONTINUED

SENATOR CLARK

SENATOR TWITCHELL

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

Senator BUSTIN: Thank you, Mr. President. I request permission to withdraw my request for a Roll Call.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, requests Leave of the Senate to withdraw her request for a Roll Call. Is this the Pleasure of the Senate?

It is a vote.

The Chair would order a Division. Will all those Senators in favor of the motion of the Senator from Oxford, Senator Twitchell, to **Recede and Concur** with the other Body, please rise and remain standing until counted.

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

10 Senators having voted in favor of the motion and 17 Senators having voted in the negative, with 8 Senators being absent, the motion to **RECEDE AND CONCUR FAILS.**

On motion by Senator CLARK of Cumberland, the Senate **ADHERED.**

Non-concurrent Matter

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

In House May 23, 1985, Majority **OUCHT 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).**

In Senate May 24, 1985, the Minority **OUCHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Comes from the House, that Body **ADHERED.**

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

Senator BUSTIN: Thank you, Mr. President. I move that the Senate Recede and Concur with the other Body.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Thank you, Mr. President. I request a Division on the pending motion.

Due to a technical malfunction the following Senator's debate can not be transcribed:

SENATOR DANTON

SENATOR CLARK

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

Senator DANTON: Mr. President. This Bill was debated last week and we went through a lengthy debate. I don't wish to pursue any lengthy debate tonight because the hour is getting late. I would hope we would defeat the pending motion and go on to do away with this Bill.

It really is not what we want to do as a Maine Senate. I don't think we want to get the Attorney General's Office involved. I don't think we need any more A.G.'s. It just does not stop there. When we talk about more Attorney Generals, we're talking about more judges. Then we're talking about tying up more court time. We're talking about more hassles for the business community out there. One point that hasn't been brought out in this entire Bill, is the fact that more automobiles are sold between individuals.

How does this law affect me, if I were to buy an automobile from any member of this Senate? It doesn't! Now, here is what is going to happen. This is perhaps the worst thing we can do to the consumer in the State of Maine

as far as buying an automobile is concerned.

In my particular District, Senate district, I perhaps have more new and used car dealers than any other Senator. I am sure of that. I went and I spoke with many of them. What they said to me was this — "If we're going to have to take and every time we turn around, to have the Attorney General sue us, for whatever the reason might be, instead of selling a car for \$1995, we're going to have to get \$2295 or \$2395.

Now, there is some thought that has to be given to this. Used car dealers — the small ones — today have to post stickers that we require them to post as State law. The Federal Government, within the last month or so, passed another law that they have to put a Federal sticker on. The consumer today has to read those stickers and they are required to put on every defect that that automobile may have. In no way, and I am going to repeat, in no way, am I condoning that anyone should go to a car dealer and get ripped off. I don't mean that at all. Somewhere along the line, we have to stop and think and say, "Do we want the Attorney General to get involved in every suit?" I just don't think we do.

I would hope that you would defeat that motion and support the motion to Insist Thank you.

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

Senator **BUSTIN:** Mr. President, Ladies and Gentlemen of the Senate. I just would call your attention to the Bill, if you would look at it, we have taken out the damages.

All you are doing is exactly what United States Senator Mitchell has requested that the Congress do many, many times regarding Environmental Law, and that is allow the person who is damaged to also get some kind of remedy along with whatever environment is damaged he constantly refers to — you can get damages for the damage done to the tree but you can't get damages for the water that the people had to drink at the McKin site in Gray, Maine.

Now, that is an extreme example of what you are doing with used cars, and I don't mean to imply that used cars are as important to our livelihood as the environment is. But what I do say, is all this law does is to allow the Attorney General's Office, or to allow the Courts, in addition to any action to recover in a civil penalty, the court, in addition to any civil penalty may issue the following order with respect to any purchaser who is the victim of the conduct resulting in a civil violation. That is to order the return of the vehicle and you can reduce that by any amount of the damage that may have been done to the vehicle and increase it by anything that you may have put into the vehicle.

All we're asking for is to be able to award the customer the privilege of not having to go to court again for exactly the same thing. That is all this Bill does. I do not think it is going to add more Attorney Generals to the Attorney General's Office, or any of that thing. That you do not have that many cases.

I might also remind you that the only thing that you have to do in order to avoid any of this, is to not violate the used car laws.

THE PRESIDENT: A Division has been requested by the Senator from Hancock, Senator Perkins, on the motion of the Senator from Kennebec, Senator Bustin to Recede and Concur with the other Body.

Will all those Senators in favor of the motion to Recede and Concur, please rise in their places to be counted.

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

7 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to **RECEDE and CONCUR DOES NOT PREVAIL.**

On motion by Senator **DANTON** of York, the Senate **ADHERED.**

Non-concurrent Matter

Bill "An Act to Amend the Procedures of the State Board of Arbitration and Conciliation" (H.P. 957) (L.D. 1377) (C "A" H-137)

In Senate May 23, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-137)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-137) AND HOUSE AMENDMENT "A" (H-212)** in **NON-CONCURRENCE.**

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

ORDERS OF THE DAY

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

Bill "An Act Authorizing a Bond Issue in the Amount of \$3,500,000 for the Purpose of Historic Preservation and Main Street Projects" (H.P. 1100) (L.D. 1608)

Tabled — May 28, 1985, by Senator **PEARSON** of Penobscot.

Pending — **REFERENCE**

(In House May 24, 1985, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED.**)

Under Suspension of the Rules the Bill **READ ONCE.**

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

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

Resolve, Authorizing the Somerset County Commissioners to Expend \$130,000 from Revenue Generated Through the Boarding of Prisoners for the Purpose of Making Modifications to the Somerset County Jail to Increase the Jails Rated Capacity (Emergency) (H.P. 1103) (L.D. 1611)

Tabled — May 28, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **REFERENCE**

(Reference to the Committee on **LOCAL AND COUNTY GOVERNMENT** suggested.)

(In House May 24, 1985, under Suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED** without reference to a Committee and **ORDERED PRINTED.**)

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

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

SENATE REPORTS — from the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Clarify the Authority of Nonprofit Hospital and Medical Service Organizations to Make Incidental Indemnity Payments" (S.P. 230) (L.D. 592)

Majority Report — **Ought to Pass in New Draft** under same title (S.P. 611) (L.D. 1604)

Minority Report — **Ought to Pass as Amended by Committee Amendment "A" (S-120)**

Tabled — May 28, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **ACCEPTANCE OF EITHER REPORT.**

(In Senate May 28, 1985, Reports **READ.**)

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

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

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

On motion by Senator **ANDREWS** of Cumberland, **ADJOURNED** until 10:00 a.m. tomorrow morning.