

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume II**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

**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  
Friday  
May 31, 1985  
Senate called to Order by the President.

Prayer by The Honorable Ronald E. Usher of Cumberland.

SENATOR USHER: Let us bow our heads. Father in Heaven. Help us to be the source of inspiration to our families, our friends and to each other. Let others see us, our attitude and demands and the warmth and concern of Your Son.

Let those around us be uplifted because we have passed this way. Help us to make a conscious effort to lift the burden of someone this day. Make us instruments of Your peace. Where there is strife, let us sow calmness.

In doing this day's debate, help us reach out to every citizen so that, truly, our government will represent all people. Amen.

Reading of the Journal of Yesterday.

#### PAPERS FROM THE HOUSE Non-concurrent Matter

Bill "An Act Establishing Educational Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty" (H.P. 478) (L.D. 681) (C "A" H-176)

In Senate, May 28, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176) AS AMENDED BY HOUSE AMENDMENT "A" (H-269)**, thereto in **NON-CONCURRENCE**.

The Senate **RECEDED and CONCURRED**.

#### Non-concurrent Matter

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

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

In Senate May 28, 1985, Bill and Accompanying papers **INDEFINITELY POSTPONED in NON-CONCURRENCE**.

Comes from the House that Body **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE in NON-CONCURRENCE**.

On motion of Senator **CARPENTER** of Aroostook, the Senate **INSISTED AND JOINED IN A COMMITTEE OF CONFERENCE**.

Senate at Ease

Senate called to Order by the President.

#### COMMITTEE REPORTS

##### House

##### Ought Not To Pass

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

Bill "An Act to Promote Occupational Health and Safety" (H.P. 926) (L.D. 1328)

##### Ought to Pass

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Protect Deer Yards in the Organized Townships" (H.P. 1081) (L.D. 1573)

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

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

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

The Bill **READ ONCE**.

The Bill **ASSIGNED FOR SECOND**

#### READING THE NEXT LEGISLATIVE DAY.

##### Ought to Pass As Amended

The Committee on **HUMAN RESOURCES** on Bill "An Act to Adjust the Statutory Ceiling for the Certificate of Need Development Account" (H.P. 1028) (L.D. 1480)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-267)**.

Comes from the House, with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-267)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-267) **READ and ADOPTED**, in concurrence.

The Bill as **Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

**THE PRESIDENT:** In reference to the action of the Senate on May 31, 1985, whereby it Insisted and Joined in a Committee of Conference on Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax" (H.P. 764) (L.D. 1084)

The Chair will appoint as Conferees on the Part of the Senate:

Senator **TWITCHELL** of Oxford  
Senator **DIAMOND** of Cumberland  
Senator **EMERSON** of Penobscot

##### Divided Report

The Majority of the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Appropriate Funds for the Wildlife Management Institute to Conduct a Study of the Department of Inland Fisheries and Wildlife" (H.P. 457) (L.D. 658)

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

Signed:

Sensors:

**USHER** of Cumberland  
**MATTHEWS** of Kennebec  
**WEBSTER** of Franklin

Representatives:

**JACQUES** of Waterville  
**SMITH** of Island Falls  
**DUFFY** of Bangor  
**ROTONDI** of Athens  
**WEYMOUTH** of West Gardiner

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-223)**.

Representatives:

**GREENLAW** of Standish  
**WALKER** of Norway  
**CLARK** of Millinocket  
**CONNERS** of Franklin  
**ERWIN** of Rumford

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

Which Reports were **READ**.

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

##### Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Concerning Inspection of Safety Seat Belts" (H.P. 432) (L.D. 612)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-265)**.

Signed:

Sensors:

**ERWIN** of Oxford  
**DANTON** of York

Representatives:

**THERIAULT** of Fort Kent  
**MACOMBER** of South Portland  
**McPHERSON** of Eliot

**CAHILL** of Woolwich  
**MILLS** of Bethel  
**CALLAHAN** of Mechanic Falls  
**POULIOT** of Lewiston

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

Signed:

Senator:

**SHUTE** of Waldo

Representatives:

**MOHOLLAND** of Princeton  
**SOUCY** of Kittery  
**STROUT** of Corinth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)** Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)**.

Which Reports were **READ**.

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

Committee Amendment "A" (H-265) was **READ and ADOPTED**, in concurrence.

The Bill as **Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

##### Divided Report

The Majority of the Committee on **STATE GOVERNMENT** on Resolve, to Establish a Study Commission on Government Competition with Private Enterprise (H.P. 996) (L.D. 1433)

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

Signed:

Sensors:

**KANY** of Kennebec  
**ANDREWS** of Cumberland  
**HICHENS** of York

Representatives:

**NADEAU** of Saco  
**LaCROIX** of Oakland  
**BOUTILIER** of Lewiston  
**COTE** of Auburn  
**GWADOSKY** of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-220)**.

Signed:

Representatives:

**WENTWORTH** of Wells  
**HICHBORN** of LaGrange  
**SPROUL** of Augusta  
**DILLENBACK** of Cumberland  
**DESCOTEAUX** of Biddeford

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.  
(See Action Later Today)

##### 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 Make Liability Auto Insurance Mandatory" (S.P. 457) (L.D. 1260)

##### Ought to Pass As Amended

Senator **KANY** for the Committee on **STATE GOVERNMENT** on Bill "An Act to Establish the State Employee Assistance Program" (S.P. 501) (L.D. 1362)

Reported the same **Ought to Pass as Amended by Committee Amendment "A" (S-173)**

Which Report was **READ and ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-173) **READ and ADOPTED**.

The Bill as Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY.

#### Divided Report

The Majority of the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486)

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

Signed:

Senator:

MAYBURY of Penobscot

Representatives:

McSWEENEY of  
Old Orchard Beach  
RICHARD of Madison  
JALBERT of Lewiston  
FARNUM of South Berwick  
HICKEY of Augusta  
DELLERT of Gardiner  
HARPER of Lincoln  
STEVENS of Sabattus  
PERRY of Mexico  
STEVENSON of Unity

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

Signed:

Sensors:

CLARK of Cumberland  
GAUVREAU of Androscoggin

Which Reports were **READ**.

