

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Tuesday
June 4, 1985
Senate called to Order by the President.

Prayer by the Honorable Jean B. Chalmers of Knox.

SENATOR CHALMERS: Grant us peace, Thy most precious gift, O Thou eternal source of peace, and enable Israel to be its messenger unto the peoples of the earth.

Bless our country that it may ever be a stronghold of peace, and its advocate in the council of nations. May contentment reign within its borders, health and happiness within its homes.

Strengthen the bond of friendship and fellowship among the inhabitants of all lands. Plant virtue in every soul, and may the love of Thy name hallow every home and every heart.

Praise be Thou, O Lord, Giver of peace. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Authorize a Self-liquidating Bond Issue for the County of Cumberland to Raise Funds for the Construction of a Court-house Addition, Capital Improvements to the Existing Structure and a Related Parking Facility" (S.P. 547) (L.D. 1460) (C "A" S-160)

In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-160).

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-160) **AS AMENDED BY HOUSE AMENDMENT "B"** (H-251), thereto in **NON-CONCURRENCE**.

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

Non-concurrent Matter

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

In Senate May 29, 1985, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B"** (H-298), thereto in **NON-CONCURRENCE**.

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

Non-concurrent Matter

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

In Senate May 28, 1985, **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-155), in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-155) **AS AMENDED BY HOUSE AMENDMENT "B"** (H-293) thereto, in **NON-CONCURRENCE**.

The Senate **ADHERED** in **NON-CONCURRENCE**.

(See Action Later Today)

Joint Order

The following Joint Order: (H.P. 1134) **ORDERED**, the Senate concurring, that Bill, "AN ACT to Protect Railroad Rights-of-way." H.P. 414 L.D. 581, be recalled from the legislative files to the House.

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

THE PRESIDENT: The Chair will order a Division. This Joint Order requires a two-thirds vote for Passage.

Will all those Senators in favor of the Passage of this Joint Order please rise in their places until counted.

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

27 Senators having voted in the affirmative and 1 Senator having voted in the negative, and 27 being more than two-thirds of the Members present and voting, the Joint Order was **PASSED** in concurrence.

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

June 3, 1985

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" (S.P. 312) (L.D. 801) (C. "A" S-93):

Representative BOST of Orono
Representative CLARK of Millinocket
Representative SMALL of Bath

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

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

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

June 3, 1985

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax (H.P. 764) (L.D. 1084):

Representative MAYO of Thomaston
Representative HIGGINS of Portland
Representative DAVIS of Monmouth

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

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on **TAXATION** on Bill "An Act to Require Adequate Notice of Tax Lien Foreclosure" (H.P. 495) (L.D. 698)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 1090) (L.D. 1583)

Comes from the House, the Report **READ** and **ACCEPTED** and the Bill in **NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A"** (H-210) **AND "C"** (H-289).

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

The Bill in **NEW DRAFT READ ONCE**. House Amendment "A" (H-210) **READ** and **ADOPTED**, in concurrence.

House Amendment "C" (H-289) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass in New Draft

under New Title

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Further Competition with New Hampshire in the Liquor Trade" (H.P. 19) (L.D. 17)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Further Competition in the Liquor Trade" (H.P. 1119) (L.D. 1615)

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, in **NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "D"** (H-290).

Which Report was **READ**.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Enable Use of Certain Procedures for Absentee Ballots" (H.P. 241) (L.D. 282)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act Concerning Absentee Voting at Designated Places" (H.P. 1105) (L.D. 1594)

Comes from the House the Bill and Accompanying Papers **INDEFINITELY POSTPONED**. Which Report was **READ** and **ACCEPTED**, in **NON-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 **STATE GOVERNMENT** on Bill "An Act to Establish the Department of Post-secondary Vocational-technical Education" (H.P. 162) (L.D. 196)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Establish the Maine Vocational-technical Institutes Administration" (H.P. 1132) (L.D. 1639)

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 **MARINE RESOURCES** on Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources" (H.P. 761) (L.D. 1081)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-237).

