

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

INDEX

FIRST CONFIRMATION SESSION

August 29, 1985

INDEX

SECOND CONFIRMATION SESSION

October 11, 1985

INDEX

FIRST SPECIAL SESSION

November 13, 1985

INDEX

STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Wednesday
May 29, 1985
Senate called to Order by the President.

Prayer by the Honorable Michael E. Carpenter of Aroostook.

Senator **CARPENTER**: Good morning my friends. I am going to read a very brief prayer taken from Reverend Franklin P. Cole, First Radio Parish Church of America, then I am going to ask us to take just a moment of silence and meditation and prayer as we wish.

Let us pray: "Grant, O Lord that with Thy continual help that we may be masters of ourselves, better to be the servants of others. Take our hands and work with them, take our lips and speak through them. Take our eyes in clear sight and insight. Take our minds and direct our thoughts. Take our hearts and set them on fire."

May we now take just a moment of silent prayer and meditation before the beginning of these last hectic days.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE Non-concurrent Matter

Bill "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" (S.P. 312) (L.D. 801 (C "A" S-93)

In Senate, May 20, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-93).**

Comes from the House **FAILING OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-93) in NON-CONCURRENCE.**

On motion by Senator **TUTTLE** of York the Senate **INSISTED.**

Sent down for concurrence.

Non-concurrent Matter

Bill "An Act to Authorize Counties, Municipalities and Other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" (H.P. 349) (L.D. 470)

In House, May 24, 1985, 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).**

In Senate, May 28, 1985, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED in NON-CONCURRENCE.**

Comes from the House, that Body **ADHERED.**

THE PRESIDENT: The Chair understands the Senator from Kennebec, Senator **Bustin** moves the Senate **Adhere.**

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator **Baldacci.**

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

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator **Bustin** of Kennebec that the Senate **Adhere**, please rise and remain standing until counted.

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

Senator **TRAFTON**: Thank you, Mr. President. Mr. President I request permission to pose a question through the Chair to any Senator who may care to respond.

THE PRESIDENT: The Senator may state

his inquiry.

Senator **TRAFTON**: Thank you, Mr. President. It is my understanding that this Bill in its present form simply prohibits financial institutions from offering Deferred Compensation Plans to municipalities and counties. I wonder if that understanding is correct? If so why should banks be barred from offering this plan to municipalities and counties?

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

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

Senator **BUSTIN**: Thank you, Mr. President. Ladies and Gentlemen of the Senate. I will attempt to answer that.

The reason that this Bill came in is because a bank up in Bucksport, I believe, wanted to be able to sell this Deferred Compensation Plan to the town manager. That situation has since been taken care of, that person is no longer the town manager there, so you no longer need that kind of bill. However that doesn't eliminate the controversy surrounding whether or not banks should be allowed to sell Deferred Compensation instruments to a municipality.

The reason that I have voted on the side of this Bill to not allow that is because I think that we are approaching a time when we have got to look at that whole financial planning aspect, because our society is moving so fast in the direction of handling their money and getting the best available investments for yourselves and positioning your assets in such a way that you get the best benefit.

I don't think that any of us at this point in time understand a great deal about that. I am not willing to put my name on a bill that would change the system in a significant way until I personally have had a chance to take a look at what is happening now, and what could happen in the future.

Deferred Compensation is a very complicated instrument. It requires a great deal of thought and study to really present that well. What you are talking about is pensions and how you are going to get you money in later years. It isn't something to be fooled around with lightly. There are very, very few people in this State who even handle the product. That is how complicated it is.

So I was unwilling to turn that over immediately to the banking industry. I think that it needs to be studied. I hope that we'll be able to study that whole financial planning aspect.

At least I will be looking at it through the summer and fall and maybe coming to you with a clearer picture in my own mind of what should happen next in that field.

So, I would appreciate it if you would follow the Committee Report. I would ask for the Committee Report to be Read, and vote to Adhere. Thank you.

The Committee Report was **READ.**

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

Senator **PEARSON**: Mr. President, it would appear from the title of the Bill only that it is not legal to do so, to purchase these instruments from private companies, insurance companies and investment firms.

I find that peculiar because the employees of the City of Old Town have already done so.

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

Senator **KANY**: Mr. President and Senators. I move that we Recede and Concur.

I would like to say that I am glad that the good Senator from Androscoggin, Senator **Trafton**, brought this issue up. This reminds me of how successful the three insurance companies who really have kind of a semi-monopoly, a tri-monopoly, on this business with the State, how

successfully they have lobbied against even allowing other insurance companies to be allowed to offer such a service to the State.

This particular Bill, and I am not a part of it, just seems to make sense to me, banks do offer such programs, it is not all that complicated. Certainly why should not municipalities or counties be allowed to attempt to arrange for such a program with another financial institution if they so desire?

I see nothing wrong with this Bill. I would hope that we would allow our municipalities and our counties that option. I urge you to Recede and Concur.

THE PRESIDENT: The Senator from Kennebec, Senator **Kany**, moves that the Senate **Recede and Concur.**

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

Senator **BUSTIN**: Mr. President, I would ask for a Division on that motion.

I would further state that if you allow banks to do this then you must answer some questions for yourself: Who is going to service the account? What kind of training are they going to get? Are they going to be licensed by the State? We haven't licensed them yet, yet we license those people who sell deferred comp.

We have for many years paid attention to those people who sell these kinds of instruments and any insurance instruments.

Perhaps the insurance lobby is an effective lobby. I would state that they haven't gotten to me even though I have become an initial life insurance agent, and I will tell you that on the Floor, but I do not and I have disliked insurance companies for years, but they haven't gotten to me on that ground. That isn't where I am coming from.

I think that there are a lot of changes that needs to be made, both in the insurance and banking industries. I think that we are coming to a turn in the road where we have to do something.

But you're not licensing these people, whether you sell this product in a bank, on the street, in some office, it doesn't matter to me. What you need to do is have the person who is selling that, no matter where they are selling it, licensed.

That isn't addressed in this Bill. It needs to be addressed. What I see is just another way to switch or shift who works for whom. Will I then be, if I want to sell deferred comp., will I then be working as a salary employee for a bank and would I then have to be licensed or unlicensed?

There are a lot of questions surrounding this Bill. I think that now is not the time to answer those questions. You've got to sit down and think about how you are going to offer these products.

If all you want is to give carte blanche and just let anybody sell them, and I am not saying that banks would be irresponsible in selling that product, I don't believe that. I believe that if they sell the product that they will go out and train.

The question is that if we are asking other people to be licensed to sell a product should we, also, not be asking the people who work for banks to be licensed. That is what you have to think about.

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

Senator **VIOLETTE**: Mr. President and Ladies and Gentlemen of the Senate. I won't take much of your time.

In the 111th Legislature when this same Bill was before the Legislature, it came before the State Government Committee which at that time I Chaired, and it came before the State Government Committee because it had one other element to it and that was that it would have affected the State's Deferred Compensation Program.

This Bill is practically identical to that Bill except that the sponsors have removed the involvement in the State's Deferred Compensation Program.

My arguments are the same, irrespective of that minor change which the sponsors believed would make this Bill more palatable when, in fact, this Bill has been offered before the Legislature now during the last three or four past Legislatures. It has always come out of Committee a very divided report and it has always been defeated.

My concern has not been so much that there are only three companies that offer this particular product. The Committee could have decided to change that makeup and have continued with the present way that the product is marketed.

I have always been concerned because of the underlying issue which is, what are the kinds of products. This is a big issue that is before us today, it is a major issue that is before the Federal Government right now, which they are dealing with today and that is the issue of what insurance companies do and what the banks do. That is a really important issue.

Are we going to decide item by item what products insurance companies typically offered that banks did not, and should be offered by the other and visa versa, or are we going to look at them in the whole and decide that insurance companies ought to be offering these services that banks do and visa versa?

I think that is really important. That, goes to the root of this entire issue. That is my reason for being opposed to this Bill before it went to the State Government Committee. I have had an opportunity during the last year or so to become more involved through the National Conference of State Legislators' with the issue of interstate banking, but also with the issue of banking in general. In my dealings with, particularly on the House side on the Banking Committee, and with what Saint Germaine is taking up, the Chairman of that Committee, and in dealing with exactly these kinds of issues.

I think that it is really important that perhaps we await the Federal Government's decision with respect to what services non-financial institutions should be able to offer, what non-banks can offer, what banks can offer, what insurance companies can offer and what the Sears and Roebuck financial companies of the world can offer as well.

That is my concern in this area. It is for that reason that I would oppose the Senator from Kennebec, Senator Kany's motion to Recede and Concur.

I think, perhaps, some committee should take up this issue perhaps in a study and look at what kind of services institutions in Maine should be providing. I also think that it goes beyond that, it also goes to what kinds of things you want banks to be doing, in this era of our concern over our national banking institutions as we've seen each year, progressively, more and more banks getting into greater and greater difficulty with respect to their own solvency. That is as much a concern of mine. I think that goes to the root of this issue. It would be for that reason that I would be opposing the gentlewoman's motion to Recede and Concur. I would hope that you would do so that we could support the gentlelady from Kennebec, Senator Bustin's motion to Adhere. Thank you.

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

Senator KANY: Mr. President and Senators, reading this Bill, it doesn't apply to States. It basically applies to municipalities and counties and it would allow that individual municipality or county to decide what type of a deferred compensation plan it wished to offer its employees.

If a municipality wished to work with its local bank in a very uncomplicated type of program, why shouldn't it be allowed to? I urge you to Recede and Concur.

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

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate. At the onset of my comments, I specifically stated that this did not refer to the State's Deferred Compensation System, but I think that the gentlelady is missing the direction of my comments.

My comments are with respect to the entire spectrum of the financial community. Presently, 457, this is a 457 program, can only be offered by insurance companies. This particular kind of deferred compensation plan can not be offered by anybody else, other than by an insurance company that has been granted that authority by the appropriate Federal agency. I believe that you have to have an IRS ruling, I could be in error there. Only insurance companies in Maine can offer a 457 Plan. Banks can now not offer this service.

My concern goes to that fundamental issue. What are the kinds of services you want banks to be able to offer and insurance companies to offer? Are you going to, over the years look at them not as a whole but at each individual item as they come in the form of legislation?

I was not on a Committee last year that, in a sense, that it was within that Committee's prerogative to study this whole issue. I do believe that it is an issue that ought to be studied by an appropriate committee to look onto this issue of what kinds of services banks should offer and insurance companies should offer, as this whole industry is changing, and changing radically. Particularly, with the onset of the automation of the financial institution in this County. Thank you.

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

Senator BUSTIN: Thank you, Mr. President, and Ladies and Gentlemen of the Senate. The Deferred Compensation Plan, to work properly must stay in compliance with the Internal Revenue Code, as has been stated under section 457. This is a speciality field. It is not a simple field and it is easy to get out of compliance.

If this enabling legislation is passed, a bank might very well offer a deferred compensation agreement with a political subdivision here in Maine, and not realize all of the ramifications of the IRS Code. The consequences could be serious to the employee who acted in all good faith.

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

Senator TRAFTON: Thank you, Mr. President and Members of the Senate. I appreciate being so well educated on this issue. When I rise earlier in this morning's session, I asked what I thought to be a simple question. I've learned more than I expected.

Let me give you my reactions to what I have heard this morning. First, I am not sure why insurance companies are entitled to a monopoly. Second, I agree that this is a complicated area. I am a bit familiar with it, but I am sure that our Commissioner of Banking and our Bureau of Banking have a great deal of authority with rulemaking powers to put the appropriate controls on these types of offerings by financial institutions. In fact, the Commissioner and the Bureau has been very successful in dealing with the very sticky problem of interstate banking within the State of Maine.

Finally, as to the good Senator from Aroostook, Senator Violette's, point of waiting for our big brothers in Washington to make these decisions for us. I am not sure that that is appropriate. Yes, it is a complicated issue but I am not sure that we will ever have a com-

plete laundry list of items under the headings of banks and insurance companies to clearly delineate what is, in fact, the appropriate service to be offered by each type of institution.

So, that I fall back to my original point and that is, why should insurance companies have a monopoly on this type of financial service?

I join in support of the good Senator from Kennebec, Senator Kany's motion to Recede and Concur.

THE PRESIDENT: The pending motion is the motion of the Senator from Kennebec, Senator Kany, that the Senate Recede and Concur. A Division has been requested.

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

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

8 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion to RECEDE and CONCUR, **FAILED**.

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

Non-concurrent Matter

Bill "An Act Concerning an Oil Booming Exemption for Oil Transfer Vessels in Searsport Harbor" (Emergency) (H.P. 898) (L.D. 1293)

In House, May 20, 1985, the Minority **UGHT TO PASS Report READ and ACCEPTED**, and the Bill **PASSED TO BE ENGROSSED**.

In Senate, May 23, 1985, the Majority **UGHT NOT TO PASS Report READ and ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House with **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT 'A' (H-207)** in **NON-CONCURRENCE**.

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

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate. This is a Bill that we discussed a few days ago, concerning the booming of vessels in Searsport Harbor, Penobscot Bay.

I don't know what more information I can give you than I did a couple of days ago concerning this Bill. I would remind you that Searsport Harbor has been exempt from booming vessels for the last eleven years by the DEP because at that time, for the eleven years, it has been unfeasible and unsafe to do it. Evidently now the weather has changed over the last eleven years so it is alright to do it now. It's not unsafe any more.

If we fail to pass this Bill, we will, in effect, be doing away with PROPAC, an organization that has a good track-record as far as any oil spills go. It is a cooperative among the several unloading facilities in the area. I think that it would be a shame to do away with something that is working well.

As I mentioned before, Portland was the only docking area in the State that does require booming. Certainly, Portland and Searsport are not in the same market area. Searsport is in the same marketing area with Bangor, Brewer, Hampden and Bucksport.