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

The Bill **READ ONCE**.

The Bill **ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

#### Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings" (S.P. 568) (L.D. 1496)

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

Signed:

Sensors:

USHER of Cumberland  
EMERSON of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "B" (S-175).

Signed:

Senator:

KANY of Kennebec

Representatives:

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

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-175) **READ** and **ADOPTED**.

The Bill as Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY.

#### Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings" (S.P. 218) (L.D. 577)

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

Signed:

Sensors:

CHALMERS of Knox  
CARPENTER of Aroostook  
SEWALL of Lincoln

Representatives:

ALLEN of Washington  
DRINKWATER of Belfast  
COOPER of Windham  
PRIEST of Brunswick  
LEBOWITZ of Bangor  
PARADIS of Augusta

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

Signed:

Representatives:

MacBRIDE of Presque Isle  
STETSON of Damariscotta  
CARRIER of Westbrook  
KANE of South Portland

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-176) **READ** and **ADOPTED**.

The Bill as Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY.

#### SECOND READERS

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

##### House

Bill "An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers" (H.P. 1120) (L.D. 1616)

Which was **READ A SECOND TIME**.

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

##### Senate As Amended

Bill "An Act to Help Improve the Quality of Child Care in Maine" (S.P. 516) (L.D. 1390) (C "A" S-170)

Resolve, Creating a Commission to Study Nursing Home Cost Containment in the State (S.P. 528) (L.D. 1423) (C "A" S-169)

Bill "An Act Relating to Source of Supply of the Camden and Rockland Water Company" (S.P. 87) (L.D. 268) (C "A" S-167)

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 558) (L.D. 1487) (C "A" S-166)

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

Sent down for concurrence.

Bill "An Act Relating to Night Court Sessions for Small Claims Court" (S.P. 324) (L.D. 813) (C "A" S-163)

Which was **READ A SECOND TIME**.

**THE PRESIDENT** The Chair recognizes the Senator from Androscoggin, Senator Trafton, in reference to L.D. 813.

Senator **TRAFTON**: Mr. President, I pose a Parliamentary inquiry to the Chair.

**THE PRESIDENT**: The Senator may state his inquiry.

Senator **TRAFTON**: I ask, Mr. President, whether the Committee Amendment "A", with a filing number of S-163, meets the requirement of Joint Rule 21, in that it fails to clearly state what the fiscal impact of this Bill is.

**THE PRESIDENT**: The Senator from Aroostook, Senator Trafton, has posed an inquiry through the Chair. The Chair will be At Ease.

Senate at Ease

Senate called to Order by the President.

**THE PRESIDENT**: In response to the inquiry by the Senator from Androscoggin, Senator Trafton, the Chair would answer in the affirmative. A fiscal note having been prepared by the Legislative Finance Office, which under the Joint Rules, have charged.

The fiscal impact of this Bill will effect the municipal county level only.

The Chair recognizes the same Senator.

Senator **TRAFTON**: Mr. President. I move the Indefinite Postponement of L.D. 813 and all its accompanying papers. I would like to speak to my motion.

**THE PRESIDENT**: The Senator has the floor.

Senator **TRAFTON**: Mr. President, I think it is clear from Committee Amendment "A" with a filing number of S-163 that the experiment of night courts for small claims in the State of Maine has failed.

There has been little use of the night courts throughout the State of Maine. It has cost the judicial system, for whom we approved an additional appropriation yesterday, considerable dollars in having employees stay after hours, being paid extra time for that night's service, especially in the smaller courts throughout the State, due to the fact that there usually is only one clerk servicing that court, so the clerk must work all day and also work at night.

The experiment has been in existence for a period of two years. The Statement of Fact included in the Amendment, Committee Amendment "A," clearly indicated that the public has made little use, if any, throughout the State and I suggest that it is inappropriate to extend this experiment any further. Therefore, I suggest we allow the Sunset provision on the law that currently exists to toll this statute and have it eliminated from our books and I ask you to support the motion for Indefinite Postponement.

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER**: Mr. President, first, I would like to ask for a Division on the pending motion.

Secondly, perhaps as importantly, when the Bill first came before the Legislature, I think it was two years ago, my feeling was certainly less than enthusiastic about it and certainly has waned since then. However, when the Bill came before the Committee we saw the statistics of where the Saturday small claims action was being used and really, it was only being used, and you could almost say at all, in one area and that was the Bangor area. I found that really fascinating, really interesting. But then the court came in and acknowledged that that really was the only court that had really taken any pains whatsoever to advertize this fact. And the court itself testified, the court administrative office, testified that probably not all that could have been done was done in terms of promoting this and advertising it and letting the public know about it. And, again, the court said that they would certainly like to, if you will, rectify that oversight on their part and continue the experiment for a year.

Again, we're just continuing it for a year, moving it to November of '86 so that if this bill goes through it will not require a two-thirds of the Legislature to continue the thing in effect.

I think that the small claims in the evening and on Saturdays does have validity, but you have to make sure the people who need to use the court know about this service. This is a service extended to businesses primarily, small businesses and small individuals or individuals with small claims or small amounts of money, so they don't have to take time off from work, if they are a business they don't have to interrupt their business. It has not been used very much. The statistics certainly are not there on

the surface to justify its continuation.

However, when the Body charged with doing the function admits to us in the Committee that they have not done, by any means, all they could have done to promote the use of the evening or Saturday, I think that says something about the system and I think we should allow the courts the additional year to let the people know that this service exists and also to allow this to continue to function for one more year. Thank you.

**THE PRESIDENT:** The pending question is the motion of the Senator from Androscoggin, Senator **Trafton**, to **Indefinitely Postpone** Bill and all accompanying papers. A Division has been requested.