Signed:

Senators:

CHALMERS of Knox
BROWN of Washington

Representatives:

MANNING of Portland
MITCHELL of Freeport
COLES of Harpswell
VOSE of Eastport
RUHLIN of Brewer

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

Signed:

Senator:

SHUTE of Waldo

Representatives:

SALSBURY of Bar Harbor
SCARPINO of St. George
CONNERS of Franklin
RICE of Stonington
CROWLEY of Stockton Springs

Comes from the House the Majority **OUGHT**

TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-237) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-237) AS AMENDED BY HOUSE AMENDMENT "B" (H-294)**, thereto.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-237) **READ**. House Amendment "B" (H-294) to Committee Amendment "A" (H-237) thereto was **ADOPTED**, in concurrence.

Committee Amendment "A" (H-237) as Amended by House Amendment "B" (H-294) thereto was **ADOPTED**, in concurrence.

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

SECOND READERS

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

House

Bill "An Act to Make Supplemental Allocations on the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 404) (L.D. 557)

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

House As Amended

Bill "An Act Concerning Extension of the Permit Processing Period for Hydropower Projects" (H.P. 1051) (L.D. 1527) (C "A" H-304)

Bill "An Act to Create the Maine Rainy Day Fund" (H.P. 521) (L.D. 741) (C "A" H-301)

Bill "An Act to Provide Penalties for Violations of Antitrust Statutes" (H.P. 809) (L.D. 1156) (C "A" H-305)

Bill "An Act Concerning Coverage of Certain Trials by the Electronic Media" (H.P. 820) (L.D. 1161) (C "A" H-275)

Bill "An Act Relating to Retirement Compensation for Judges who Ceased to Serve Prior to December 1, 1984" (H.P. 841) (L.D. 1191) (C "A" H-303)

Bill "An Act to Provide for State Research Grants" (H.P. 707) (L.D. 1017) (C "A" H-297)

Bill "An Act to Protect Shareholders in Maine Corporations" (H.P. 678) (L.D. 965) (C "A" H-280)

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

Senate At Ease

Senate called to Order by the President

Bill "An Act to Control Acid Rain" (H.P. 263) (L.D. 317) (C "B" H-274)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, as Amended, in **NON-CONCURRENCE**.

(See Action Later Today)

Senate As Amended

Bill "An Act Relating to the Allowance of Prior Service Credit under the Maine Retirement Law for Military Service" (S.P. 243) (L.D. 638) (C "A" S-185)

Bill "An Act to Provide Supported Employment for Disabled Persons" (S.P. 236) (L.D. 630) (C "A" S-197)

Bill "An Act Relating to Medicaid Reimbursement Rates for Audiology and Speech Pathology" (Emergency) (S.P. 351) (L.D. 999) (C "A" S-196)

Resolve, Authorizing the Sale of Certain Public Reserved Lands (S.P. 588) (L.D. 1545) (C "A" S-193)

Bill "An Act to Amend the Concealed Weapons Law" (S.P. 331) (L.D. 819) (C "A" S-194)

Bill "An Act Establishing Assessments to Defray the Expense of Maintaining the Bureau of Insurance" (S.P. 555) (L.D. 1501) (C "A" S-192)

Bill "An Act Relating to a Support System in the State for Epileptics" (S.P. 548) (L.D. 1462) (C "A" S-191)

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

Resolve, Authorizing and Directing the Maine State Housing Authority to Study and Report on Current Practices Relating to Enforcement of Sale and Habitable Conditions in Rental Housing (S.P. 313) (L.D. 802) (C "A" S-186)

Which was **READ A SECOND TIME**. Senate Amendment "A" (S-190) was **READ** and **ADOPTED**.

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

Bill "An Act Defining the Authority of the Bureau of Insurance in Testing, Licensing and Continuing Education" (S.P. 583) (L.D. 1532) (C "A" S-183)

Which was **READ A SECOND TIME**.

On motion by Senator DANTON of York, the Senate **RECONSIDERED ADOPTION** of Committee Amendment "A" (S-183).

On further motion by the same Senator Senate Amendment "A" (S-201) to Committee Amendment "A" (S-183) **READ** and **ADOPTED**.

Committee Amendment "A" (S-183) as Amended by Senate Amendment "A" (S-201) thereto was **ADOPTED**.

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

Senator CLARK of Cumberland moved that the Senate **RECONSIDER** its action of earlier in today's session whereby it **PASSED TO BE ENGROSSED AS AMENDED**:

Bill "An Act to Control Acid Rain" (H.P. 263) (L.D. 317) (C "B" H-274)

(In House June 3, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-247)**.)