I remember in about 1975, that the PROPAC organization was called to Messalonskee Lake or Snow Lake, I guess it is in Waterville, to contain some oil that spilled out of railroad cars that had fallen down into Messalonskee Lake. That contained the oil from going into the drinking water supply in that area.

Now, if this Bill fails passage, there won't be PROPAC anymore to take care of those situations.

I did mention that this would put about eleven cents a barrel on the cost of oil, to oil users of the fuel oil. Not only that, but of course, the cost of buying new booms, each dock will have to buy new booms, new ships,

and that could run in a cost between \$125,000 and \$200,000.

It costs about three to five thousand dollars to boom a ship, and if there is no need for it I don't see why we'd put that added expense on to any unloading facility.

Some ships are into the dock a matter of two hours to unload. Well, it takes about two to two and a half hours to put the boom out after the ship is docked, and then they unload it, and it take two and a half hours to pull it back.

I really think that it would be a mistake not to pass this Bill and I would ask you to Recede and Concur.

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

Senator **USHER:** Mr. President, what is the pending motion?

THE PRESIDENT: The Senator from Waldo, Senator **SHUTE** moves the Senate **Recede and Concur**.

The Senator has the floor.

Senator **USHER:** Mr. President and Members of the Senate. I would oppose the pending motion to Recede and Concur so that we can Adhere to this legislation.

The good Senator from Waldo, Senator **SHUTE**, stated that Portland is the only one that we do booming in. That doesn't make it wrong. Since 1975, when the waiver was granted to the Searsport area, the traffic in the Searsport area was not what it is today. The Searsport area is a great area that has improved over the last ten years. It is one of the finest harbors that we have on the coast, and in order to protect that area, I think that we need booming on the ships that do come into that area.

It shows that we are concerned. DEP brought this before their board last August and ruled not to extend the waiver, and this Legislation is asking for an extension until 1988. If we are concerned about our seashore and the increase in traffic in the Portland and Searsport area, not condemning the Searsport area because I think that it is a marvelous area, I've been down there three or four times myself, and it is improving every day. But we should protect our good areas and this is one way that we can protect it, is by booming the area.

I don't think that the cost is connected to the value of the seacoast. The oil companies will absorb this cost, and I think in the long run for the benefit of the Searsport area, they would benefit by having booming in their area.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator **PERKINS:** Mr. President and Ladies and Gentlemen of the Senate. I've listened to the argument by the good Senator from Cumberland and the Senator from Waldo. One thing that I realize, and becomes very apparent to this is that those of us in the northern part of the State don't need increased oil prices. Oil prices are high enough for the northern part of the State of Maine as it is, and to add this price onto others seems to me to be adding insult to injury.

I guess it appears apparent to me, I think the good Senator from Waldo said yesterday that there had been no spills or if there had been any it was one barrel in the last eight or ten years. If the track-record were bad, I think that this Bill was not needed, but in this particular case their track-record is good. If the increased traffic has not caused any spills and in that area they declared it unfeasible because of the current and the tide, in the Penobscot River where they say the current is such as it is, I don't believe that the current is anymore than the tide flow at Searsport. Yet, we are asking them to put a two hundred thousand dollar boom there. The two hundred thousand dollars will be borne by the consumer of eastern Maine who purchases his oil from that area.

I guess, I would plea to you today that we have high enough prices on our oil there now.

If we have problems, then let's address it. But I don't think that the citizens of eastern Maine need nor can they afford to pay for much higher prices in oil and they, of course, are the beneficiaries of their own sea coast and would be the first who would want to protect it if it were at hazard.

So, therefore, I think that they are willing to take the chance we are asking you to join them.

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

Senator **SHUTE:** Mr. President and Ladies and Gentlemen of the Senate. I certainly have as much interest in the Penobscot Bay Area as any person in this Senate, probably. I have been on the Marine Resources Committee the last fifteen years and I am not about to do something that is going to take away from our marine environment.

As I mentioned, over the last eleven years that we have had the variance there has been one oil spill of less than one barrel of oil. Eleven years! With the exception of the time that the DEP dumped five hundred gallons in there for a test, and that was the biggest spill of course, the one DEP did themselves.

There certainly is no need for booming in Searsport Harbor.

On motion by Senator **SHUTE** of Waldo the Senate **RECEDED and CONCURRED**.

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

Senator **USHER:** Mr. President, I move that we Reconsider our action of Receding and Concurring on L.D. 1293.

THE PRESIDENT: The Senator from Cumberland, Senator **Usher** moves the Senate **Reconsider** its action whereby it **Receded and Concurred**.

The Chair recognizes the Senator from Waldo, Senator **SHUTE**.

Senator **SHUTE:** Mr. President, I ask for a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator **Usher** to **Reconsider**, please rise and remain standing until counted.

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

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

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from Waldo, Senator **SHUTE** that the Senate **Recede and Concur**.

At the request of Senator **Usher** of Cumberland a Division was had. 15 Senators having voted in the affirmative and 17 Senators having voted in the negative the motion of Senator **SHUTE** of Waldo to **RECEDE and CONCUR, FAILED**.

On motion by Senator **USHER** of Cumberland the Senate **ADHERED**.

Sent down for concurrence.

Non-concurrent Matter

Bill "An Act Relating to Collective Bargaining over the Compensation System for State Employees" (S.P. 594) (L.D. 1559)

In Senate, May 20, 1985, **PASSED TO BE ENGROSSED**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-208) in NON-CONCURRENCE**.

The Senate **RECEDED and CONCURRED**.

Non-concurrent Matter

Resolution, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Senators" (S.P. 394) (L.D. 1093)

In Senate May 20, 1985, the Majority **OUGHT**

TO PASS Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Comes from the House the Minority **OUGHT NOT TO PASS** Report **READ and ACCEPTED** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

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

In Senate May 24, 1985, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-219) in NON-CONCURRENCE**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's session ending **FURTHER CONSIDERATION**

House Papers

Bill "An Act to Establish a Portion of the Boundary between the Town of Clinton in the County of Kennebec and the Town of Pittsfield in the County of Somerset" (H.P. 1111) (L.D. 1621)

Comes from the House referred to the Committee on **LOCAL AND COUNTY GOVERNMENT and ORDERED PRINTED**.

Under suspension of the Rules, the Bill **READ ONCE** without reference to Committee and **ORDERED PRINTED**.

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

Bill "An Act to Provide Financing for Rail Transportation" (H.P. 1112) (L.D. 1622)

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

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

Bill "An Act to Extend the Boundaries of the Gray Water District to Include the Entire Town" (H.P. 1113) (L.D. 1623)

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

Under suspension of the Rules, the Bill **READ ONCE** without Reference to Committee and **ORDERED PRINTED**.

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

Bill "An Act to Amend the Charter of the Winthrop Water District" (Emergency) (H.P. 1114) (L.D. 1624)

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

Under suspension of the Rules, the Bill **READ ONCE** without Reference to Committee and **ORDERED PRINTED**.

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

Bill "An Act Increasing the Authorized Indebtedness of Veazie Sewer District" (Emergency) (H.P. 1115) (L.D. 1625)

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

Under suspension of the Rules, the Bill **READ ONCE** without Reference to Committee and **ORDERED PRINTED**.

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

Bill "An Act to Create the Newcastle-Damariscotta Water District" (H.P. 1116) (L.D. 1626)

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

Under suspension of the Rules, the Bill READ ONCE without Reference to Committee and ORDERED PRINTED.

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

Joint Order

The following Joint Order: (H.P. 1110)
ORDERED, the Senate concurring, that the Joint Standing Committee on Business and Commerce be directed to report out a Bill to the House "Relating to the Authority of Medical Service Organizations and Nonprofit Hospitals to make Incidental Indemnity Payments"

Comes from the House, READ and PASSED. Which was READ.

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

Senate At Ease

Senate called to Order by the President.

ORDERS OF THE DAY

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

Joint Order relative to BUSINESS AND COMMERCE reporting a Bill "Relating to the Authority of Medical Service Organizations and Non-profit Hospitals to make Incidental Indemnity Payments" to the House (H.P. 1110)

Tabled—May 29, 1985, by Senator VIOLETTE of Aroostook.

Pending—PASSAGE

(In Senate May 29, 1985, READ.)

(In House, May 28, 1985, READ and PASSED.)

Which was PASSED in concurrence.

Joint Resolution

The Following Joint Resolution: H.P. 1118
JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REEXAMINE CERTAIN REGULATIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RELATING TO SOLID WASTE

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature now assembled, most respectfully present and petition the Members of Congress of the United States as follows:

WHEREAS, municipalities throughout the country face severe problems in the disposal of solid waste; and

WHEREAS, these problems impinge most severely upon states with many rural communities that lack the resources of larger communities; and

WHEREAS, there are many small communities that now face the possibility of having to close their existing dumps because of the regulations of the United States Environmental Protection Agency; and

WHEREAS, the experience of numerous Maine communities has been that the alternative of sanitary landfill has been costly, ineffective and far more polluting than the existing system of open dump burning; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the Members of Congress of the United States to provide appropriate assistance in causing the United States Environmental Protection Agency to reexamine its rules relating to solid waste disposal, particularly as they apply to small communities, to make necessary revisions and to provide technical assistance to the communities to help find efficient, workable, cost-effective and en-

vironmentally sound solutions to the problems of solid waste disposal; and be it further

RESOLVED: That a suitable copy of this resolution be transmitted by the Secretary of the Senate to the President of the Senate and the Speaker of the House of Representatives in Congress of the United States and to each Member of the Maine Congressional Delegation.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

On motion by Senator VIOLETTE of Aroostook, the Senate RECONSIDERED its action whereby it ADOPTED:

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REEXAMINE CERTAIN REGULATIONS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RELATING TO SOLID WASTE

(H.P. 1118)

On further motion by the same Senator, TABLED UNASSIGNED pending ADOPTION.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Provide for the Inclusion of State Paid Employee Retirement Contributions as Part of the Earnable Compensation of Confidential Employees" (H.P. 451) (L.D. 653)

Bill "An Act to Require all Second Session Bills to have Emergency Preambles" (H.P. 492) (L.D. 695)

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act Relating to Contracts for Children's Placement at Residential Treatment Facilities" (H.P. 425) (L.D. 605)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-205).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-205).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-205) 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 Encourage Retraction of Defamatory Statements" (H.P. 782) (L.D. 1115)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-202).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-202).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-202) 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 Concerning Reports to the Federal Government Relating to Missing Children" (H.P. 854)

(L.D. 1210)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-203).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-203) AS AMENDED BY HOUSE AMENDMENT "A" (H-211) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-203) READ. House Amendment "A" (H-211) to Committee Amendment "A" (H-203) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-203) as Amended by House Amendment "A" (H-211) thereto, 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 to Require Refuse Receptacles to Comply with Federal Safety Standards" (H.P. 1014) (L.D. 1463)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-199).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-199).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-199) 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 Resolve, Authorizing the Town of Fort Kent to Convey its Interest in Certain Public Lands in Fort Kent, Aroostook County (H.P. 606) (L.D. 876)

Reported that the same Ought To Pass as Amended by Committee Amendment "A" (H-198).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-198) READ and ADOPTED, in concurrence.

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

Ought to Pass in New Draft

The Committee on LEGAL AFFAIRS on Bill "An Act Concerning Times for Voter Registration" (H.P. 810) (L.D. 1155)

Reported that the same Ought to Pass in New Draft under same title (H.P. 1106) (L.D. 1595)

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 ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Ought to Pass in New Draft under New Title

The Committee on BUSINESS AND COM-

MERCE on Bill "An Act to Create Inactive Professional Licenses for Members of the Armed Forces" (H.P. 868) (L.D. 1225)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Concerning Temporary Licenses for Members of the Armed Forces" (H.P. 1107) (L.D. 1596)

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 **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Grant Municipalities the Option of Repairing Private Roads Within Subdivisions" (H.P. 702) (L.D. 996)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Allow the Town of York to Repair Private Roads Within Subdivisions" (H.P. 1098) (L.D. 1592)

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 **TAXATION** on Bill "An Act to Exempt Used Machinery from the Sales Tax" (H.P. 318) (L.D. 407)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Change the Sales Tax Treatment of Property Used in the Production of Tangible Personal Property" (H.P. 1085) (L.D. 1576)

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**.

Divided Report

The Majority of the Committee on **AGRICULTURE** on Bill "An Act to Revise Rules Governing Certification of Seed Potatoes" (H.P. 249) (L.D. 303)

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

Signed:

Senator:

BLACK of Cumberland

Representatives:

BRAGG of Sidney
PARENT of Benton
SHERBURNE of Dexter
WHITCOMB of Waldo
CROUSE of Caribou
LORD of Waterboro

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. 1080) (L.D. 1572)

Signed:

Senators:

ERWIN of Oxford
CARPENTER of Aroostook

Representatives:

McCOLLISTER of Canton

MICHAEL of Auburn
TARDY of Palmyra
DAGGETT of Manchester

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

Which Reports were **READ**.

On motion by Senator ERWIN of Oxford the Minority **OUCHT TO PASS** in **NEW DRAFT** Report was **ACCEPTED**, in **NON-CONCURRENCE**.

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 **BUSINESS AND COMMERCE** on Bill "An Act Reduce the Hours Required for Master and Journeyman Electricians" (H.P. 419) (L.D. 599)

Reported that the same **Ought to Pass in New Draft under New Title** Bill "An Act Reduce the Hours Required for Journeyman Electricians" (H.P. 1109) (L.D. 1612)

Signed:

Representatives:

ARMSTRONG of Wilton
MURRAY of Bangor
ALIBERTI of Lewiston
TELOW of Lewiston
HILLOCK of Gorham
RYDELL of Brunswick
MARTIN of Van Buren
BAKER of Orrington
STEVENS of Bangor
BRANNIGAN of Portland

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

Signed:

Senators:

DANTON of York
BUSTIN of Kennebec
SEWALL of Lincoln

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

Which Reports were **READ**.