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

Senator **TRAFTON:** Thank you, Mr. President. I'm glad to hear the Chair of the Joint Standing Committee on Judiciary confirm my understanding that night courts and weekend courts have been little used in the State of Maine.

I suggest that it is inappropriate for our Judiciary to be out advertising their services in the State of Maine. I suggest that's the poor use of scarce resources. Every year that I've served in this Chamber, the Judiciary has had to come back to the Legislature for additional appropriations to cover their costs. There is no question that the courts are over-burdened as they now are. Why are we putting this additional burden for them to go out into the market place and advertise additional services at additional costs and further use of their time that could be spent addressing the backlogs of that currently exist in court.

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

Senator **KANY:** Mr. President, May I ask you to have the Committee Report read, please?

**THE PRESIDENT:** The Senator from Kennebec, Senator **Kany** requests the Secretary read the Committee Reports.

Which Report was **READ**.

**THE PRESIDENT:** The Chair recognizes the same Senator.

Senator **KANY:** Mr. President and Senators, I urge you to go along with the Committee and to pass this Bill.

I do think it is a very good pilot project and as the Committee has stated, it hopes that the pilot project could continue, at least until November 1st of 1986, and it is a worthy project. It is very worthy in that it is an attempt to let the people's court, which is the small claims court, be available to the people at their convenience, and I certainly hope that this Senate would go on Record as favoring a little convenience to the public. It is the people's government and the people's court and certainly we should not hold ours for our government just at it's convenience. I urge you to allow this Bill to become law.

As far as the advertising, it is very interesting to note the court's report in that the extent of the advertising had been one or two single little newspaper articles and that only occurred in a few of the district court's areas. Really, no attempt was made to any great extent in almost all of the district court areas to let the people know, even through the news release, that indeed a court would be available for one hour a month outside of the normal nine to five hours, and I must say that those particular hours that were chosen were generally not one of great inconvenience to the District Court at all, but really an early evening hour such as 6:30 to 7:30 or something like that, just once a month.

It was interesting to note who used the small claims court. It was used during those hours just as much by individuals as it was for small businesses, and, I'd like to suggest, we hear a lot about small business and trying to help small businesses, and often that small business is a single person and certainly it would be

more convenient for that single person's small business owner, perhaps, to go before a Small Claims Court in an hour other than normal nine to five.

I urge you to continue to allow this Bill to go onward toward enactment.

#### Off Record Remarks

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

Senator **CHALMERS:** Thank you, Mr. President. I would rise to echo the words of the Chairman of the Judiciary and good Senator from Kennebec.

To extend this a year would allow the District Courts that have now seen clearly that night court does work. To allow another year for them to actively encourage the use of night court.

I can tell you that in many years that use of night court is not encouraged. Now that it has been proven that it is successful, now I think that we have the word of the Judicial Department that they are now going to encourage the use of night court, now, I think you are going to find the statistics next year are going to be much better.

This is one hour down in the County of Knox, Judge Pease holds night court from 6:00 to 7:00 on one Wednesday a month. Surely, that is not too much to ask of him, but it is a great service to have for the rest of the people.

I would urge you to allow this to continue for at least one year.

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

Senator **SEWALL:** Thank you, Mr. President and Members of the Senate. I was a signer of the Ought Not To Pass Report on this.

We've had this Bill before us for years and years and it was turned and the sponsor was very diligent and it passed. It was supposed to cause such an amazing amount of volume because people just couldn't get to court in the daytime, but, of course, when the sunset went off the Bill, why, there would be no question that we'd continue it. That has not happened. And remember, when you have the judge in the courtroom for just one hour one day a week, you have to have all the support staff behind him or her when that happens, it isn't alone.

Speaking for small business and speaking as small business woman myself, generally speaking, if I were going to Small Claims Court I would like to do it during my business hours anyway, and businesses have not, or did not, come before the Committee begging to have this bill continued or expanded, as we'd heard it would happen. Really, it is an expense to those taxpayers, many of them individuals and many of them small business people.

So, I would urge you to vote with the good Senator from Androscoggin, Senator **Trafton**.

**THE PRESIDENT:** The pending question is the motion of the Senator from Androscoggin, Senator **Trafton**, that this Bill and all accompanying papers be **Indefinitely Postponed**.

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

Senator **KANY:** Mr. President and Senators, I just want to make it clear that we are not talking about once a week in the district court, one hour, we are only talking about once a month, one hour. I don't believe that is unreasonable at all.

Furthermore, very few people are even aware of the existence of that alternative and particularly defendants. Perhaps defendants might want to request in the future to have their particular case heard in the evening hours.

The District Court itself can alter its hours and have one hour less earlier on in the day if it wishes, and, there is no fiscal cost to the State. So, I urge you to support this pilot project which certainly is a people's bill.

**THE PRESIDENT:** The Chair recognizes the

Senator from York, Senator **Danton**.

Senator **DANTON:** Mr. President and Members of the Senate, I can appreciate the good Senator from Kennebec, Senator **Kany**. A few years ago she did attempt to do something for the people. It is obvious that the people just do not want to use this service that we made available to them.

Now, when we talk about one hour a month at night, it really doesn't sound like much but let's talk about the month of December, January, February, March, when it is cold weather and we have to heat those buildings. Then, the judge has to go there and if it's a snowy night they are going to cancel that night anyway.

I can understand the court administrator appearing before the Judiciary Committee admitting they perhaps didn't do enough. Now they say they are going to do more. What are they going to do? Get on TV and advertise — "Come to night court — reduced rates!" Come on!! This is just a good attempt that failed and we should do away with it now and save the State some money.

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

Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate. Just to respond to the remarks of my friend from York, Senator **Danton**, I'm not sure at all that the experiment failed. And, I would point out to you that the one area of the State where it was admitted that the use of this service was promoted was the Bangor area. There was a good turnout of Bangor people who apparently, we didn't question them but apparently, needed the evening time or preferred the evening time so as not to take away from the rest of their lives.