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

ORDERS OF THE DAY

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

HOUSE REPORT — from The Committee on **LEGAL AFFAIRS** on Bill "An Act to Further Competition with New Hampshire in the Liquor Trade" (H.P. 19) (L.D. 17)

Report Ought to Pass in New Draft under New Title Bill "An Act to Further Competition in the Liquor Trade" (H.P. 1119) (L.D. 1615)

Tabled June 4, 1985, by Senator VIOLETTE of Aroostook.

Pending **ACCEPTANCE OF THE COMMITTEE REPORT**.

(In Senate, June 4, 1985, Report **READ**) (In House June 3, 1985, **Passed to be ENGROSSED AS AMENDED BY HOUSE AMENDMENT "D" (H-290)**.)

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

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

House Amendment "D" (H-290) **READ** and **ADOPTED**, in concurrence.

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

Out of order and under suspension of the

Rules, the Senate voted to consider 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 Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities, Public Utilities and Sewer Districts" (S.P. 563) (L.D. 1492)

Senator PERKINS of Hancock was granted unanimous consent to address the Senate Off the Record.

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

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

After Recess

Senate called to Order by the President.

Under suspension of the Rules, all matters thus acted upon were ordered sent down for concurrence.

ORDERS OF THE DAY

The Chair 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 31, 1985, by Senator DOW of Kennebec.

Pending — **PASSAGE TO BE ENGROSSED**, without reference to a Committee, in **NON-CONCURRENCE**

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

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

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

(Off Record Remarks)

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

Bill "An Act to Establish the State Employee Assistance Program" (S.P. 501) (L.D. 1362) (C "A" S-173)

Tabled — June 3, 1985, by Senator VIOLETTE of Aroostook.

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

(In Senate June 3, 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 Chair 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 — June 3, 1985, by Senator VIOLETTE of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED** in **NON-CONCURRENCE**

(In Senate May 29, 1985, the Minority **OUGHT 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** in **NON-CONCURRENCE**.

The Chair 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 — June 3, 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 **DOW** of Kennebec, the Senate **SUSPENDED THE RULES**

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

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby Senate Amendment "A" (S-125) was **ADOPTED**.

On further motion by same Senator, Senate Amendment "A" (S-198) to Senate Amendment "A" (S-125) was **READ**.

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

Senator **DOW:** It just makes one change in the Amendment that we had, treating all of the units of the Government the same.

I move its Adoption.
Senate Amendment "A" (S-198) to Senate Amendment "A" (S-125) was **ADOPTED**.

Senate Amendment "A" (S-125) as amended by Senate Amendment "A" (S-198) thereto was **ADOPTED**.

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

Under Suspension of the Rules ordered sent down forthwith for concurrence.

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

SENATE REPORT — from the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Concerning Minimum Ordinary Death Benefits" (S.P. 94) (L.D. 292)

Report — **Ought to Pass as Amended by Committee Amendment "A"** (S-184)

Tabled — June 3, 1985, by Senator **VIOLETTE** of Aroostook

Pending — **ACCEPTANCE OF COMMITTEE REPORT**.

(In Senate June 3, 1985, Report **READ**.)

On Motion by Senator **VIOLETTE** of Aroostook, Tabled Unassigned, pending **ACCEPTANCE OF COMMITTEE REPORT**.

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

Bill "An Act to End Subsidized Early Retirement Payments Under the Maine State Retirement System Laws" (S.P. 471) (L.D. 1274) (C "A" S-164)

Tabled — June 3, 1985, by Senator **CLARK** of Cumberland.

Pending — Motion of Senator **BALDACCI** of Penobscot to **RECONSIDER INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers (Division Requested)

(In Senate June 3, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

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

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

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

Senators 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 is in order.

The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator **GAUVREAU:** Thank you Mr. President, Men and Women of the Maine Senate. I realize that this Bill was debated at some length yesterday and that we did fairly closely articulate the issues which were presented by L.D. 1274.

As Chair of the Committee which presided over this legislation, I think it is my duty to summarize those issues and present to you the policy choices which we will have to undertake in the event that this legislation is not adopted.