The Minority **OUCHT NOT TO PASS** Report was **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Provide a Discount to Restaurants on the Sale of Alcoholic Beverages" (H.P. 277) (L.D. 347)

Reported that the same **Ought to Pass in New Draft under New Title** Bill "An Act Concerning the Sale of Alcoholic Beverages to Certain Licensees" (Emergency) (H.P. 1104) (L.D. 1593)

Signed:

Senators:

TRAFTON of Androscoggin
NAJARIAN of Cumberland
STOVER of Sagadahoc

Representatives:

REEVES of Pittston
PAUL of Sanford
RIOUX of Biddeford
MURPHY of Berwick
BOTT of Orono
WARREN of Scarborough

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

Signed:

Representatives:

PERRY of Mexico
MASTERMAN of Milo
DILLENBACK of Cumberland
NICKERSON of Turner

Comes from the House with the Majority **OUCHT TO PASS** in **NEW DRAFT UNDER NEW TITLE** Report **READ** and **ACCEPTED** and the Bil 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 **LEGAL AFFAIRS** on Bill "An Act Concerning Notice of Legal Obligation of Marriage on a Marriage Certificate" (H.P. 995) (L.D. 1432)

Reported that the same **Ought to Pass as Amended by Committee Amendment 'A' (H-195)**.

Signed:

Senators:

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
MURPHY of Berwick
MASTERMAN of Milo
BOTT of Orono
NICKERSON of Turner

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

Signed:

Representative:

DILLENBACK of Cumberland

Comes from the House with the Majority **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT 'A' (H-195)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT 'A' (H-195)**.

Which Reports were **READ**.

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

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

Off Record Remarks

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Change the Way the Maximum Rate of Interest on Delinquent Taxes is Calculated" (H.P. 244) (L.D. 285)

Reported that the same **Ought to Pass as Amended by Committee Amendment 'A' (H-197)**.

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

HIGGINS of Portland
CASHMAN of Old Town
MAYO of Thomaston
WEBSTER of Cape Elizabeth
ZIRNKILTON of Mount Desert
INGRAHAM of Houlton
NELSON of Portland
SWAZEY of Bucksport

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

Signed:

Senators:

TWITCHELL of Oxford
EMERSON of Penobscot

Representatives:

McCOLLISTER of Canton
JACKSON of Harrison

Comes from the House with the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-197) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-197).

Which Reports were READ.

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

Senator TWITCHELL: I move the Minority Ought Not to Pass Report.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell, moves the Senate Accept the Minority Ought Not to Pass Report.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator DIAMOND: Thank you, Mr. President. I would ask for a Division first off, and encourage you not to go with that motion so that we can Accept the Majority Ought to Pass Report.

There are several reasons which I expect we'll get into. Basically what we are talking about is setting of the maximum rate for delinquent taxes. I know that the good Chair of the Committee, Senator Twitchell of Oxford, is going to explain to you the reasons why we shouldn't have this, but I would ask that you vote against that motion so that we could Accept the Majority Ought to Pass Report. Thank you, Mr. President.

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

Senator TWITCHELL: Thank you, Mr. President and Members of the Senate. Why I signed out on the Ought Not to Pass Report was for the following reasons.

This Bill changed the minimum rate of interest that municipalities may charge on unpaid property taxes. Currently the maximum is set by the State Treasurer. The rate may not be higher than the highest conventional rate charged by Maine banks for commercial unsecured loans on the first day of the year. This year the maximum rate is thirteen and a half percent.

L.D. 285 changed that maximum rate that the municipalities can charge to eighteen percent. My opposition to the Bill is that very few people are in position to make much money by investing at a higher rate while leaving their property taxes unpaid.

The amount of property taxes that most people owe is just not high enough to be worth the effort.

Number two: Most people with unpaid property taxes have not paid them because they are in financial difficulty. They can even less afford to pay the rate of interest that is higher than eighteen percent.

Such a high rate of interest would cause more people to be unable to pay off their back taxes and the result would be more people losing their homes.

Number three: There is no need to permit municipalities to charge such a high rate of interest. No one ever intended the municipalities to make a killing from collecting interest from unpaid taxes.

Number four: Even if the municipalities must borrow because of unpaid taxes, they are able to borrow at a lower rate of interest, generally around six percent and would make a profit.

Even on the current law, by collecting a higher rate when the taxes are finally collected, there is no need to permit them to get this higher profit.

In my town report, in Norway, if you look at all the unpaid taxes, there are people who are poor or elderly or people with financial difficulty. If they can't pay their taxes and their back taxes, they certainly can't pay the eight-

een percent interest.

I urge you to support me on my Minority Ought Not to Pass Report.

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

Senator DIAMOND: Thank you, Mr. President and Members of the Senate. As cosponsor of this legislation and as a Member of the Taxation Committee, I would like to explain the other side, if I could, so that you maybe could possibly see the reason why we think this Bill is necessary.

As the good Senator from Oxford, Senator Twitchell, explained this is a Bill to discuss and change the maximum rate of interest on delinquent taxes. We are talking about delinquent taxes.

Now, towns and cities that are funded by your taxes and your constituents' taxes are taking a loss. They are losing money. The towns and cities are having to go out and borrow money in anticipation of due taxes.

That is the situation we are trying to correct. I think that if you called your municipal officials, they would probably tell you, especially if you live in a large city, that this is happening. The State Tax Assessor, as you have been told, currently sets the rate and right now it is thirteen and a half percent. That is what it has been for the past year.

Town meetings, however, set the exact rate. Your town meeting and mine, set the exact rate of whatever that delinquent tax collection rate will be.

There are three hundred and fifty town meetings, Ladies and Gentlemen, in this State every year. So it isn't like this giant bird is coming in and is going to mandate what is going to happen. We are saying that a ceiling of eighteen percent. The town meetings will then decide what rate it will be up to that point. We are simply talking about the ceiling.

The guideline now is established by the conventional rates on banks. The problem with that is that the rate I have in Windham may be a little bit different than the one in Portland, or Bangor or the one in Calais. That is not necessarily a fair system either.

We are, also, talking about fifty percent of the towns in this State that don't charge the maximum rate. So, because of putting it to eighteen percent, if the towns follow current rule, they are not going to jump and automatically go to the eighteen percent that they can charge.

Again, that is set by the citizens in their own local town meetings. This is a local control bill. It is a bill that the people back home can decide, if we give them the leverage, on what they want to do with their particular situation.

Noting that the poor, and those who can't afford to pay taxes we are all concerned about, and right now there is an instrument to deal with those people and that instrument is called abatement, and that is done.

When we checked to see what kind of abatement policies are being used by towns we find that many of those folks who can't afford to pay their taxes are given an abatement, given relief in that area.

One of the major reasons for this Bill is the fact that we have people who are investing on town tax money. They are going, for example, if you live in a resort area such as I do, of if you live in an area where it is very pertinent to go out and invest money, why pay your taxes.

You see what happens is that the penalty that it is going to cost you is thirteen and a half percent. If right now you can borrow money to invest in land at thirteen and a half you have done well.

Let's say for a moment that you can. Let's say that you can borrow money at thirteen percent straight without the extra half, you see what the incentive is is to do that, instead of

going to the local bank and going out there and going through all the credit ratings and going through all the procedures, but simply use that money you would have paid for your taxes and invest it.

That is being done. I think that is a concern that we have to be aware of and that we have to deal with.

Also, we should remember that in 1979 the rate was twenty-four percent by going with our trusted banks. In 1980 it was twenty-one percent.

What we are simply saying is just because it is thirteen and a half now, that doesn't make the system right. What we should do is put a ceiling in there, in the statutes, saying that it is eighteen percent. That is where it is going to be. The local communities can decide at what point from zero to eighteen they are going to charge. Some charge zero. Let the local's decide. It is a local issue. It is one that I think we should give them the opportunity to do.

I think, again, if you live in a large city such as Bangor, or Portland or Lewiston, you must be concerned about the type of investments that are taking place, because that is costing the local's money. The money that it is costing them is your taxpayers' and your constituents' money. That is what runs our local governments.

So, my argument is simply let the locals control this. Let them decide, let's give them the perimeters to work under because relying on whatever the banks decide the rate is not, as has been proven in the past, the way to go.

I would submit to you that there is another side to this and I would ask that you let the locals back home decide. Give them that flexibility. Thank you very much.

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

Senator BALDACCI: Mr. President and Members of the Senate. Having been a former city counselor from Bangor and dealing with this particular issue, when the interest rates that the city was charging were much lower than what the banks were charging, and large property owners, utilized the city as a bank and not pay their taxes because of the difference in the interest rate, that problem was addressed by raising that to what the city was charging so that the city wasn't being used as a bank. That is why the banks are an important ingredient for a municipality to gage at.

Approximately ten percent of the taxes in Bangor are unpaid taxes for one reason or another. Two of the major reasons are, one as the good Senator from Oxford points out, was the fact that the taxes are too high. Moving it from fifteen percent as it is in Bangor to eighteen percent, per the credit card fee, is not going to help that particular situation. The second reason is that people are using it as a bank. I submit to you today, I talked with my treasurer and my assistant treasurer and I talked to one of the banks in Bangor, the city of Bangor is charging fifteen percent on delinquent taxes and the bank is charging thirteen and a quarter on a home loan to buy a home or to redo a home loan.

So I would think that in that particular situation that you weren't going to have people trying to use the city as a bank.

I would submit to the Senate that if this giant bird comes along the only thing that it is going to do is lay an egg.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Twitchell to Accept the Minority Ought Not to Pass 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 Ox-

ford, Senator Twitchell

Senator **TWITCHELL**: 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 in their places and remain standing until counted.

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

The pending question before the Senate is the motion by the Senator from Oxford, Senator **Twitchell** that the Senate **Accept** the Minority **Ought Not to Pass** Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator **Diamond**.

Senator **DIAMOND**: Mr. President having spoken twice I request permission to speak a third time.

THE PRESIDENT: The Senator has the floor.

Senator **DIAMOND**: Mr. President and Members of the Senate. I see what is coming down and I accept that. I notice the eastern block and when they go in together it is going to be difficult to beat.

I would like to, however, reiterate, if I could, the fact of the local control. I think that that is the one that your municipal officers are asking for and that is what we are asking to let them use. If we don't, if we say to them, "fine we are going to go with the bank rate and let the banks set your maximum back home," then I am not sure that that is fair.

It is not fair for the taxpayers, who pay their taxes on time.

We have the average Joe and Jane out there who buy their car and go to work every day and do all the kinds of things that middle America is suppose to do, and they end up paying again.

I would like to have you consider that, because those poor people are the ones that are going to get hit again. If you watched television last night maybe there is going to be a reprieve for some of those people, but the fact is right now, we are facing a situation when the middle income person is again taking it on the ear.

All we are saying is, that if they pay their taxes every year, they pay their taxes on time and for those poor folks who don't, if some of those folks who don't care are investing that money, then we ought to do something about it.

We ought to set a structure that we all understand and agree to, and not leave it to the local banker.

I would ask you to give your locals that flexibility. It is a local control issue and I would ask you to do so in the vote. Thank you very much.

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

Senator **TWITCHELL**: Thank you, Mr. President and Members of the Senate. It is not fair, also, for the poor old man and old woman out there who can't pay their taxes and the town fathers borrow the money at six percent interest and then charge them eighteen percent on unpaid taxes. That is not fair either.

I urge you to support my motion.

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

Senator **BALDACC**: Mr. President, I think that the good Senator from Cumberland, has pointed out exactly the problem with this legislation.

If you're trying to get the peole that are using the municipalities' taxes due, as in the municipalities' as a bank, then let's go out after them and charge more than what they are

charging, more than what they are charging at the banks, let's charge what the credit card companies are charging.

In doing that, when you set that at the municipal level, you don't just say "Okay, these people will have these laws, and these people over here won't." You're taking in all those little people. You're taking in all those poor people. So you know, you may in fact be hurting them much more than you know. That is why I think that it is best set at the particular level as the good Senator from Oxford has pointed out. Thank you.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator **Twitchell** that the Senate **Accept** the Minority **Ought Not to Pass** Report.

A Yes vote will be in favor of Accepting the Minority Ought Not to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. Senator **Clark** of Cumberland who would have voted Nay requested and received Leave of the Senate to pair her vote with Senator **Sewall** of Lincoln who would have voted Yea. The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, **Baldacci**, **Berube**, **Black**, **Dow**, **Dutremble**, **Emerson**, **Erwin**, **Gill**, **Kany**, **Matthews**, **Maybury**, **McBreairty**, **Perkins**, **Shute**, **Stover**, **Tuttle**, **Twitchell**, **Usher**, **Webster**

NAYS:—Senators, **Andrews**, **Brown**, **Bustin**, **Carpenter**, **Chalmers**, **Danton**, **Diamond**, **Gauvreau**, **Najarian**, **Pearson**, **Trafton**, **Violette**, **The President** — **Charles P. Pray**

ABSENT:—Senator, **Hichens**

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent and 2 Senators having Paired their votes, the motion to **ACCEPT** the Minority **OUIGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE GOVERNMENT** on Bill "An Act to Abolish the Office of Energy Resources" (H.P. 612) (L.D. 882)

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

Senators:
KANY of Kennebec
ANDREWS of Cumberland

Representatives:
GWADOSKY of Fairfield
DESCOTEAUX of Biddeford
NADEAU of Saco
BOUTILIER of Lewiston
LACROIX of Oakland
COTE of Auburn
SPROUL of Augusta
HICHBORN of LaGrange

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. 1108) (L.D. 1597)

Signed:

Senator:
HICHENS of York

Representatives:
DILLENBACK of Cumberland
WENTWORTH of Wells

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **STATE GOVERNMENT** on Bill "An Act to Establish the Department of Forestry" (H.P. 338) (L.D. 441)

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

Signed:

Senators:
KANY of Kennebec
ANDREWS of Cumberland

Representatives:
GWADOSKY of Fairfield
LACROIX of Oakland
COTE of Auburn
DESCOTEAUX of Biddeford
NADEAU of Saco

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-106).