That was the one statistic that turned my vote around because I even told the Senator from Kennebec, Senator **Kany**, before the hearing that I didn't believe that I could support it. I had supported it reluctantly in the past. Then, when I saw that one area where the people did turn out and did make use of the service and heard the court tell us that they had not encouraged it. In fact, there were other indications in some areas that they are actively discouraging it.

To respond to the Senator from York, Senator **Danton**, I don't think that they are going to go on television and advertise but there are bulletin boards in the court houses for people when they go to pick up the forms for small claims. If the clerks were to tell the people when they picked up the small claims forms that there was an evening court available, that might go a long ways toward promoting the use of this court.

Believe me, if I happen to be here in 1986 and this experiment has not proven successful then I will be the first to stand and call for it's defeat. I don't think the experiment is finished by any means.

All we are asking is that the experiment be allowed to continue for another year. Thank you.

**THE PRESIDENT:** A Division has been requested.

Will all those Senators in favor of the motion of the Senator from Androscoggin, Senator **Trafton**, to **Indefinitely Postpone** Bill and all accompanying papers, please rise in their places until counted.

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

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion to **INDEFINITELY POSTPONE** L.D. 813 and all accompanying papers **FAILS**.

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

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate voted to consider the

following:

**ORDERS  
Joint Order**

On motion by Senator **VIOLETTE** of Aroostook, the following Joint Order: (S.P. 625) ORDERED, the House concurring, that (H.P. 785, L.D. 1118), Bill, "An Act Providing for the 1985 Amendments to the Finance Authority of Maine Act" be recalled from engrossing to the Senate.

Which was **READ** and **PASSED**.  
Sent down forthwith for concurrence.

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

Senator **BROWN:** Mr. President, is this Body still in possession of L.D. 1496?

**THE PRESIDENT:** The Chair would answer in the negative, the Bill having been assigned to Second Reading.

Senator **BROWN:** Would it be in order, Mr. President, for Reconsideration whereby we accepted one report?

**THE PRESIDENT:** The Chair would inform the Senator that the Bill is not before the Body, having been assigned to Second Reading for the next Legislative Day.

Senator **BROWN:** Thank you, Mr. President.

**ORDERS OF THE DAY**

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

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

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

Pending — **PASSAGE TO BE ENGROSSED**, without reference to a Committee

(In Senate May 29, 1985, **READ A SECOND TIME**, without reference to a Committee in **NON-CONCURRENCE**.)

(In House May 24, 1985, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.)

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

Senator **PEARSON:** Mr. President, in as much as we have a number of bonds on the Appropriations Table, and, in as much as we have one that is almost identical to this, except for this being an added measure on Main Street projects, we have not yet been able to deal with our bonds as a package.

I would ask if the good Senator from Kennebec, Senator Dow, would table this for 2 Legislative Days.

On motion by Senator **DOW** of Kennebec, Tabled 2 Legislative Days, pending **PASSAGE TO BE ENGROSSED**

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

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

Tabled — May 30, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **ENACTMENT**

(In Senate May 28, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)** in concurrence.)

(In House May 29, 1985, **PASSED TO BE ENACTED**.)

On motion by Senator **TWITCHELL** of Oxford, the Senate **VOTED** to **SUSPEND THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion of same Senator the Senate **SUSPENDED THE RULES**.

On motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A"

(H-147).

On further motion by same Senator, Senate Amendment "A" (S-172) to Committee Amendment "A" (H-147) **READ** and **ADOPTED**.

Committee Amendment "A" (H-147) as Amended by Senate Amendment "A" (S-172) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate At Ease

Senate called to Order by the President  
Off Record Remarks

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

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

Tabled — May 30, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED**.

(In Senate May 29, 1985, the Minority **UGHT TO PASS IN NEW DRAFT** under same title Report **READ** and **ACCEPTED** in **NON-CONCURRENCE** and the New Draft **READ A SECOND TIME**.)

(In House May 28, 1985, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

Bill "An Act to Require Recognition of Nursing Licenses Granted in other Jurisdictions" (H.P. 1003) (L.D. 1445) (C "A" H-227)

Tabled — May 30, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — Motion of Senator **BUSTIN** of Kennebec to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED**.

(In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**, in concurrence.)

(In House May 29, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**.)

On motion by Senator **BUSTIN** of Kennebec, the Senate voted to **RECONSIDER** its action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-227).

On further motion by same Senator, Senate Amendment "A" (S-177) to Committee Amendment "A" (H-227) **READ** and **ADOPTED**.

Committee Amendment "A" (H-227) as Amendment by Senate Amendment "A" (S-177) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**.

Sent down for concurrence.

**THE PRESIDENT:** In reference to the action of the Senate on May 31, 1985, whereby it insisted and Asked for a Committee of Conference on Bill, "An Act to Reduce the Hours Required for Masters and Journeymen Electricians." (H.P. 419) (L.D. 599)

The Chair will appoint as Conferees on the part of the Senate:

Senator **BUSTIN** of Kennebec

Senator **DANTON** of York

Senator **SEWALL** of Lincoln

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

An Act to Restrict certain Agencies with Respect to Purchases of Real Property (H.P. 630) (L.D. 774) (S "A" S-125)

Tabled — May 30, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **ENACTMENT**.

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

(In Senate May 28, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-125)**.)

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

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

**SENATE REPORT** — from the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System Laws" (S.P. 471) (L.D. 1274)

Report — **Ought to Pass as Amended by Committee Amendment "A" (S-164)**

Tabled — May 30, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **ACCEPTANCE** of Committee Report

(In Senate May 30, 1985, Report **READ**.)

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-164) **READ** and **ADOPTED**.