The Maine State Retirement System currently has an unfunded liability in the vicinity of \$1.2 billion. In other words, if all potential claims came to fruition against the fund at this time, the system would be in arrears by some \$1.2 billion and could not meet its obligations.

Now, I don't suggest to you that that is going to happen but I do suggest to you that prudent and conservative management of the fund dictates that we take appropriate measures to bring the fund back into appropriate solvency.

Now, L.D. 1274 is addressed to one of the contributing factors which has brought the fund to its current fiscal state. In the 1983 fiscal year the fund was about \$1,236,000.00 to the loss in that amount. And, approximately 30% of that loss was attributable to subsidizing early retirement. It is incumbent upon us to deal with this issue at this time.

Now, we have various alternatives in the event we don't take the action before you, which would be to prospectively provide for a modest downward adjustment in retirement benefits to State employees. We have other alternatives, I suggest, in fact, during the hearings on this legislation, one Committee member suggested that we increase the employee's share towards their retirement. I have no opinion on that, although I would suspect that many State employees may not look upon that suggestion too kindly.

Currently, the State employee contribution is fixed at 6.5% whereas the State contributions to the Retirement System floats. It is currently in the vicinity of 16.2% and is scheduled to go up to about 16.8% next year. If present trends continue, and there is no empirical data to suggest they will not, it's not unlikely that the State will be contributing in the vicinity of 20% in the next ten years or so.

We have to, out of conservative management principles, deal with this issue. I am savvy enough to recognize that any Legislative Document, however rational it may be when it is initially crafted, may sustain a premature expiration and political crucible of the Maine Legislature.

I suggest, I have not lobbied this Bill, but I do want to raise and articulate these policy considerations, because this issue will not to away. If we defeat this Bill today we will still have the problem next session and the session after that. The issue has to be dealt with in some fashion. I'm perfectly open to any logical solutions on how we can otherwise proceed. I have heard none by the opponents of this legislation and I would welcome them to present their arguments and alternate modalities and how we can proceed in this area. But, if there are no suggestions on how to proceed, then we'll have to come back next session to deal with the problem.

I have carefully explained what the Bill does, I think there is no longer any misperception that present employees would be affected by this legislation. It is prospective only, it would increase the method or the mechanism for

reduction for those employees opting for early retirement from the current 2.25% to 4% and it would only apply to those employees who come into State service after January 1, 1986.

The Committee did feel strongly and unanimously that this was a fair and equitable manner to proceed, and for these reasons I would urge you to support the pending motion for Reconsideration so we may go on and accept the first report of the Committee. Thank you.

Off Record Remarks

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

Senator **DIAMOND:** Thank you, Mr. President and Members of the Senate. I think the ultimate questions here on this Bill and any other bill that might be dealing with the Retirement System is that we have to make sure the Retirement System stays solvent and that is my concern, as one of those people who might one day benefit from that Retirement System. I think that is the concern of all the currently employed State people who are concerned about the Retirement System, and I know that is what the Committee and what everyone in this room wants.

Now, I understand there is a study committee headed up by Commissioner DeVane to examine this very issue, and other issues relating to retirement, and they have met on several occasions. If my information is correct, that would seem to be another reason why we would not want to pass legislation now that appears not to be totally benefiting in terms of supporting data, and I would suggest that we might want to let that group continue on with its work and hence, next year if we decide or they decide that this type of thing needs to be addressed and maybe that could be done at that time.

We still don't have any answers regarding our retired employees when they become retired in 2011. We don't know that it is going to save money necessarily. We heard yesterday about comparisons between State employees, teachers and those types of people and comparing them with the sweatshops and the other types of people who certainly get less benefits, I would urge us all not to use those situations as our guidelines. We have to do much better than that. We cannot use our measuring stick to those situations that are truly not our proudest points. We have to compare with our organized situations, places where the employer/employees are organized and have worked hard to achieve benefits, and I would say that is the case with 90% of our private pension plans.

If we want to make comparisons, let's compare with those other situations that are more valid. I think the fact remains, still, and as I said yesterday, the reason that so many people, teachers groups and senior groups and State employees in general, are concerned about this is because it really hasn't been shown anywhere that this is going to be a cost savings, and it is taking away a benefit, an attraction. We're all talking about how we'd like to improve State employees; we've certainly talked about how we want to improve teaching situations. Well, we're not going to do that by taking away benefits and attractions. There is a whole slew of things I think that show benefits and why this certain situation is helping all of those various employee situations.