Signed:

Senator:
HICHENS of York

Representatives:
HICHBORN of LaGrange
SPROUL of Augusta
WENTWORTH of Wells
DILLENBACK of Cumberland
BOUTILIER of Lewiston

Comes from the House Bill and Accompanying papers **INDEFINITELY POSTPONED**.

Which Reports were **READ**.

THE PRESIDENT: Is it now the pleasure of the Senator to Accept the Majority Ought Not to Pass Report?

The Chair recognizes the Senator from Hancock, Senator **Perkins**.

Senator **PERKINS**: I would ask for a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Acceptance 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.

22 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion to **ACCEPT** the Majority **OUIGHT NOT TO PASS** Report **PREVAILED**.

Senate

Ought to Pass As Amended

Senator **BROWN** for the Committee on **EDUCATION** on Bill "An Act to Define Eligibility for School Purpose and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients" (Emergency) (S.P. 477) (L.D. 1284)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-139).

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

Committee Amendment "A" (S-139) **READ** and **ADOPTED**.

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

There being no objection all matter previously acted upon were ordered sent down forthwith for concurrence.

Ought to Pass in New Draft

Senator **NAJARIAN** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Requiring Treatment and Rehabilitation as a Condition for License Restoration when Convicted of Alcohol or Drug Related Vehicular Homicide" (S.P. 231) (L.D. 593)

Reported that the same **Ought to Pass in New Draft** under same title (S.P. 614) (L.D. 1613)

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 **STOVER** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Outlaw "Happy Hour" in all Retail Establishments that have a Maine Liquor License" (S.P. 232) (L.D. 594)

Reported that the same **Ought to Pass in New Draft under New Title** Bill "An Act to Prohibit Certain Practices Which Encourage Excessive Drinking" (S.P. 615) (L.D. 1614)

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 **EDUCATION** on Bill "An Act to Amend the Maine Education Statute to Prohibit the Teaching of Alternative Lifestyles in Maine's Public Schools" (S.P. 432) (L.D. 1199)

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

Signed:

Sensors:

BROWN of Washington
 GAUVREAU of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-138).**

Signed:

Sensor:

HICHENS of York

Which Reports were **READ.**

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

Senator **BROWN:** Mr. President, I move that this Bill and all accompanying papers be **Indefinitely Postponed.**

THE PRESIDENT: The Senator from Washington, Senator **Brown** moves the Bill and accompanying papers be **Indefinitely Postponed.**

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

Senator **WEBSTER:** Mr. President, and Members of the Senate. I just thought that at this time I would briefly explain or put on the Record my concerns and reasons for submitting this Legislation and what I am hopeful will happen in the next few weeks and months ahead.

Many of you realize that I represent Madison, as well as a lot of other towns, and we've had problems in the past very recently with the tolerance day issue, as I am sure that you have read about.

This issue is now in the courts, the issue is what rights the board have and to what issues we can mandate, that we want or do not want discussed in our public schools.

I think that one of the reasons that this Bill is being defeated today is because we are going to wait and see what happens in the courts.

If the courts decide that the school board of Madison or anywhere else in this State doesn't have the right to dictate what is being taught in our schools I am sure that you are going to see legislation like this back. Thank you.

On motion by Senator **BROWN** of Washington, the Bill and accompanying papers were **INDEFINITELY POSTPONED.**

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act Protect the Voting Rights of Township Residents" (H.P. 1097) (L.D. 1590)

Bill "An Act Relating to One-way Rental Vehicles" (H.P. 1091) (L.D. 1584)

Bill "An Act to Create the Commission on Farmland Loss" (H.P. 434) (L.D. 635)

Bill "An Act to Require Disclosures by Transient Sellers" (H.P. 708) (L.D. 1018)

Bill "An Act Concerning Education Programs for Gifted Talented Children" (H.P. 1092) (L.D. 1585)

Bill "An Act Concerning Retail Sales of Beer and Wine" (H.P. 1093) (L.D. 1586)

Bill "An Act to Provide for a Setup Period Prior to Opening of the Polls" (H.P. 1094) (L.D. 1587)

Bill "An Act to Clarify and Standardize Enrollment Status on Voting Lists" (H.P. 1095) (L.D. 1588)

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

Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" (H.P. 1096) (L.D. 1589)

Which was **READ A SECOND TIME.**

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

Senator **USHER:** Mr. President, I offer Senate Amendment "A" to L.D. 1589 under filing number S-145 and move its Adoption.

THE PRESIDENT: The Senator from Cumberland, Senator **Usher** offers Senate Amendment (S-145) and moves its Adoption.

Senate Amendment "A" (S-145) was **READ.**

Senator **USHER:** Thank you, Mr. President. This amendment corrects a typographical error in the standards for upright and manual defrost freezers, and also, modifies the standards for gas water heaters.

Senate Amendment "A" (S-145) **ADOPTED.**

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

Sent down for concurrence.

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)

Which was **READ A SECOND TIME.**

On motion by Senator **VIOLETTE** of Aroostook Tabled for 2 Legislative Days, pending **PASSAGE TO BE ENGROSSED**, in **NON-CONCURRENCE.**

House As Amended

Bill "An Act to Strengthen the Law Relating to Purchase of Foodstuffs from Maine Concerns" (H.P. 920) (L.D. 1325) (C "A" H-189)

Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (H.P. 376) (L.D. 517) (C "A" H-193)

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

Bill "An Act to Provide for Legislative Oversight Prior to the Implementation of Department Rules" (H.P. 784) (L.D. 1117) (C "A" H-196)

Which was **READ A SECOND TIME.**

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

Senator **MATTHEWS:** Mr. President, Members of the Senate, I just have a question to anyone in the Senate who would reply.

Could someone explain this Bill to a novice country boy from Kennebec?

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

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's session, pending **PASSAGE TO BE ENGROSSED AS AMENDED.**

Senate

Bill "An Act Concerning the Bureau of Public Lands" (S.P. 616) (L.D. 1627)

Bill "An Act to Authorize Aroostook County to Raise \$2,100,000 for Renovations and Additions to the Aroostook County Jail" (S.P. 617) (L.D. 1628)

Bill "An Act Relating to Cumberland County Budget Process" (S.P. 618) (L.D. 1629)

Bill "An Act to Amend the Reapportionment Law" (S.P. 619) (L.D. 1630)

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

Sent down for concurrence.

Senate As Amended

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) (C "A" S-132)

Bill "An Act Concerning the Standards for Handicapped Restricted-use Elevators" (S.P. 251) (L.D. 646) (C "A" S-128)

Bill "An Act to Amend the Habitual Offender Law" (S.P. 152) (L.D. 419) (C "A" S-130)

Bill "An Act to Facilitate Detection of Drivers Operating Under the Influence of Intoxicating Liquor or Drugs" (S.P. 486) (L.D. 1314) (C "A" S-131)

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

Sent down for concurrence.

Bill "An Act to Protect Applicants for Admission to Nursing Homes from Unfair and Illegal Trade Practices" (S.P. 353) (L.D. 591) (C "A" S-133)

Which was **READ A SECOND TIME.**

On motion by Senator **DANTON** of York the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-133).

On motion by Senator **DANTON** of York, Senate Amendment "A" (S-144) to Committee Amendment "A" (S-133) **READ** and **ADOPTED.**

Committee Amendment "A" (S-133) as amended by Senate Amendment "A" (S-144) thereto **ADOPTED.**

Which was **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

Bill "An Act Relating to Absentee Voting" (S.P. 32) (L.D. 33) (C "A" S-129)

Which was **READ A SECOND TIME.**

On motion by Senator **DANTON** of York the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-129).

On motion by Senator **DANTON** of York, Senate Amendment "A" (S-143) to Committee Amendment "A" (S-129) **READ** and **ADOPTED.**

Committee Amendment "A" (S-129) as amended by Senate Amendment "A" (S-143) thereto **ADOPTED.**

Which was **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following: An Act to Increase the Competitive Bidding

Minimum for County Commissioner Purchases (H.P. 1038) (L.D. 1512)

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

ORDERS OF THE DAY

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

Bill "An Act to Provide for Legislative Oversight Prior to the Implementation of Departmental Rules" (H.P. 784) (L.D. 1117) (C "A" H-196)

Tabled—May 29, 1985, by Senator VIOLETTE of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED AS AMENDED.**

(In House May 28, 1985, Bill **PASSED TO BE ENGROSSED AS AMENDED.**)

(In Senate May 29, 1985, **READ A SECOND TIME**)

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

Senate at Ease

The Senate called to Order by the President.

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

Senator KANY: Mr. President and Senators. Earlier the distinguished Senator from Kennebec, Senator Matthews, asked a question about this Bill "An Act to Provide for Legislative Oversight Prior to the Implementation of Departmental Rules."

I was out of the Senate at that moment and I would like to respond briefly because I do believe that all Senators would be interested in what this Bill does.

I am very pleased to report to you that whereas it does not allow for Legislative approval of rules prior to their implementation because there would be a Constitutional problem with the separation of powers, what it does do is require that the individual agencies notify all committee members within the committee which has jurisdiction over that agency of any impending rules 20 days prior to their adoption.

Secondly, it would require a concise statement of the principal reasons for the rule, an analysis of the rule and an estimate fiscal impact of the rule.

Obviously, the intent is that if any legislative committee then has a problem it could deal with it appropriately by communicating with the agency or secondly, of course, take statutory action if necessary.

I am happy to report that to you.

The Bill was **PASSED TO BE ENGROSSED AS Amended**, in concurrence.

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

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

Majority Report—**Ought Not to Pass**

Minority Report—**Ought to Pass as Amended by Committee Amendment "A"** (S-117)

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

Pending—Motion of Senator CARPENTER of Aroostook to **RECONSIDER** Acceptance of the Majority **OUGHT NOT TO PASS** Report.

(In Senate, May 28, 1985, Reports **READ. RECONSIDERED** Acceptance of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-117) Report. Subsequently, Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.)

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

pending the motion by Senator CARPENTER of Aroostook to **RECONSIDER** Acceptance of the Majority **OUGHT NOT TO PASS** Report.

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

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

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

Pending—Motion of Senator PEARSON of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

(In House, May 24, 1985, **PASSED TO BE ENACTED**.)

(In Senate, May 23, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

On motion by Senator VIOLETTE of Aroostook Tabled until Later in Today's session, pending the motion by Senator PEARSON of Penobscot to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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 28, 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**.)

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

Senator TRAFTON: Mr. President, Members of the Senate I offer Senate Amendment "A" under filing number S-148 to L.D. 1522 and move its Adoption.

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

Senate Amendment "A" (S-148) was **READ.**

THE PRESIDENT: The Senator has the floor.

Senator TRAFTON: Thank you, Mr. President. This amendment simply adds a fiscal note and I would suggest that this is one of the better fiscal notes that you will see this session. It is a positive fiscal note to add money to our coffers.

THE PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "A" be Adopted?

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President and Members of the Senate before this Bill goes through perhaps the President would advise me. I would like to speak on the Bill itself and not just on the amendment.

THE PRESIDENT: The pending question is Adoption of Senate Amendment "A."

Senate Amendment "A" (S-148) was **ADOPTED.**

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

Senator BUSTIN: Mr. President and Members of the Senate, before you pass this Bill, I would just like to pose some questions to you and perhaps a question to the Chair of the Committee through the Chair.

In this Bill what we are doing, as I understand it, it allowing interpretations of the ten mile radius to be interpreted as actual mileage rather than what the traditional, historical interpretation of "as the crow flies" for the ten mile limit, or ten mile radius, before you can set up an agency store where there is not a State liquor store.

I look at this Bill as perhaps another way to eliminate the State liquor stores. Right now you have practically fifty/fifty on agency stores and

liquor stores. I do not support eliminating State liquor stores and never have. I think it would be a bad thing to do for any number of reasons.

I, also, understand that this Bill, also, would allow for six seasonal stores to be set up fairly close or within the ten mile actual mileage of State liquor stores, because under section 2, subsection 153A of the Bill, they have got special stores in there. I assure that that is so they can open those seasonal stores.

What you are looking at is that you'll have six more seasonal stores competing with State liquor stores. They will be open for a longer length of time.

Then you have the same kinds of issues that you have always had with this controversy. Do you want to allow the State to get out of the business of controlling the liquor industry in this State and allow for more and more agency stores?

That means that they are open for longer and longer periods of time. We have been trying in this State to reduce the number of OUI's to reduce the number of fatalities of the drunken driving, we have tried all of that. The longer you leave these stores open the more chance you have of having people drunk on the highways after hours.

Despite the fact that they may get their liquor somewhere else if they can't get it at an agency store late at night or they may stock up, the truth of the matter is that when they run out of liquor during the evening and they want more and there is a store open they are going to go get it. If they run out and there are no stores open they aren't going to go get it.

I have a real problem with this Bill and ask you to vote against it.

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

Senator TRAFTON: Thank you, Mr. President. In response to the good Senator from Kennebec, Senator Bustin's question that she has posed.

I would suggest that this Bill has virtually nothing, nothing to do with a direct attack or even a side attack of State liquor Stores. In brief explanation of the Bill, it does change, as the good Senator from Kennebec indicated, the determination of the ten mile radius as it now exists.

The Liquor Bureau has been interpreting this ten mile radius requirement as ten miles by the most conveniently reasonable traveled route. Similar to the determination on which we are paid mileage for traveling from our homes to the Legislature.

A recent Attorney General's opinion within the last six months instructed the Bureau that this type of interpretation was incorrect. In fact, the law requires that a circle be drawn on a map from the State liquor store and any location within that ten mile radius, meaning ten miles as the crow flies, not ten miles as we drive would be prohibited from receiving an agency license.

This does not expand the number of agency stores that are permitted within the State of Maine. The Bureau still maintains complete control over where and what stores are issued agency licenses. This simply restores the ongoing or the prior interpretation of that ten mile radius law.