The Bill as **Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

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

Bill "An Act to Restructure the Duties and Funding of the Maine Land Use Regulation Commission" (S.P. 606) (L.D. 1600)

Tabled — May 30, 1985 by Senator **VIOLETTE** of Aroostook.

Pending — **FURTHER CONSIDERATION**.

(In Senate May 28, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-136)**.)

(In House May 30, 1985, **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.)

On motion by Senator **McBREAIRTY** of Aroostook, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, Senate Amendment "B" (S-180) **READ**.

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

Senator **DIAMOND:** Mr. President and Members of the Senate. A request through the Chair that the Senator may explain what the amendment is and doing.

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

Senator **McBREAIRTY:** Mr. President and Members of the Senate. My intent is that when this Senate Amendment "B" is adopted to indefinitely Postpone Senate Amendment "A".

The Bill presently, L.D. 1600, allows that one member of the Land Use Regulation Commission shall be a resident of the LURC's whole jurisdiction. Senate Amendment "A" would have required that one member come from the towns and plantations, 45 towns and plantations, under LURC's jurisdiction. To this date, they have never had a representative on the LURC Commission.

Senate Amendment "A" also required that if the Land Use Regulation Commission did shore land zoning more stringent than required of other towns that the town who was being zoned would have to approve it. Senate Amendment "B" eliminates that requirement that town have to approve, and only requires one member of the Land Use Regulation Commission come from the 45 towns, the area of the 45 towns, that come under the LURC jurisdiction.

The problem, as I understand it in the other Body, seemed to be with the provision that towns would have veto power over LURC's zon-

ing, and hopefully, with this amendment that concern will be eliminated.

Senate Amendment "B" (S-180) **ADOPTED.**

On further motion by same Senator the Senate **RECEDED** from **ADOPTION** on Senate Amendment "A" (S-136).

On further motion by same Senator Senate Amendment "A" (S-136) **INDEFINITELY POSTPONED.**

Which was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE.**

Sent down for concurrence.

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

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) Tabled — May 30, 1985, by Senator **PEARSON** of Penobscot.

Pending — **ENACTMENT.**

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

(In Senate, May 29, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-203) AS AMENDED BY HOUSE AMENDMENT "A" (H-211)**, thereto in concurrence.)

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

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

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

Tabled — May 30, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — Motion of Senator **DIAMOND** to **RECONSIDER FAILING TO RECEDE AND CONCUR** (Roll Call Ordered)

(In House May 28, 1985, 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).**)

(In Senate May 29, 1985, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**)

(In House May 29, 1985, that Body **INSISTED.**)

(In Senate May 30, 1985, **FAILED TO RECEDE AND CONCUR.**)

**THE PRESIDENT:** A Roll Call has been ordered.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Mr. President and Members of the Senate. I just wanted to re-illustrate what this bill is and what we are trying to do with it.

It is a Bill that I cosponsored. It is basically allowing the towns and localities to set their own interest rate for delinquent taxes and currently it is being set by whatever the bank rate might be on the first calendar day of the year, and that is really not an appropriate way to do it.

Also, to answer the questions of those people who are indeed using our taxpayer dollars to invest that money at the expense of those people who are the every-day-folks who are paying their taxes every year, and also, it is not an attempt to ignore or forget about our poor because, as I said yesterday, all of us in here are concerned about those folks. In fact, we have an abatement procedure which is proven to be quite effective.

Again, I think this is a local control issue, it is a middle income, every day, good tax paying person issue and I would ask that you allow us to Recede and Concur. Thank you very much.

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

Senator **CLARK** of Cumberland who would have voted Yea requested and received permission to pair her vote with Senator **NAJARIAN** of Cumberland who would have voted Nay.

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

Senator **BALDACCI:** I would hope that in Reconsideration that the Senate would not go along with Reconsideration.

We have dealt with this issue many times in different fashions and I think that, you know, I get very frustrated when we deal with an issue so many different times and it still comes back. It has more lives sometimes than a cat.

I think the important thing to remember is that when we are using the credit card fee of eighteen percent rather than the maximum that's charged for a conventional unsecured loan, which is fifteen percent, I think we are missing an opportunity here to really understand why we have had a problem in this area in the municipalities.

For many years what was going on was that the municipalities were charging four and five percent interest on delinquent taxes. Smart entrepreneurs who play games with the market and also try to gain as much interest as possible thought it was much better to leave their money there that they owed the cities rather than get a loan from the bank. Because, in the cities, when you are delinquent on your taxes, a lien process starts which other types of businesses don't have. It takes three and one half years for that lien process to go through and a lot of people who are really smart in business go right to the last day of the last month of that last hour before they pay that because of the advantages. That is what was going on.

A lot of those taxpayers who were paying their taxes on time were being penalized by those that were waiting and using the system for their own advantages financially. But, that was addressed. The State now has fifteen percent, it's an average of the unsecured conventional loans, it's the maximum that they can charge.

As it was pointed out by the good Senator from Penobscot, Senator Pearson, some towns in his district don't charge that. It's up to them but they can't go beyond that ceiling. That is local control and taking into consideration the interest rates that are being charged.

I would hope that we would vote against Reconsideration.

**THE PRESIDENT:** The pending question is the motion of the Senator from Cumberland, Senator **DIAMOND** to **RECONSIDER** whereby the Senate **FAILED** to **RECEDE** and **CONCUR.**

A Yes vote will be in favor of the motion to Reconsider.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

**YEAS:**—Senators, Andrews, Carpenter, Chalmers, Diamond, Dow, Erwin, Gauvreau, Kany, Matthews, Maybury, Pearson, Trafton, Violette, Webster

**NAYS:** Senators, Baldacci, Berube, Black, Brown, Bustin, Danton, Dutremble, Emerson, Gill, McBreairty, Perkins, Sewall, Stover, Tuttle, Twitchell, Usher, The President — Charles P. Pray

**ABSENT:**—Senators, Hichens, Shute

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators Pairing their votes and 2 Senators being absent, the motion to **RECONSIDER FAILING TO RECEDE** and **CONCUR FAILS.**

The Senate voted to **ADHERE** in **NON-CONCURRENCE.**

Sent down for concurrence.