So, I would simply say that I would ask you to reject the Reconsideration and vote as you did yesterday for Indefinite Postponement and let this Bill die now. And in fact, if the Commissioner's study is in progress and that they have met several times as we've been told, then maybe that will clarify some of the concerns that have been raised before the Committee. Thank you.

Off Record Remarks

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

Senator **CLARK:** Thank you, Mr. President. Mr. President, Men and Women of the Senate. Of course you aren't surprised that I would stand and support the pending motion of Reconsideration which is concurrently supported by Members of the Committee of Aging, Retirement and Veterans.

It would be inappropriate if we did not respond to the sincere and conscientious remarks of the Senator from Cumberland, Senator Diamond.

Lest you think that L. D. 1274 was a Legislator's created work of art, let me assure you that L.D. 1274 was submitted in recognition of the need to be more realistic about the levels of benefits provided through the Maine State Retirement System. We recognize, as responsible managers of the system, being taxpayers and Legislators, that early retirement is a benefit which, in its present form, represents a direct subsidy to those persons choosing early retirement, and this does not preclude early retirement choice.

This was pointed out in the 1980 Report to the Legislative Select Committee to study the Maine State Retirement System prepared by the Wyatt Company. We refer to that in our Committee as the Infamous Wyatt Report. And, this study observed that with the normal retirement age of 60, age 62 being the normal retirement age for most public retirement systems, the (quote) "early retirement benefits provided by the System are also extremely generous and extremely expensive. Very few states and virtually no private employers provide comparable early retirement benefits. Serious consideration should be given to reducing early retirement subsidies, a reduction to the extent to which benefits are subsidized for retirement prior to age 60 could, depending upon utilization, lower costs by up to 5%."

The Senate Chair of that Committee has alluded to the unfunded liability status of the Maine State Retirement Fund, and the current Committee has addressed some of the concerns embraced in the Wyatt Report. You need not be reminded that those who are currently State employees and teachers are grandparented in, and that, indeed, there will be savings because rather than continuing on our subsidized retirement program, subsidized by the Maine taxpayers by the way, we're moving to an actuarial basis. And that, in fact, the Committee decreased what was presented to us in the original bill by a considerable amount.

L.D. 1274 provides that the Maine State Retirement System in the calculation of retirement allowances cease subsidizing early retirement and move to the actuarial equivalent. It has been stated, with merit and credibility, that no one at this time is able to determine exactly what precise dollar saving will result, but, we all know not only in our hearts but concurrently in our heads, that saving will result.

Yes, we will encourage the State employees to not retire early but rather to serve, serve in their jobs as they are doing. Serving the State, providing for their families and supporting themselves with considerable expertise and effectiveness. But, it is important that this issue be addressed, it is important that we not postpone the issue, even though we could, but the Governor's Management Task Force, headed by Commissioner Harvey DeVane, is not working in an adversarial position to L.D. 1274, but rather in a supportive role similar to the Bill that the Legislative Council has allowed our Committee to hold over, which is to study and recodify the Maine State Retirement laws knowing that it was still the decision of the Governor's office to introduce this measure. For that reason, I would hope that you would support the motion to Reconsider this morning.

Off Record Remarks

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

Senator **GAUVREAU:** Thank you, Mr. President, Men of Women of the Senate. I'll try to briefly summarize the position on support of L.D. 1274, and I would certainly join in the remarks of my very able colleague, the good Senator from Cumberland, Senator Clark.

While I respect the concerns which have been raised by Senator Diamond from Cumberland, I believe that his concerns have been answered in the redraft of L.D. 1274. I would point out that the Maine State Association of Retirees, when they appeared before our Committee, were concerned about the Bill applying to present employees, and we took care of that by grandfathering all present teachers and State employees.

I think that, to some extent, the debate and the issues raised by L.D. 1274 in taking on the hard issue of continued full-funding of early subsidized retirement, really brings into focus the question on how we're going to allocate what we all recognize to be very limited fiscal resources in this State of Maine, a rather poor State, indeed.