The second part of the Bill, again, is not a direct attack or side attack on the State liquor stores. It simply recognizes the fact that there are municipalities within this State that may be small from September through May but come the summer months their population doubles and triples, in fact, the good Senator from York, Senator Danton, has explained that the town of Old Orchard Beach in the summer time becomes the largest municipality in the State of Maine. How do we respond in terms of selling liquor within those municipalities where the population expands so greatly dur-

ing the busy season?

State liquor stores, according to the Bureau, are unable to cope with these huge demands in those seasonal areas. What this Bill allows on a trial basis because you'll notice the sunset on this Bill, it allows on a trial basis the establishment of six, a limited number of seasonal agency stores, a license could be issued for six stores for a period of six months. After a two year period this particular type of license would be reviewed and then if it did not work out, if there were abuses in this type of license then the Legislature would have the opportunity not to extend this type of license and it would expire on its own, a typical sunset.

So, I suggest that the fears and the concerns of the good Senator from Kennebec, Senator Bustin, has are misplaced this is simply a technical correction in the first part of the Bill as to the ten mile radius requirement. In the second part is an attempt to provide service which the State currently provides in those areas where population increases drastically because of our summer season. Thank you.

On motion by Senator VIOLETTE of Aroostook Tabled until Later in Today's session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

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 28, 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 until Later in Today's session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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 28, 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**.)

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

Senator **ANDREWS:** Mr. President, I move the Indefinite Postponement of this Bill and all accompanying Papers.

THE PRESIDENT: The Senator from Cumberland, Senator **Andrews** moves the bill and accompanying papers by **Indefinitely Postponed**.

The Senator has the floor.

Senator **ANDREWS:** Mr. President, and Men and Women of the Senate. This Bill has been sailing its way through the Legislative process, it has only received a cursory look from me until I received some calls from some of my constituents, members of my district, who for their own reasons, are not part of the Democratic or Republican parties, they are unenrolled voters and from time to time seek to place some of their candidates on the ballot. They called me and ask me a question of what reason there was for this type of legislation. Why were we making it more difficult for them to place their candidates on the ballot?

I quite frankly didn't have a good answer for them particularly since as part of a principle that I hold and I have held since I have been involved in political life was that we should

restrict access to the political process only if there is a compelling reason to do so. If there is no compelling reasons to make it difficult for someone to get on the ballot or participate in the political process we shouldn't do it.

I could not find in L.D. 1542 a compelling reason to, in fact, add this restriction. As we all know, those of us who are in a party if we are seeking nomination of our party we must go to only those members enrolled in our party. Now that makes a lot of sense. I would hate to have a Republican participating in the process of a Democrat getting on the ballot and visa versa. I think that we should go to our own party members and make our case and see if we can get our nomination papers.

So there is logic to that given the political party structure, but the logic seems to me to break down when it comes to unenrolled voters. To place upon those unenrolled voters those same restrictions to not allow them to ask and seek and retain the signature of a Democrat or a Republican for them to get on the ballot, it doesn't seem to me to follow the same logic as the law that we have now.

So at the very least it doesn't have a compelling reason for us to establish this new statute. For this reason I ask that we Indefinitely Postpone L.D. 1542.

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

Senator **TRAFTON:** Thank you, Mr. President. I rise in opposition to the good Senator from Cumberland, Senator Andrew's motion to Indefinitely Postpone this Bill. I would ask at this time for the Senate to read the report of the Joint Standing Committee on Legal Affairs.

The Committee Report was **READ**.

THE PRESIDENT: The Senator has the floor.

Senator **TRAFTON:** Mr. President, this is a unanimous Committee report from the Joint Standing Committee on Legal Affairs and the rationale behind this Bill is that if Republicans and Democrats must, in fact, seek their own party members for signatures on their particular nomination petitions, why shouldn't that apply to unenrolled candidates as well? They have no party, but we all know that the State of Maine has more unenrolled votes than any registered party within the State of Maine.

Besides that fact, besides having a larger pool from which to attract signatures, they also have a longer time period to attract signatures. They aren't running in a primary of course so that they have until July 1st to collect signatures on their petitions.

To me these unenrolled, Independent so-called, candidates have equal opportunity if not more opportunity than those of us who are enrolled in a registered party within the State of Maine.

So that this Bill was an attempt by the Joint Standing Committee on Legal Affairs to afford some parity among the candidates who are to be listed on the ballot. I urge you to oppose the good Senator from Cumberland, Senator **Andrews'** motion for Indefinite Postponement.

Off Record Remarks

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

Senator **ANDREWS:** Thank you, Mr. President. Let me just simply restate again what I said at the outset. I still do not see any compelling reason.

I haven't heard of an incident, I haven't heard of a weakening of the party process, I haven't heard of any reason that we would in anyway restrict access to the political process as this Bill would do.

I would suggest that unless we have a compelling reason to do so that we allow the present system to stand as it is. Thank you.

THE PRESIDENT: The Chair recognizes the

Sentor from Penobscot, Senator Pearson.

Senator **PEARSON:** Mr. President, and Men and Women of the Senate. If anything is skewed in anybody's favor it is skewed in favor of non-enrolled persons and the good Senator from Cumberland asked for a compelling reason. I think the compelling reason is that Democrats when it comes to selecting a candidate belong with Democrats, Republicans belong with Republicans and if you want to get involved in that process with the Republican Party or the Democratic Party, you join one or the other. If you don't want to join one then you're in a category by yourself when it comes to selecting candidates.

THE PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator **Andrews**, that the Bill and accompanying papers be **Indefinitely Postponed**.

Is this is the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Dutremble.

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

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator **Andrews**, that the Bill and accompanying papers be **Indefinitely Postponed**, 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 20 Senators having voted in the negative the motion to **INDEFINITELY POSTPONE** the Bill and accompanying paper, **FAILED**.

The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator **ANDREWS:** Mr. President, I offer Senate Amendment "A" to L.D. 1542 with a filing number of S-146.

THE PRESIDENT: The Senator from Cumberland, Senator **Andrews**, offers Senate Amendment "A" and moves its **Adoption**.

Senate Amendment "A" (S-146) was **READ**.

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

Senator **ANDREWS:** Thank you, Mr. President. Mr. President and Men and Women of the Senate. Obviously if there is interest in passing this Bill on the bases of the argument that the good Senator from Androscoggin, Senator Trafton, for equity purposes then this amendment, Senate Amendment "A" to L.D. 1542, is something that you would hopefully be interested in.

Currently as it stands right now an unenrolled voter must obtain twice the number of signatures on a petition, nomination petition, then a member of the Democratic or Republican Party. If we are going to make it a little more difficult for them to get those signatures by restricting them access only unenrolled voters then let's make it completely equal and make the requirements for signatures for both Republican, Democrat and unenrolled candidates to be the same.

THE PRESIDENT: The pending question before the Senate is the **Adoption** of Senate Amendment "A".

The Chair recognizes the Senator from Aroostook, Senator Violette.

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

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of Adoption of Senate Amendment "A" 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 Cumberland, Senator Andrews.

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

THE PRESIDENT: A Roll Call has been

ordered. 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, less than one-fifth having arisen a Roll Call is not ordered.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND**: Mr. President, I move we reconsider our action whereby we didn't move for a Roll Call.

THE PRESIDENT: The Chair would advise the Senator that another request for a Roll Call would be in order.

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

THE PRESIDENT: A Roll Call have 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 Cumberland, Senator Andrews.

Senator **ANDREWS**: Thank you, Mr. President. Mr. President, I am sorry to belabor this. I certainly am willing to accept the will of the Body on this amendment but I would simply like to hear some rational for voting against this Bill that makes it equal for all as far as access to the ballot is concerned.

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

Senator **TRAFTON**: Thank you, Mr. President. I have had an opportunity to review the amendment proposed by the good Senator from Cumberland, Senator Andrews and I suggest that it is a reasonable amendment, to simply equalize the number of signatures required on a petition, be that a petition for a party member or a unenrolled person.

So, I am going to support the amendment that is proposed by our good Senator from Cumberland, Senator Andrews.

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

Senator **PEARSON**: Mr. President I would like to pose a question to the Chairman of the Legal Affairs Committee.

THE PRESIDENT: The Senator may state his inquiry.

Senator **PEARSON**: Is the time limit the same for Democrats, Republicans and non-enrolled?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON**: Thank you, Mr. President. Mr. President, in my earlier remarks I indicated that the time limit was different for collecting signatures and submitting petitions. The unenrolled candidates do have a longer period of time.

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

Senator **KANY**: Mr. President and Senators, I am not that familiar with this particular portion of the Election Law and I would like to pose a question through the Chair.

I know that if there is one particular office let us say a State Senator, and you are attempting to become nominated to be a party's candidate that people can only sign one petition for that particular position within the party. I would like to know if there are a number of unenrolled people or unenrolled people who are attempting to run as independents, if in-

dividuals can therefore sign more than one petition for that office?

THE PRESIDENT: The Senator from Kennebec, Senator Kany, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON**: Thank you, Mr. President. I am reluctant to hold myself out as an expert on Election Laws being a freshmen Chair of the Committee that considers that subject area.

It is my understanding that a person can sign as many petitions as he or she may wish. So that I think that that answers the good Senator from Kennebec, Senator Kany's question.

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

Senator **CHALMERS**: Thank you, Mr. President. No one accused me of being bipartisan and I certainly am a party member. I think that there is a difference if you run for a party once you've gotten on the ballot. You have a party organization, hopefully, behind you. At least you have a good shot at asking for that.

This amendment equalizes the number of signatures that an unenrolled candidate needs to get on the ballot. As such I think that it is a fair amendment.

I agree that in my district, as well as other districts, I have many areas in which there are more unenrolled than there are either Democrats or Republicans. I think that we need to strengthen both parties. I think that that is very important. On the other hand I do think that we have got to keep the ballot open and that we have got to encourage people to run. So therefore I shall vote for this amendment.

THE PRESIDENT: A Roll Call has been ordered.

The pending question is the **Adoption** of Senate Amendment "A" (S-146).

A Yes vote will be in favor of the Adoption of Senate Amendment "A."

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Andrews, Berube, Brown, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Kany, Matthews, Trafton, Webster

NAYS:—Senators, Baldacci, Black, Bustin, Dutremble, Emerson, Erwin, Gill, Maybury, McBreairty, Najarian, Pearson, Perkins, Shute, Stover, Tuttle, Twitchell, Usher, Violette, The President — Charles P. Pray

ABSENT:—Senators, Gauvreau, Hichens, Sewall

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 3 Senators being absent, the motion to **ADOPT** Senate Amendment "A" (S-146) **FAILED**.

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

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

Bill "An Act to Increase Consumers' Remedies under the Unfair Trade Practices Laws" (H.P. 715) (L.D. 1025) (C "A" H-167)

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

Pending—**PASSAGE TO BE ENGROSSED AS AMENDED**.

(In Senate, May 28, 1985, **READ A SECOND TIME**.)

(In House, May 24, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)**.)

On motion by Senator **VIOLETTE** of Aroostook Tabled until Later in Today's session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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

Bill "An Act to Provide Protection to Boxers" (S.P. 613) (L.D. 1606)

Tabled—May 28, 1985, by Senator **CLARK** of Cumberland

Pending—**PASSAGE TO BE ENGROSSED** (In Senate, May 28, 1985, **READ A SECOND TIME**.)

On motion by Senator **VIOLETTE** of Aroostook Tabled until Later in Today's session, pending **PASSAGE TO BE ENGROSSED**.

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

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)

Tabled—May 28, 1985, by Senator **GAUVREAU** of Androscoggin.

Pending—**PASSAGE TO BE ENGROSSED AS AMENDED**.

(In Senate, May 28, 1985, **READ A SECOND TIME**.)

On motion by Senator **VIOLETTE** of Aroostook Tabled until Later in Today's session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

The President laid before the Senate the Tabled and Specially 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** (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**.)

Under suspension of the Rules, **READ ONCE** without Reference to a Committee and **ORDERED PRINTED**.

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

The President laid before the Senate the Tabled and Specially 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** Tabled Unassigned, pending **ACCEPTANCE OF EITHER REPORT**.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act to Amend the Juvenile Laws to Reflect the Change from Probation and Intake

Workers to Juvenile Caseworkers" (S.P. 428) (L.D. 1185)

Ought to Pass As Amended

Senator **ANDREWS** for the Committee on **UTILITIES** on Bill "An Act to Ensure Reduced Telephone Rates for Volunteers and Non-profit Organizations Serving the Deaf, Hearing Impaired and Speech Impaired" (S.P. 468) (L.D. 1271)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-141)**

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

Committee Amendment "A" (S-141) **READ** and **ADOPTED**.

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

Senator **ANDREWS** for the Committee on **UTILITIES** on Bill "An Act to Authorize the Public Utilities Commission to Act on an Expedited Basis in Certain Cases" (S.P. 495) (L.D. 1321)

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

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

Committee Amendment "A" (S-142) **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.

Off Record Remarks

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

On motion by Senator **CARPENTER** of Aroostook,

RECESSED until 4 o'clock this afternoon.

Recess

After Recess

Senate called to Order by the President.

Under suspension of the Rules, there being no objection all matters previously acted upon were sent forthwith.

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

COMMITTEE REPORTS

Senate

Ought to Pass as Amended

Senator **MATTHEWS** for the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Clarify and Make Corrections in the Fisheries and Wildlife Laws" (S.P. 50) (L.D. 68)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-152)**.

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

Committee Amendment "A" (S-152) **READ** and **ADOPTED**.

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

Senator **STOVER** for the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Clarify Municipal Authority over Automobile Graveyards and Junkyards" (S.P. 136) (L.D. 375)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-149)**.

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

Committee Amendment "A" (S-149) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act to Amend the Law Relating to Employment and Dismissal of County Employees" (S.P. 530) (L.D. 1425)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-150)**.