Senator **SEWALL** of Lincoln, moved that the Senate **RECONSIDER** its action whereby it

**ACCEPTED** the Majority **OUGHT NOT TO PASS** Report from the Committee on **STATE GOVERNMENT** on:

Resolve, to Establish a Study Commission on Government Competition with Private Enterprise (H.P. 996) (L.D. 1433)

Majority Report — **Ought Not to Pass**

Minority Report — **Ought to Pass as Amended by Committee Amendment "A" (H-220)** (In Senate May 31, 1985, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.)

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

Senator **KANY:** Mr. President and Senators, I request a Division and ask to speak to the motion.

**THE PRESIDENT:** The Chair would advise the Senator that a Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Mr. President and Senators. I urge you to vote against the pending motion and I would like to share the Committee's thinking with you.

Some forty-one commissions were suggested to this session of the Legislature, many of them came to the State Government Committee, and the majority of us on the Committee, including all three Senators, decided that this was not an appropriate expenditure of \$6,000 to have this particular commission.

I would like to point out that the Governor now has the Business Advisory Council and there is a separate Governor's Task Force, chaired by Commissioner Harvey DeVane, to deal with such efficiencies in government. We have a high quality of work generally done by the State employees and I wonder, and if there are any incidents in which people believe that our State employees do not perform satisfactorily, then I would hope that they would report them, and, that we could indeed improve our efficiency of our work force, if that is necessary.

I do consider this in a way to be a little slap in the face of our State employees and I urge you to vote against the pending motion. The State Government Committee did recommend a bill, which we call a die-cap, which really requires bookkeeping for indirect and direct costs within the Department of Transportation and has urged other improvements.

I think that we could better use our \$6000 for other purposes and I would like to point out that, indeed, we do have bidding for contracts for just about everything now, so the private sector is, indeed, involved and there are many suggestions all the time from many sources on getting the private sector more involved in the delivery of our State services.

Of course, Governor Brennan has a major proposal which the Legislature has so far rejected and that is to get the State Government out of the liquor business. So, there are all kinds of proposals and I urge you to vote against the pending motion.

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

Senator **SEWALL:** Thank you, Mr. President and Members of the Senate. I would, first, like to address the \$6000.

We have already voted to a number of studies we thought were worthwhile, one of them having to do with the lobster business which is some \$30,000 or \$40,000 to study that while the Department of Marine Resources and various other commissions have been studying those things for untold years and sending in

reports which pile up upon our desks.

I am not even saying that particularly the Appropriations Committee would consider this a priority because, after all, they are the ones who decide to fund these things and the committees don't. But, on the other hand, there is a perception and a feeling and that is why this bill was in, that perhaps there might be methods, well, we had the Grace Commission in Washington and we had other things where the State might be better off to subcontract with our small business people in private business to do some of the work for which we now employ people on the State payroll.

It is merely to look into that sort of thing and I would think that we would let this go and show small business that we are interested in looking at this possibility, that perhaps, the largest employer in the State of Maine might be able to subcontract with a few smaller concerns to do some of the work which is not continuous and not completely on-going. Thank you.

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

Senator **KANY:** Mr. President and Senators, I mentioned earlier that the Governor does have a Business Advisory Council and that Commissioner DeVane does chair a task force to look at the efficiency in government.

I would also point out to you that those two groups could be doing this at no cost.

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending the motion of the Senator from Lincoln, Senator **SEWALL** to **RECONSIDER ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

#### HELD BILL

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

Senator **BROWN:** Mr. President. Is the Senate in possession of (L.D. 1432)

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

Bill, "An Act Concerning Notice of Legal Obligations of Marriage on a Marriage Certificate" (H.P. 995) (L.D. 1432) (C "A" H-195) (In Senate May 30, 1985, **PASSED TO BE ENACTED**, in concurrence.)

Senator **BROWN** of Washington moved the Senate **RECONSIDER** its action whereby it was **PASSED TO BE ENACTED**.

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

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

**THE PRESIDENT:** The Senator from Androscoggin, Senator Trafton, has requested a Division.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN:** Thank you, Mr. President. I would like to pose a question if I may concerning this bill.

Recently, several people have been in contact with me and asked that this issue be explained to them as to what the purpose of this particular bill was. I would like to pose a question to anyone who would care to answer in this Chamber.

What effect would this particular bill have upon the widows with minor children? What effect would it have upon handicapped people? What effect would it have even on the marriage between people with assets and those without assets?

**THE PRESIDENT:** The Senator from Washington, Senator Brown, has posed a series of questions through the Chair to any Senator who may respond if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON:** Thank you, Mr. President. Mr. President and Members of the Senate. The answer to all three of the Senator from

Washington, Senator Brown's questions is none whatsoever.

This particular Bill does not effect the substantive obligations that either a man or a woman has to support his wife or children. All this Bill does, as amended, is requires the inclusion of the following phrase on a marriage certificate: "The laws of Maine provide that both men and women have obligations (obligations, undefined, unchanged) to support their children and spouses."

Now, if you are curious as to what those obligations are under our laws, you would look at Title XIX, Sections 442 and 443, and those obligations for a man and a woman are defined. This Bill only indicates that there are certain obligations that do exist when marriage is entered into. These obligations are not changed by this Bill.

Due to a technical malfunction remainder of Senator Trafton's remarks can not be transcribed.

Due to a technical malfunction the following Senator's remarks can not be transcribed:

Senator Pearson of Penobscot  
Senator Trafton of Androscoggin  
Senator Pearson of Penobscot  
Senator Bustin of Kennebec  
Senator Trafton of Androscoggin  
Senator Pearson of Penobscot  
Senator Carpenter of Aroostook  
Senator Brown of Washington

**THE PRESIDENT:** A Division has been requested. The pending question is the motion of the Senator from Washington Senator **BROWN** to **RECONSIDER ENACTMENT**.