Signed:

Senators:

TUTTLE of York
BALDACCI of Penobscot
STOVER of Sagadahoc

Representatives:

McHENRY of Madawaska
ROTONDI of Athens
DAGGETT of Manchester
SMITH of Island Falls
HALE of Sanford
NICKERSON of Turner

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

Signed:

Representatives:

MASTEMRAN of Milo
SALSBURY of Bar Harbor
WENTWORTH of Wells
MURPHY of Berwick

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-150) **READ** and **ADOPTED**.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Nuclear Issues Clearinghouse Law" (S.P. 561) (L.D. 1490)

In Senate, May 28, 1985, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

The Senate **ADHERED**.

Sent down for concurrence.

Non-concurrent Matter

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

In Senate, May 28, 1985, under Suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** in **NON-CONCURRENCE**.

The Senate **INSISTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not To Pass

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

Bill "An Act Requiring the Presence of a 2nd Physician when Abortions are Performed after Viability" (H.P. 109) (L.D. 134)

Ought to Pass As Amended

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Reauthorize the Forest Resources Assessment and Marketing Program" (Emergency) (H.P. 1026) (L.D. 1478)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-217)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-217) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act Relating to the Regulations and Distribution of Funds for All-terrain Vehicles" (H.P. 723) (L.D. 1032)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-222)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-222)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-222) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Establish a 5-day Special Muzzle-loading Hunting Season" (H.P. 1027) (L.D. 1479)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-221)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-221) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Resolve, Relating to the Development of an Interdepartmental Plan to Identify Needed Resources for a Statewide Network of Out-of-home Placements and Aftercare, Follow-up and Transitional Services (Emergency) (H.P. 936) (L.D. 1342)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-216)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-216)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-216) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act Concerning Unemployment Compensation Contributions by Home Knitting Businesses" (H.P. 1037) (L.D. 1511)

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

Amended by Committee Amendment "A" (H-215).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-215) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Liquor Laws" (H.P. 852) (L.D. 1208)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-213)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-213) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **AGRICULTURE** on Bill "An Act to Clarify the Discretionary Authority of the Harness Racing Commission to License Para-mutuel meets and Assign Racing Dates" (H.P. 790) (L.D. 1120)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-162)**.

Signed:

Senators:

ERWIN of Oxford
CARPENTER of Arostook
BLACK of Cumberland

Representatives:

CROUSE of Caribou
MICHAEL of Auburn
LORD of Waterboro
TARDY of Palmyra
WHITCOMB of Waldo
SHERBURNE of Dexter
PARENT of Benton
DAGGETT of Manchester
BRAGG of Sidney

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-163)**.

Signed:

Representative:

McCOLLISTER of Canton

Comes from the House with the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)**.

Which Reports were **READ**.

The Majority **UGHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-162) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Update and Improve the Education Laws of Maine" (H.P. 801) (L.D. 1135)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-200)**.

Signed:

Senators:

BROWN of Washington
HICHENS of York

Representatives:

SMALL of Bath
BROWN of Gorham
FOSS of Yarmouth
LAWRENCE of Parsonsfield
ROBERTS of Farmington

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-201)**.

Signed:

Senator:

GAUVREAU of Androsocggin

Representatives:

O'GARA of Westbrook
HANDY of Lewiston
CROUSE of Caribou
BOST of Orono
MATTHEWS of Caribou

Comes from the House with the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-201)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-201)**.

Which Reports were **READ**.

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

Senator **BROWN:** Mr. President, I move Acceptance of the Majority Ought to Pass As Amended by Committee Amendment "A" Report.

THE PRESIDENT: The Senator from Washington, Senator Brown moves the **Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" Report**.

The Chair recognizes the Senator from Androsocggin, Senator Gauvreau.

Senator **GAUVREAU:** Thank you, Mr. President. Men and Women of the Maine Senate. I would urge you to defeat the prevailing motion before the Body so that we can go on to Accept the Minority Report, urging Ought to Pass as Amended.

Regarding this particular piece of legislation, there was only one significant difference between the Majority Report and the Minority Report, but that is a very significant difference indeed.

The Minority Report would leave intact the teacher placement office in the Department of Educational and Cultural Services. That office has been intact for several years and it has provided a very valuable service to prospective teachers throughout the State.

The Majority Report would do away with the Teacher Placement Office and, in fact, would transfer its personnel into another unit in the Department which would be charged with overseeing the new certification standards which we implemented in last years historic Educational Reform Act.

There is no question that the Department does need staff to properly administer the new certification requirements. I support the Departments endeavors to address that need. I think that both my esteemed colleague, the good Senator from Washington, Senator Brown, and I stand together on that point.

Where we differ is on how we view the Teacher Placement Office. From the evidence that we received during the course of the hearing it was apparent that the Teacher Placement Office serves many teachers. I believe that they had in the vicinity of five-hundred teachers consult the Office last year and use that service.

It is a vital service. We should maintain it. If there is a need, and indeed there is, to address beefing up the Certification Unit in the Department we can address that at a later

point. Certainly we should not do so at the expense of the Teacher Placement Office.

For that reason I would urge you today to defeat the Majority Report so that we can go on and Accept the Minority Report. Thank you.

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

Senator **BROWN:** Thank you, Mr. President and Ladies and Gentlemen of the Senate. The good Senator from Androsocggin, Senator Gauvreau, has stated very clearly the differences between these two: both Ought to Pass with that difference.

The fact is that I concur with what the good Senator has said in terms of the value of the Placement Office. It is a very valuable office and it is utilized especially in the rural areas of the State, the area for instance that I represent.

The problem comes, Ladies and Gentlemen, in that we have somewhat of a shortage in terms of manpower. This year we'll be asking that we desperately need to have two more positions for the Department, just two. One that comes to mind is an art consultant to conform with the new Educational Reform Act that we passed last fall, another very important position is one to coordinate the School Volunteer Program.

In the Certification Department, a Bureau within the Department, there is about three months work that is stacked up because there is not sufficient manpower to be able to process people so that they can become certified in their various fields to teach.

It is not a matter of whether this is a valuable service or not, it is a valuable service, and it is one that I would like to see maintained. The Department came in before the Committee saying that there is just not enough manpower to do all that has to be done. We would like to do away with the Placement Bureau.

We, the majority of the Committee, concurred that it was a hard decision but all of us have to make decisions like that at certain times when we are dealing with budgets. We never have sufficient funds we need to do all the things that we want to do.

The Department said that this is one area that we feel would be of a lower priority then some of the other areas of need that we have. That is the difference.

The good Senator has explained to you that this is the sum of the difference between these two reports. I would urge you to support the Majority Ought to Pass. Thank you.

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

Senator **GAUVREAU:** Thank you, Mr. President. When the vote is taken I would request a Division. I would, also, just make one more point that caused me to vote with the Minority on this Bill.

Last session when we considered, when I considered the Certification Bill and reviewed that very carefully, there was no suggestion at that time that we would be faced with this tradeoff. In other words, when I was voting to enhance the Teacher Certification throughout the State little did it occur to me that I would at the same time, be in fact, writing the death knell for the Teacher Placement Office.

It strikes me that if the Department was aware this choice was required they should have come forward last year to explain to us the balancing process — what we had to give up in order to attain certification.

It just strikes me that where the Certification changes will be going into affect in 1988 that we have time between now and that date to properly plan and staff the Department so that it can properly perform its Certification Requirements, but not at the expense of an office which has served the teachers and also served the population of this State very well

by coordinating potential jobs with prospective teachers.

For that reason I would respectfully ask that you defeat the motion for the Majority Report so that we can Accept the Minority Report.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator **Brown** of Washington to **Accept the Majority Ought to Pass as Amended by Committee Amendment "A"** (H-200) Report, please rise and remain standing until counted.

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

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion to **ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-200) **REPORT FAILED.**

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"** (H-201) **REPORT** was **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "B" (H-201) **READ** and **ADOPTED**, in concurrence.

The Chair recognizes the Senator from Washington, Senator **Brown**.

Senator **BROWN:** Mr. President, would this Bill be in a position to offer an amendment at this time?

THE PRESIDENT: The Chair would inform the Senator only if the amendment is to Committee Amendment "B" at which point he would have to reconsider the Adoption.

If the amendment is to the Bill then he would have to wait until it was given its Second Reading.

Senate at Ease

The Senate called to Order by the President.

The Bill as **Amended TOMORROW AS-SIGNED FOR SECOND READING.**

Divided Report

The Majority of the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Protect Freshwater Wet Lands" (H.P. 567) (L.D. 838)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-191).

Signed:

Senators:

USHER of Cumberland
KANY of Kennebec
EMERSON of Penobscot

Representatives:

MICHAUD of Medway
JACQUES of Waterville
MITCHELL of Freeport
COLES of Harpswell
HOGlund of Portland
HOLLOWAY of Edgecomb

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

Signed:

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-191) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-191).

Which Reports were **READ.**

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

Committee Amendment "A" (H-191) **READ**

and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW AS-SIGNED FOR SECOND READING.**

Off Record Remarks

Divided Report

Eight Members on the Committee on **HUMAN RESOURCES** on Bill "An Act to Require the Proceedings of Boards of Directors of Nonprofit Hospitals to be Open to the Public" (H.P. 878) (L.D. 1235)

Reported in Report "A" that the same **Ought Not to Pass.**

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec
GILL of Cumberland

Representatives:

TAYLOR of Camden
PINES of Limestone
NELSON of Portland
SEAVEY of Kennebunkport
KIMBALL of Buxton

Four Members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass in New Draft** under same title (H.P. 1122) (L.D. 1618)

Signed:

Representatives:

CARROLL of Gray
MELENDY of Rockland
BRODEUR of Auburn
MANNING of Portland

One Member of the Same Committee on the same subject reported in Report "C" that the same **Ought to Pass in New Draft under New Title** Bill "An Act to Require the Proceedings of Boards of Directors of Nonprofit Organizations to be Open to the Public" (H.P. 1123) (L.D. 1619)

Signed:

Representative:

ROLDE of York

Comes from the House, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

Which Reports were **READ.**

Report "A" **OUGHT NOT TO PASS** was **ACCEPTED.**

(See Action Later)

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Clarify Just Value as it Relates to Property Assessment" (H.P. 463) (L.D. 664)

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

Signed:

Senators:

TWITCHELL of Oxford
EMERSON of Penobscot
DIAMOND of Cumberland

Representatives:

HIGGINS of Portland
McCOLLISTER of Canton
CASHMAN of Old Town
MAYO of Thomaston
SWAZEY of Bucksport
NELSON of Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-218).

Signed:

Representatives:

JACKSON of Harrison
WEBSTER of Cape Elizabeth
ZIRNKILTON of Mount Desert
INGRAHAM of Houlton

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.

Out of Order and Under Suspension of the Rules, the Senate voted to take up the following:

SECOND READERS

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

House

Bill "An Act Concerning Times for Voter Registration" (H.P. 1106) (L.D. 1595)

Bill "An Act Concerning Temporary Licenses for Members of the Armed Forces" (H.P. 1107) (L.D. 1596)

Bill "An Act to Allow the Town of York to Repair Private Roads Within Subdivisions" (H.P. 1098) (L.D. 1592)

Bill "An Act to Change the Sales Tax Treatment of Property Used in the Production of Tangible Personal Property" (H.P. 1085) (L.D. 1576)

Bill "An Act Concerning the Sale of Alcoholic Beverages to Certain Licensees" (Emergency) (H.P. 1104) (L.D. 1593)

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)

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

Bill "An Act to Extend the Boundaries of the Gray Water District to Include the Entire Town" (H.P. 1113) (L.D. 1623)

Bill "An Act to Amend the Charter of the Winthrop Water District" (Emergency) (H.P. 1114) (L.D. 1624)

Bill "An Act Increasing the Authorized Indebtedness of Veazie Sewer District" (Emergency) (H.P. 1115) (L.D. 1625)

Bill "An Act to Create the Newcastle-Damariscotta Water District" (H.P. 1116) (L.D. 1626)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED** without Reference to a Committee, in **NON-CONCURRENCE.**

Sent down for concurrence.

Bill "An Act to Revise Rules Governing Certification of Seed Potatoes" (H.P. 1080) (L.D. 1572)

Which was **READ A SECOND TIME.**

On motion by Senator **VIOLETTE** of Aroostook Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED** without Reference to a Committee, in **NON-CONCURRENCE.**

Bill "An Act to Establish a Portion of the Boundary between the Town of Clinton in the County of Kennebec and the Town of Pittsfield in the County of Somerset" (H.P. 1111) (L.D. 1621)

Which was **READ A SECOND TIME.**

On motion by Senator **VIOLETTE** of Aroostook, **REFERRED** to the Committee on **LOCAL AND COUNTY GOVERNMENT**, in concurrence.

House As Amended

Bill "An Act Relating to Contracts for Children's Placement at Residential Treatment Facilities" (H.P. 425) (L.D. 605) (C "A" H-205)

Bill "An Act to Encourage Retraction of Defamatory Statements" (H.P. 782) (L.D. 1115) (C "A" H-202)

Bill "An Act Concerning Reports to the Federal Government Relating to Missing Children" (H.P. 854) (L.D. 1210) (H "A" H-211 to C "A" H-203)

Bill "An Act to Require Refuse Receptacles to Comply with Federal Safety Standards" (H.P. 1014) (L.D. 1463) (C "A" H-199)

Resolve, Authorizing the Town of Fort Kent to Convey its Interest in Certain Public Lands in Fort Kent, Aroostook County (H.P. 606) (L.D. 876) (C "A" H-198)

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

Bill "An Act Concerning Notice of Legal Obligations of Marriage on a Marriage Certificate" (H.P. 995) (L.D. 1432) (C "A" H-195)

Which was **READ A SECOND TIME**.
THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, I have no personal interest in this particular Bill nor do I intend to, but I was wondering if somebody could explain what that is all about.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. I welcome the opportunity to explain this Bill to the Senators this afternoon.

This Bill was submitted at the request of a Member of the Aroostook County delegation who wanted to impress upon the citizens of the State of Maine the importance of the legal obligation that people enter into when they marry.

The Bill that was presented was amended in Committee so that the Bill that is before you today simply requires the inclusion of a particular statement on the marriage license application giving notice to those who sign that application that there are certain legal responsibilities that come from marriage. Those responsibilities relate to support of children and the spouse.

This is a warning, it is an attempt by the sponsor and the Members of the Joint Standing Committee on Legal Affairs to impress upon people that marriage is not a contract to enter into lightly.

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

Senator PEARSON: I appreciate the explanation, Men and Women of the Senate. Senator Carpenter didn't want to ask these questions himself so he had me do it.

Which was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On motion by Senator VIOLETTE of Aroostook the Senate **RECONSIDERED** its action of earlier in today's session whereby it **ACCEPTED** Report "A" the **OUGHT NOT TO PASS** Report on:

HOUSE REPORTS — from the Committee on **HUMAN RESOURCES** on Bill "An Act to Require the Proceedings of Boards of Directors of Nonprofit Hospitals to be Open to the Public" (H.P. 878) (L.D. 1235)

Report "A" — **Ought Not to Pass**.
 Report "B" — **Ought to Pass in New Draft** under same title (H.P. 1122) (L.D. 1618)

Report "C" — **Ought to Pass in New Draft under New Title** Bill "An Act to Require the Proceedings of Boards of Directors of Nonprofit Organizations to be Open to the Public" (H.P. 1123) (L.D. 1619)

(In House, May 29, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

(In Senate, May 29, 1985, Reports **READ** and the Report "A" **OUGHT NOT TO PASS** was **ACCEPTED**.)

On motion by Senator VIOLETTE of Aroostook Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Report "A" **OUGHT NOT TO PASS** Report.

Senate

Bill "An Act Requiring Treatment and Rehabilitation as a Condition for License

Restoration when Convicted of Alcohol or Drug Related Vehicular Homicide" (S. P. 614) (L.D. 1613)

Bill "An Act to Prohibit Certain Practices Which Encourage Excessive Drinking" (S.P. 615) (L.D. 1614)

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

Senate As Amended

Bill "An Act to Ensure Reduced Telephone Rates for Volunteers and Nonprofit Organizations Serving the Deaf, Hearing Impaired and Speech Impaired" (S.P. 468) (L.D. 1271) (C "A" S-141)

Bill "An Act to Authorize the Public Utilities Commission to Act on an Expedited Basis in Certain Cases" (S.P. 495) (L.D. 1321) (C "A" S-142)

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

Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients" (Emergency) (S.P. 477) (L.D. 1284) (C "A" S-139)

Which was **READ A SECOND TIME**.
 On motion by Senator DANTON of York, Senate Amendment "A" (S-154) **READ** and **ADOPTED**.

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

Senate at Ease

Senate called to Order by the President

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

SENATE PAPERS

Bill "An Act Concerning Child Abuse" (S.P. 621) Presented by Senator ANDREWS of Cumberland Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

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

Sent down for concurrence.

Bill "An Act to Establish Confidential Communications Between Certified Public Accountants and their Clients Concerning Tax Matters" (S.P. 620) Presented by Senator CHALMERS of Knox Co-sponsored by: Representative H. HIGGINS of Portland, Representative DIAMOND of Bangor, Representative JACKSON of Harrison. Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.
 Sent down for concurrence.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

MAINE STATE RETIREMENT SYSTEM

STATE HOUSE STATION 46

AUGUSTA, MAINE 04333

April 1, 1985

Honorable Joseph E. Brennan

Governor of Maine

Augusta, Maine 04333

Dear Governor Brennan and Members of the Legislature:

Enclosed herewith is a copy of the 1984 Annual Report of the Maine State Retirement System as required by law (5 MRSA, Section 1031, subsection 9) and addressed to its members.

Sincerely,

S/ RICHARD J. McDONOUGH

Chairman
 Board of Trustees,
 Maine State Retirement
 System

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

ORDERS OF THE DAY

The President laid before the Senate:

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

Tabled — May 29, 1985, by Senator VIOLETTE of Aroostook.

Pending — **FURTHER CONSIDERATION** (In Senate, May 24, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 28, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A"** (H-219) in **NON-CONCURRENCE**.)

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

Senator CHALMERS: Mr. President, I move that the Senate **Insist**.

THE PRESIDENT: The Senator from Knox, Senator Chalmers moves the Senate **Insist**.

The Chair recognizes the Senator from Penobscot, Senator Maybury.

Senator MAYBURY: Thank you, Mr. President. I would 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 pending question before the Senate is the motion by the Senator from Knox, Senator Chalmers that the Senate **Insist**.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Mr. President, just a point of information what are we debating here. I know that there was a motion made to **Insist** and somebody else asked for a Roll Call.

THE PRESIDENT: The Chair would inform the Senator that we are on L.D. 1534 of the Tabled and Later Assigned matter:

The Chair recognizes the Senator from Knox, Senator Chalmers.

Senator CHALMERS: Mr. President, yes I think that I should perhaps explain.

L.D. 1534 is a redraft of an earlier bill which was introduced before the Marine Resources Committee which was to outlaw dragging by the Frenchboro area. Frenchboro having lost its electric powerline out to the island many times.

When it came before our Committee we enlarged the area and considered making it a conservation area so that instead of just along the cable we enlarged it to the area between the two islands. That is how it came to you.

We passed it on May 24, it went down to the House and the House amendment says that there can be no harvesting of scallops except by diving. The amendment H-219 that was put on in the House would allow diving for scallops in this area that had been determined by the unanimous vote of the Marine Resource Committee to be a conservation area for scallops and to allow no harvesting of scallops.

My motion to insist would merely have us go back without the amendment that allowed diving for scallops and return it to the condition that it was on May 24 when we voted for it here.

THE PRESIDENT: The pending question is the motion by the Senator from Knox, Senator

Chalmers that the Senate Insist.

The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Andrews, Baldacci, Berube, Brown, Bustin, Carpenter, Chalmers, Clark, Diamond, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Kany, Matthews, McBreairty, Najarian, Pearson, Shute, Stover, Trafton, Tuttle, Usher, Violette, The President — Charles P. Pray

NAYS:—Senators, Black, Danton, Maybury, Perkins, Twitchell, Webster

ABSENT:—Senators, Hichens, Sewall
27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 2 Senators being absent the motion to **INSIST, PREVAILED.**

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act to Provide Financing for Rail Transportation" (H.P. 1112) (L.D. 1622)

Tabled — May 29, 1985, by Senator

VIOLETTE of Aroostook.

Pending — **REFERENCE**

(In House, May 28, 1985, referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED.**)

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

The President laid before the Senate:

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

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

Minority Report — **Ought to Pass as Amended by Committee Amendment "A" (S-117)**

Tabled — May 29, 1985, by Senator

VIOLETTE of Aroostook.

Pending — Motion of Senator **CARPENTER** of Aroostook to **RECONSIDER** Acceptance of the Majority **OUGHT NOT TO PASS** Report.

(In Senate, May 28, 1985, Reports **READ. RECONSIDERED** Acceptance of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117)** Report. Subsequently, Majority **OUGHT NOT TO PASS** Report **ACCEPTED.**)

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

The President laid before the Senate:

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

Tabled — May 29, 1985, by Senator

VIOLETTE of Aroostook.

Pending — Motion of Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying papers

(In House, May 24, 1985, **PASSED TO BE ENACTED.**)

(In Senate, May 23, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

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

The President laid before the Senate:

Bill "An Act Concerning the Location of Agency Liquor Stores and the Licensing of Seasonal Agency Stores" (H.P. 1047) (L.D. 1522) (S "A" S-148)

Tabled — May 29, 1985, by Senator

VIOLETTE of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, May 29, 1985, Senate Amendment "A" (S-148) **READ** and **ADOPTED.**)

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

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

Senator **STOVER:** Mr. President, I move that this Bill and accompanying papers be indefinitely postponed.

THE PRESIDENT: The Senator has the floor.

Senator **STOVER:** This morning this Bill was debated for a short period of time. The Senator from Kennebec, Senator Bustin, I thought was right on target with her remarks.

This is one way of diluting the State stores which I believe in wholeheartedly. I feel there is one way that we can somewhat control the problems that are created by the sale of alcohol in this State.

I had the chance before the Legal Affairs Committee to attend a seminar, I guess you would call it, when many of your State agencies came down and told us some of the problems that were created because of alcohol. I thought that I might run down through the list of them I don't think that anybody has done it before the Senate so far this year.

Of course we know that alcohol is the third health problem that we have in the nation. It is behind heart disease and cancer, I don't know how but it has gotten second place ahead of cancer.

Other things that have been brought out to us at that time was that it is estimated that ten million adults and three and three-tenths million teenagers are alcoholic. That alcohol related accidents are the leading killer of young people age fifteen to twenty-four and the third leading cause of mental retardation due to birth-defects. On any given day up to thirty-three percent of the adult patients in America's hospitals are likely to have problems relating to alcohol.

More than thirty percent of the suicide victims have been drinking at the time. Alcohol is involved in fifty to eighty percent of all the homicides. Seventy percent of serious assaults, fifty percent of forceable rapes and seventy-two percent of robberies, plus sixty-eight percent of child abuse cases, alcohol has been involved.

Alcohol is involved in fifty percent of family dispute cases, of each year that the police handle.

Each year twenty-five thousand Americans are killed and seventy-four thousand people are injured in more than one million alcohol related accidents.

It is estimated that the cost in Maine from alcohol alone is six hundred million dollars.

One of my big oppositions to this Bill is that it is going to expand the outlets where they can sell more liquor.

The fiscal note on this says that they are going to sell one million six hundred thousand dollars more liquor if they put in these six stores then they would if we didn't have them.

Now, I know that some people say "Oh no, this is just a convenience thing that they will be going to New Hampshire or somewhere and buying this if they weren't buying it here. Well, that to my mind is just a red herring.

The more convenient they make it the more sales you have. I remember when I was first in the House they came around and they wanted to put fortified wine in the grocery stores and one of the lobbyists for the liquor industry said, "you realize that it will double the sales if you put this in the stores." I said, "yes and that is why I am against it."

That is same thing right here. Everybody admits that we have got a problem. Everybody is upset by the problems that it is creating but the thing that feeds that problem is alcohol. It is a drug, pure and simple.

I think that this is a good chance for us to stand up and face the situation.

Mr. President, when the vote is taken I ask for the Yeas and Nays.

THE PRESIDENT: The Senator from Sagadahoc, Senator Stover, moves the **Indefinite Postponement** of this Bill and all its accompanying papers.

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 Androscoggin, Senator Trafton.

Senator **TRAFTON:** Mr. President and Members of the Senate. I rise in support of the good Senator from Sagadahoc, Senator Stover's concern about alcohol and the abuse of alcohol in our society. I think that he is absolutely correct that alcohol is the source of many of our problems, social problems, and other problems that we see throughout the State of Maine.

I don't think that this is an expansion of the liquor business as he portrays it to be. This Bill, as I indicated in earlier debate this morning, simply carries on the interpretation of the ten mile radius bill, or ten mile radius law for agency stores has had since its original adoption in 1975.

To reiterate that point, when the ten mile requirement, which is a requirement that no agency store most be located within ten miles of a State liquor store, went into effect in 1975 the Bureau of the Liquor Commission interpreted that ten mile radius to mean ten miles by the most direct reasonable route.

Again, similar to the determination of mileage from your home to Augusta for mileage reimbursement purposes.

Recently, early in this year 1985, the Attorney General's Office gave an opinion to the Liquor Commission that this interpretation of that ten mile law was a determination of "as the crow flies"; that a ten mile radius should be drawn on a map and any store located within that ten mile circle was in fact prohibited by this law.

There are many stores in the State of Maine, agency stores which currently are located beyond this ten mile restriction that are in fact grandfathered by this particular interpretation the Liquor Commission has given over a period of time.

So that my concern is that we continue on with the status quo, we continue on with interpretation that this law has been given over the past ten years and that is what Section 1 of this particular bill does.

Section 2 is a minor step forward to address a problem that we all know exists in the State of Maine and that is that we have insufficient stores to sell liquor within the State of Maine for those people who come in for seasonal reasons, vacation reasons.

The town of Old Orchard Beach population increases twenty fold during the summer months. I echo the comments from the good Senator from York, Senator Danton, that Old Orchard Beach becomes the largest municipality in the State of Maine. The liquor stores which can serve that community during the rest of the year can't serve the increased population during the summer months.

The Joint Standing Committee on Legal Affairs in a heavily weighted majority report recommends the trial, and it is only a trial because the Bill has a sunset provision, that six agency stores be given license on a seasonal bases to address this large influx of people during the summer months.

I don't think that it is too much to ask the State of Maine to give this experiment an op-

portunity to prove itself.

This Bill does have a fiscal note on it. It would increase revenue to the general fund, because in fact what happens when visitors to the State can't buy liquor, especially in the Southern part of the State, they travel to New Hampshire and buy their liquor in New Hampshire, and the Bureau of Liquor Enforcement has indicated that they simply do not have the resources to enforce restrictions on importing liquor over the minimum amount of liquor from the State of New Hampshire and other states on our border.

So that I ask you to support this Bill, to oppose the motion for Indefinite Postponement, give this idea of the seasonal agency store license an opportunity to prove itself. I think that you will be pleasantly surprised that it works. If it doesn't work then it will simply be removed from our books automatically by the sunset provisions in the bill.

Please oppose the motion for Indefinite Postponement.

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

Senator **STOVER:** Thank you, Mr. President. I mentioned that this amendment does away with the ten mile radius altogether in regard to these six agency stores, they can put two on the same street if they want to, if it is left up to the Commission.

I remember when I was a young fellow the leading brand of cigarettes were Camels and one of their slogans was "I'd walk a mile for a Camel". I don't think that it would do any harm if they have to drive five miles for a fifth. I am sure that they would if they really want it.