Will all those Senators in favor of **RECONSIDERATION**, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion of the Senator from Washington, Senator **BROWN** to **RECONSIDER ENACTMENT, PREVAILS**.

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

Senator **BROWN** Mr. President, I move the Indefinite Postponement of this Bill and all accompanying papers.

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

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

Due to a technical malfunction the remarks of the following Senators can not be transcribed:

Senator Matthews of Kennebec  
Senator Chalmers of Knox  
Senator McBreairey of Aroostook  
Senator Violette of Aroostook

**THE PRESIDENT:** A Division has been requested. The pending question is the motion of the Senator **BROWN** of Washington that this Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Will all those Senators in favor of Indefinite Postponement please rise in their places and remain standing until counted.

Will all those opposed, please rise in their places and remain standing until counted.

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion of the Senator from Washington, Senator **BROWN** to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **PREVAILS** in **NON-CONCURRENCE**.  
Sent down for concurrence.

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 30, 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 **GAUVREAU** of Androscoggin, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

#### HELD ITEM

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

Senator **GAUVREAU:** Thank you Mr. President. Is the Senate in possession of L.D. 944?

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

Bill "An Act to Provide that Cost-of-Living Plans for Retired Persons under the Maine State Retirement System shall Apply to All Participating Local Districts that do not Provide Social Security Benefits for Employees" (H.P. 661) (L.D. 944) (C "A" H-89; S "A" S-68; S "B" S-168)

(In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-89) AND **SENATE AMENDMENTS "A"** (S-68) AND **"B"** (S-168) in **NON-CONCURRENCE**.)

(In House May 6, 1985, **PASSED TO BE ENACTED**.)

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **SUSPEND THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "A" (S-68).

On further motion of same Senator, Senate Amendment "A" (S-68) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion of same Senator the Senate **SUSPENDED THE RULES**.

On further motion of same Senator the Senate **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-89).

On further motion of same Senator Committee Amendment "A" (H-89) was **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

#### COMMITTEE REPORTS

##### Senate

##### Leave to Withdraw

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

Bill "An Act to Prohibit Probate Judges from the Active Practice of Law" (S.P. 76) (L.D. 172)

##### Divided Report

The Majority of the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 335) (L.D. 898)

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

Signed:

Senators:

**MATTHEWS** of Kennebec

**USHER** of Cumberland

**WEBSTER** of Franklin

Representatives:

ERWIN of Rumford  
 JACQUES of Waterville  
 SMITH of Island Falls  
 ROTONDI of Athens  
 CLARK of Millinocket  
 WALKER of Norway  
 DUFFY of Bangor  
 CONNERS of Franklin  
 WEYMOUTH of West Gardiner

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

Signed:

Representative:

GREENLAW of Standish

Which Reports were **READ**.

On motion by Senator **MATTHEWS** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-177) **READ** and **ADOPTED**.

The Bill as **Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

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

#### COMMITTEE REPORTS

##### Senate

##### Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide for Service Foresters" (S.P. 429) (L.D. 1187)

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

Signed:

Senators:

PEARSON of Penobscot

DOW of Kennebec

Representatives:

McGOWAN of Canaan

NADEAU of Lewiston

LISNIK of Presque Isle

SMITH of Mars Hill

FOSTER of Ellsworth

CHONKO of Topsham

BELL of Paris

CONNOLLY of Portland

CARTER of Winslow

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-178)**.

Signed:

Senator:

McBREAIRTY of Aroostook

Representative:

HIGGINS of Scarborough

Which Reports were **READ**.

Due to a technical malfunction the following Senators remark's can not be transcribed: Senator Webster of Franklin

Senator Pearson of Penobscot

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

Sent down for concurrence.

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

#### COMMITTEE REPORTS

##### Senate

##### Ought to Pass

Senator **BERUBE** for the Committee on **HUMAN RESOURCES** on Bill "An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance" (S.P. 485) (L.D. 1313)

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

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

The Bill **READ ONCE**.

The Bill **ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

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 Relating to Mediation in Proceedings under the Child and Family Services and Child Protection Act" (S.P. 472) (L.D. 1275)

##### Ought to Pass

Senator **DOW** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 210) (L.D. 568)

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

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

The Bill **READ ONCE**.

The Bill **ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

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

#### PAPERS FROM THE HOUSE

##### Reports Pursuant to Joint Order H.P. 1110

The Committee on **BUSINESS AND COMMERCE** Reported pursuant to Joint Order H.P. 1110, that the Accompanying Bill "An Act Relating to the Authority of Medical Service Organizations and Nonprofit Hospitals to make Incidental Indemnity Payments" (H.P. 1129) (L.D. 1636)

Be referred to the Joint Standing Committee on **BUSINESS AND COMMERCE** for Public Hearing and **ORDERED PRINTED** pursuant to Joint Rule 2.

Comes from the House with the Report **READ** and **ACCEPTED**, and the Bill referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

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

The accompanying Bill referred to the Committee on **BUSINESS AND COMMERCE** for Public Hearing and **ORDERED PRINTED**, pursuant to Joint Rule 2.

On motion by Senator **TUTTLE** of York, **RECESSED** until the sound of the Bell.

After Recess

The Senate called to Order by the President.

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

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age." (H.P. 1131)

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

Under suspension of the Rules, **READ ONCE**, without reference to a Committee in **NON-CONCURRENCE**.

The Bill **ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

#### COMMITTEE REPORTS

##### House

##### Ought Not To Pass

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

Bill "An Act to Require Financial Responsibility and Insurance Provided before being Permitted to Operate a Motor Vehicle" (H.P. 767) (L.D. 1087)

##### 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 Modify State Disability Retirement Provisions" (H.P. 469) (L.D. 668)

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

#### COMMITTEE REPORTS

##### House

##### Ought to Pass As Amended

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Amend the Wood Measurement Laws" (Emergency) (H.P. 960) (L.D. 1381)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-272)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-272) **READ** and **ADOPTED**.