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

Senator **BUSTIN:** Thank you, Mr. President and Ladies and Gentlemen of the Senate, I just want to give you back some of the arguments of the good Senator from Androscoggin, Senator Trafton.

He said that it would increase the influx of our population twenty fold in the Old Orchard Beach area, does that also increase the amount that we are going to have to spend picking up bodies off the road or getting them to hospitals or using our health and safety equipment because they are buying liquor late at night?

I mean consider that, it means it is going to put a drain on all of those resources that you don't need to put on.

We want them in here, they can buy their liquor at reasonable hours and times in reasonable places. If they want it they will get it and they will plan ahead but there is no need of having them out on the road to go get those at late hours.

He says that it is a trial period. Well, during that trial period you're going to have to pick up a lot of messes off the road while we are trying to find out if it is going to work or not. Believe me, it will work, there is no question about it.

The argument about the Liquor Commissioner liberally interpreting what the Legislature meant in 1975, that is nice, I am glad that he liberally interpreted that but it is not what the legislature meant. The Attorney General's Office asked him to cease and desist the practice. That doesn't mean that we should then go and make a law that makes him okay because of his liberal interpretation. The law was written a certain way, it should have been carried out that way and there is not a reason to change it now.

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

Senator **DANTON:** Mr. President, Members of the Senate, seeing as how one of my communities in my Senate District was brought into this debate I thought that I should get up and just give you an idea as to what usually happens.

Old Orchard Beach is located about an hour and fifteen/twenty minutes from Boston. Now, most people who come to Old Orchard Beach are working people. If they left work about five o'clock they would get to Old Orchard Beach about six-thirty. By the time they check into their units and refresh themselves, wash up and what-have-you, it is close to seven-thirty/eight o'clock. By the time they get to the State liquor store the State liquor store closes at eight. Does that prevent them from getting liquor? No it doesn't because they can get in their car go to Scarborough where there is an agency store or they can go to Saco to Shaw's Market where there is an agency store.

So to bring the good Senators comments into focus, Senator Bustin from Kennebec, if we don't want people on highways if we assume that everybody is going to go to an agency store or liquor store to buy a bottle of beer to get drunk and get killed, well, I think the thing that we should do here as State Senators, is to perhaps kill this Bill and introduce another bill to do away with liquor and beer and wine in total. Let's just do away with it.

Then, let's figure out a way how we can raise thirty-five million dollars in revenues and some of you can vote for an increase in the income tax or the sales tax. I, for one, realize that liquor does cause problems on our highways, but not to the extent that has been mentioned here this afternoon.

This Bill is a forward step, it is a good step, it is a seasonal store, they are on a trial basis. If it works and works well we should keep it, if it doesn't work when the next Legislature meets we can do away with it.

The Legislature has had a history of doing that. Let me just remind some of you of a great bill that was debated here at length for about three weeks whether we should have beer or not at the baseball park in Old Orchard Beach. You know, I heard all kinds of stories how people were going to go there and how they were going to get drunk and how they would be thrown out of the baseball park. My God, we haven't had one incident there. They went to the Legal Affairs Committee, the Legal Affairs Committee recommended that they continue to be licensed. We passed that bill and we've heard no more about it.

Let me bring out one more incident, credit cards. Why, I can remember reading day after day in the newspapers how credit cards were going to get people on the highways and how people were going to get drunk and get smashed up and killed and everything else. No such thing has happened. I haven't heard one incident, I haven't heard one person mention credit card. That was a big issue. The same applies to this issue. It is a convenience.

Liquor will not be denied to those people because you do away with this bill. They'll just have to get in their cars and do exactly what the good Senator from Kennebec, Senator Bustin, does not want them to do. Get in their cars and drive either to Scarborough or Saco. It will be available to those communities that need that assistance. Thank you very much, Mr. President.

THE PRESIDENT: The pending question is the motion of the Senator from Sagadahoc, Senator Stover, that this Bill and all its accompanying Papers be **Indefinitely Postponed**.

A Roll Call has been ordered.

Is the Senate ready for the question?

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

ROLL CALL

YEAS:—Senator, Brown, Bustin, Carpenter, Chalmers, Emerson, Maybury, McBreairty, Pearson, Shute, Stover, Webster

NAYS:—Senators, Andrews, Baldacci, Berube, Black, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Gill, Matthews, Najarian, Perkins, Trafton, Tuttle, Twitchell,

Usher, Violette, The President — Charles P. Pray

ABSENT: Senators, Hichens, Kany, Sewall
11 Senators having voted in the affirmative, and 21 Senators having voted in the negative, with 3 Senators being absent, the motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers **FAILED**.

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

Sent down for concurrence.

The President laid before the Senate:

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

Tabled — May 29, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, May 24, 1985, **READ A SECOND TIME**.)

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

Senator **DUTREMBLE:** Mr. President, I present Senate Amendment "C" to L.D. 1319 under filing number S-151 and move its Adoption.

THE PRESIDENT: The Senator from York, Senator Dutremble offers Senate Amendment "C" and moves its **Adoption**.

On motion by Senator **DUTREMBLE** of York, Senate Amendment "C" (S-151) **READ and ADOPTED**.

Which was **PASSED TO BE ENGROSSED as Amended**.

Sent down for concurrence.

(See Action Later Today.)

The President laid before the Senate:

Bill "An Act to Increase Consumers' Remedies under the Unfair Trade Practices Laws" (H.P. 715) (L.D. 1025 (C "A" H-167))

Tabled — May 29, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, May 28, 1985, **READ A SECOND TIME**.)

(In House, May 24, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-167).)

THE PRESIDENT: Is it now the pleasure of the Senate that this Bill be Passed to be Engrossed as Amended?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON:** Thank you, Mr. President. Mr. President, I would like to pose a question through the Chair to any Senator who may care to respond.

THE PRESIDENT: The Senator has the floor.

Senator **TRAFTON:** Thank you. Mr. President and Members of the Senate. It is my understanding that L.D. 1025 as amended is a fairly broad expansion of the Unfair Trade Practices Act as it currently exists in the State of Maine.

My question is, is this expansion of the Unfair Trade Practices Act necessary? Why is it necessary? My next question which I'll pose at the same time is that currently the Unfair Trade Practices Act allows recovery of attorney fees for those who are successful in having an Unfair Trade Practice Act violation decided or adjudged.

Even though an amendment has been placed on this Bill to limit the attorney's fees, as to the original Bill 1025, doesn't the fact that one can recover attorney's fees in all kinds of Unfair Trade Practices, PAC violations permit the recovery of attorney's fees in this new expanded version of the Unfair Trade Practices Act?

THE PRESIDENT: The Senator from Androscoggin, Senator Trafton has posed a series of questions through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN**: I will do my best to respond. If the good Senator from Androscoggin, Senator Trafton, will look at the Bill, what it does is merely takes out the words "including an injunction" and put in the words "including injunctions and orders to return, reform, refund, repair or rescind." What that does is allow the Unfair Trade Practice Law, the court to order those additional remedies under the law.

Right now all that they can get is a civil penalty and what this would allow is for those people who for instance have a car or who have purchased something and have used it and maybe added value to it or whatever else and all they can get right now is what the item costs them. They can't keep the item and have the company make good on what was wrong with it. So what this Bill does is allow them to do that.

From my notes from the Committee hearing I understand that, yes, they can get attorney's fees, the attorney's fees are still in there. That no one is really getting attorney's fees other than I think that there is one firm that gets attorney's fees on these actions.

I think that the good Senator from Androscoggin, Senator Trafton, can probably answer that better than I could.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton. Senator **TRAFTON**: Mr. President, I'm concerned that this —

(Due to a technical malfunction the Debate can not be transcribed. The following has been reconstructed from the Secretary's notes:)

Senator **TRAFTON**: I move the Indefinite Postponement of this Bill and all its accompanying Papers.

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

Senator **BUSTIN**: I request a Division on the pending question.

Senator **BUSTIN** spoke on the Record.

Senator **TRAFTON** spoke on the Record.

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

Senator **BUSTIN**: Lest the Body be led astray, I would refer you to Filing Number H-167 where it says, in fact "Further amend the Bill by striking out all of Section 2." Section 2 of the Bill is fees and costs and in that says: "... irrespective of the amount in controversy, be awarded reasonable attorney's fees and costs incurred in connection with the action." We're striking that out.

THE PRESIDENT: A Division has been requested.

The pending motion before the Senate is the Motion by the Senator from Androscoggin, Senator **TRAFTON**, that this Bill and all accompanying papers be **Indefinitely Postponed**.

Will all those Senators in favor of Indefinite Postponement, please rise in their places until counted.

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

16 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion to **INDEFINITELY POSTPONE** this Bill and all accompanying papers **PREVAILS IN NON-CONCURRENCE**.

Sent down for concurrence.

On motion by the Senator from York, Senator **DANTON**, the Senate voted to **RECONSIDER** its action of earlier in Today's Session whereby it **PASSED TO BE ENGROSSED AS AMENDED**:

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

On further motion by same Senator, Senate Amendment "B" (S-127) **READ**.

On motion by Senator **DUTREMBLE** of York, Tabled until later in today's Session pending **ADOPTION OF SENATE AMENDMENT "B"** (S-127).

The President laid before the Senate the following:

Bill "An Act to Provide Protections to Boxers" (S.P. 613) (L.D. 1606)

Tabled — May 29, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED** (In Senate May 28, 1985, **READ A SECOND TIME**.)

On motion by Senator **DIAMOND** of Cumberland, Senate Amendment "A" (S-158) **READ**

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

Senator **DIAMOND**: Thank you Mr. President and Members of the Senate. L.D. 1606 is a Bill to protect boxers and as it was going through yesterday I just happened to look at it and found that there is also an inclusion of Kick-Boxers. If you are a kick-boxer you are not a boxer.

One of the things that we did last year, I had a bill in at the request of some kick-boxing organizations to have some regulations applied to these people and I withdrew it after awhile because those very folks, those kick-boxing organizations, made the changes and cleaned their own house up, as it were and ended up with a pretty good organization.

The agreement was there would be no legislation put in because they have taken care of themselves. Then, this part appeared, of course, and it would appear that if this went on it would look like we kind of went back on our part of the bargain.

Let me tell you that kick-boxing is when two opponents face each other in the ring, it is a regular boxing ring, they have gloves on and many times they have foam over their feet, covering their feet, and they have to go a three minute round and at the same time they have to kick at least eight times or make eight attempts. The reason this becomes a problem with another whole group of people is that because that is very close to what is called "Kumite", which is sparring in every Karate school you see around this State, the difference between the two. Another problem, as I say, if this were passed without this amendment we would be not only regulating kick-boxing, which we kind of agreed indirectly not to do after they cleaned their place up, also, we'd be involving all of those karate schools around the State which do the very same kind of thing.

It is more or less if you have not been contacted by your local do-jo instructor you will be, I expect. So, I would ask that you would accept this amendment and keep this Bill as it was intended, and that is with the protection of boxers.

Thank you, Mr. President.

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

Senator **MATTHEWS**: Mr. President and Members of the Senate. I wish permission to pose a question through the Chair to the sponsor of the amendment.

THE PRESIDENT: The Senator may state his inquiry.

Senator **MATTHEWS**: Mr. President, I have been contacted by the, I guess, the president of the Maine Karate Association in the State of Maine and as I understand if they are opposed to this Bill and my question through the Chair is do these people in the association now support this Bill with this amendment?

THE PRESIDENT: The Senator from Kennebec, Senator Matthews, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from

Cumberland, Senator Diamond.

Senator **DIAMOND**: Mr. President, thank you very much, and Members of the Senate. The person that the good Senator from Kennebec, Senator Matthews, talked to was Dennis Tracy. He and I did a lot of this kind of thing back when I was young and able and he is very much opposed to L.D. 1606, he is very much in support of, as is his organization, of this amendment.

Senate Amendment "A" (S-158) **ADOPTED** Which was **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

The President laid before the Senate the following:

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)

Tabled — May 29, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate May 28, 1985, **READ A SECOND TIME**.)

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

Out of order and under suspension of the Rules:

ORDERS Joint Order

On motion by Senator **BROWN** of Washington, the following Joint Order: (S.P. 622)

Ordered, the House concurring, that the Joint Standing Committee on Education be directed to report out a bill to the Senate relating to the Administration of Vocational Education.

Which was **READ**

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

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

I would like to ask the good Senator from Washington, Senator Brown, precisely what the Bill is, which has to do with the administration of vocational education.

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN**: Thank you, Mr. President, Men and Women of the Senate. One issue that has been before the Legislature this year being dealt with in State Government, has been a bill to establish a separate department to deal with vocational education.

As you remember, back when that bill was originally referred to the Committee on State Government there was considerable concern on my part as to whether or not the policy issues should be dealt with by the Committee on Education or the Committee on State Government. It was decided that State Government would deal with the issue. Nevertheless, the Committee on Education has continued to monitor very closely the work that is being done by the Committee on State Government.

While the Committee on State Government will soon be reporting out a bill dealing with the administration of Vocational Technical Institutes, the Committee on Education also has a proposal to deal with that same subject but not creating a separate department to deal with it, keeping it all the same things they would like to do but keeping it within the Department of Education.

The Joint Order that is before you asks that

the Committee on Education report out such a bill so that you will have both of them to look at when you vote on the issue.

Thank you, Mr. President.

Which was **PASSED**.

Sent down for concurrence.

Under suspension of the Rules all matter previously acted upon were sent Forthwith.

ORDERS OF THE DAY

The Senate voted to remove from the Table:

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

Tabled earlier in Today's Session, on motion by Senator **DUTREMBLE** of York, pending the motion of Senator **DANTON** of York to **ADOPT SENATE AMENDMENT "B"** (S-127)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day pending the motion of Senator **DANTON** of York to **ADOPT SENATE AMENDMENT "B"** (S-127).

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

Senate At Ease

Senate called to Order by the President.

Off Record Remarks

Senate At Ease

Senate called to Order by the President

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

ADJOURNED until 9:00 a.m. tomorrow morning.