The Bill as **Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife" (H.P. 408) (L.D. 561)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-262)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-262) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

The Committee on **LABOR** on Bill "An Act to Assist Workers' Displaced from Employment by Imports" (H.P. 594) (L.D. 864)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-271)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-271) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

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

#### COMMITTEE REPORTS

##### House

##### Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations" (H.P. 1033) (L.D. 1485)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-289)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-289)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-289) **READ** and **ADOPTED**.

The Bill as **Amended ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE**

**DAY.**

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Clarify the Rights of Tenants in Mobile Home Parks" (H.P. 534) (L.D. 909)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-278).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-278).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-278) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended **ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

The Committee on **STATE GOVERNMENT** on Bill "An Act to Establish a Maine-New Hampshire Boundary Commission" (H.P. 1049) (L.D. 1525)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-276).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-276).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-276) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended **ASSIGNED FOR SECOND READING THE NEXT LEGISLATIVE DAY**.

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

**PAPERS FROM THE HOUSE**  
**Joint Order**

The following Joint Order: H.P. 1130 **ORDERED**, the Senate concurring, that S.P. 493, L.D. 1319, Bill, "AN ACT to Amend Certain Sections of the Employment Security Law" be recalled from engrossing to the House.

Comes from the House, **READ** and **PASSED**. Which was **READ** and **PASSED** in concurrence.

**ORDERS OF THE DAY**

The President removed from the Later Today Assigned Table the following:

Bill "An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers" (H.P. 1120) (L.D. 1616)

Tabled—May 31, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED**. (In Senate May 31, 1985, **READ A SECOND TIME**.)

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

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate. I would request a Division and speak to my motion.

**THE PRESIDENT:** The Senator has the Floor.

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate. During my years in the Legislature, in both branches, I have yet to see any bill which upset me more or concern me more than this particular legislation.

It reminds me of, of course I'm not of an age to remember World War II, but it reminds me of the days when we had Nazi Germany and the Germans were allowed to come into people's houses without authorization. I would like to think that in this state and this country that would not happen.

It is my understanding, the way I read this Bill, that the Department of Human Services

can enter a provider's home without authorization, without a search warrant. I have a real, real strong concern about that.

I have yet to see the need for this, I think that we're all concerned, I know we are all concerned about what's happened with child abuse and some of the things that are going on in today's society.

I have a girl of my own, 2 years old, and I would be concerned as a parent that she should be protected if I were to put her into a day care home. I guess I feel, whether it's in a babysitting situation, whether it's in a licensed day care home, I would feel that as a parent that I ought to have some obligation and I don't want to relinquish those obligations to the State and I am concerned, gravely concerned, about legislation that allows the State and some bureaucrats somewhere to come into my home or into their home, into a provider's home, without a search warrant to inspect.

Now, I think we have all dealt with some of the problems we have as Legislators with working with State Government. I had a problem a couple of days ago where a bureaucrat got over zealous and was going to take away a license of one of my constituents and I had to deal with that and speak to Secretary Quinn and have it taken care of. I would be concerned if some over-zealous bureaucrat within the Department of Human Services who might take it upon himself to go into somebody's home.

I am concerned. I don't believe, to my knowledge, there is no other legislation anywhere in the books in Maine that takes away the right of a homeowner, of a citizen of this State, to just come in and do that.

I would like to know the rationale behind this legislation. It is very concerning to me and I feel that this measure should be defeated and if it shouldn't be, I would like somebody to explain to me a good reason why it shouldn't.

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

**Senate At Ease**

Senate called to Order by the President.

**RECALLED FROM ENGROSSING**

On motion by Senator **VIOLETTE** of Aroostook, the Senate **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED** on:

Bill "An Act Providing for the 1985 Amendments to the Finance Authority of Maine Act" (H.P. 785) (L.D. 1118) (C. "A" H-231)

(In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-231), in concurrence.)

(Recalled from Engrossing pursuant to Joint Order S.P. 625.)

On further motion by same Senator the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-231).

On further motion by same Senator, **Senate Amendment "A" (S-179) to Committee Amendment "A" (H-231) READ**.

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

Senator **VIOLETTE:** Mr. President. This is an amendment just to clear up an error that was detected by the Engrossing Department. Thank you.

Senate Amendment "A" (S-179) to Committee Amendment "A" (H-231) was **ADOPTED**.

Committee Amendment "A" (H-231) as Amended by Senate Amendment "A" (S-179) thereto **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

Senate At Ease

Senate called to Order by the President.

**ORDERS OF THE DAY**

On motion by Senator **VIOLETTE** of Aroostook the Senate voted to remove from the Unassigned Table:

**Emergency**

An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities (H.P. 952) (L.D. 1371)

Tabled—May 2, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ENACTMENT**.

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

(In Senate April 26, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

On motion by Senator **CHALMERS** of Knox, the Senate **SUSPENDED THE RULES**.

On further motion of same Senator the Senate **RECONSIDERED PASSAGE TO BE ENGROSSED**.

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

**Senate At Ease**

Senate called to Order by the President.

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

Bill "An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at Correctional Facilities" (H.P. 952) (L.D. 1371)

Tabled—May 31, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**PASSAGE TO BE ENGROSSED**. (In Senate May 31, 1985, **RECONSIDERED ENGROSSMENT**.)

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

On further motion by same Senator, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**.

Senator **DANTON** of York was granted unanimous consent to address the Senate Off the Record.

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

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

Senator **TWITCHELL** of Oxford was granted unanimous consent to address the Senate Off the Record.

**Off Record Remarks**

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

**ADJOURNED** until Monday, June 3, 1985, at 9 o'clock in the morning.