As I mentioned yesterday, the trend throughout this century is going to be for a reduced Federal involvement in tackling the critical issues dealing with poverty, problems of the elderly, problems of the infirmed, revitalizing our educational structure, and also dealing with other such issues as economic development and other vital State interests.

The question is squarely put — how are we going to deal with those issues? In my tenure in this Legislature, I have divined scarce support amongst my colleagues for increase in taxation which would generate those revenues, and it seems that we're also going to be seeing, as I say, less money coming from Washington to deal with these problems.

So, we're going to have to make some very difficult decisions, and without question, we're going to offend people whom we do not want to offend, and that is a natural and human reaction. But, the core of the issue is why are we here? What do we define our roles as State Legislators to be? Are we going to identify the issues facing the State of Maine in a rational and equitable fashion, deal with them, or are we going to postpone matters, defer matters, to future years and let those problems be addressed by future legislatures?

I suspect, that in our hearts we all want to deal with the issue front on. Well, I don't suggest to you that L.D. 1274 is the perfect legislative vehicle, it may well not be. There may be some who want to introduce amendments to this Bill if it gets beyond First Reader, and that would be agreeable to me. However, to summarily dismiss the issue as saying it does not have legislative merit, that we do not recognize the problem posed by the drain on State revenues in maintaining the current level of subsidized State retirement, I think, is irresponsible.

I would point out in closing that this vehicle, L.D. 1274, does not end subsidized retirement, it merely reduces it prospectively. We do recognize the legitimacy of encouraging people to stay in the public sector, by providing some sort of subsidized retirement. But as Senator Clark from Cumberland points out, because the benefits we have in our State program are generous at this point, perhaps they are too generous for what we can afford.

For these reasons, I would urge you to take a good hard look at this issue and vote for Reconsideration so that we can go on to adopt the Committee report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond. Senator **DIAMOND:** Mr. President and Members of the Senate. I'm a little confused

because I've heard that this is a very important issue, we have to get out and bite the bullet on this, yet we're postponing this issue to the 121st Legislature.

If it is such an important issue, if it is such an important thing that we do, it's important enough to disenfranchise all the people that we're going to disenfranchise with this movement, if it is that important, if we're going to bite the bullet, then why are we waiting twenty-five years? If the system can't handle it, if the system is in trouble because of this, then why are we waiting so long?

I think the reason for that might be, is that we're really not ready yet to deal with it. We're not biting the bullet, we're biting the marshmallow here because what's happening is we're avoiding the tough issue if it needs to be addressed. I think the Committee had that certainly before them and for probably a lot of valid reasons, decided to go with the current bill we have before us, the one that's delaying.

The cost in the Bill, L.D. 1274, is very specific. It says "\$1.236 million savings," but once we checked that out, we find that that can't be substantiated, that there is a problem with that figure, and in fact, it might not be that much, it might be a lot less.

There seem to be a lot of holes here. And again, if it is an important enough issue to take that away from our employees, then it is an important enough issue to address right now. If it is not important enough that we can delay it for twenty-five years, then I think we can delay it today. Thank you.

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

Senator **CLARK:** Thank you, Mr. President. Mr. President, Men and Women of the Senate. The effective date of the Bill, as amended by Committee Amendment "A," is January 1, 1986. We are not delaying the impact of this Bill to the 121st Legislature, we are delaying the effective date until January 1, 1986.

While the good Senator from Cumberland, Senator Diamond, suggests that it is the 121st Legislature, when in fact this Bill will fully be implemented, that would be twenty-five years following the effective date, and that is projecting it to the twenty-five years of employment for that employee in State service or a teacher who is considered a State employee for retirement purposes, might wish to retire, hopefully then, on an actuarial basis in early retirement prior to the retirement age of 60.

This does not negate the fact that there may be a considerable number of employees who enter State or teaching services across the State, other than at an early age, and may seek to retire following the effective date once they have vested in the system, with their ten years, or once they have reached age 60 with as little time in State or teaching service, as they might have acquired. At that time this Bill would then be effective.

We're saying that it is difficult to accurately and actuarially determine a precise dollar saving on L.D. 1274 until, yes, the 121st Legislature, presuming all new State employees will stay for the duration of twenty-five years following the effective date, January 1, 1986, and then all retire. You know and I know that that is not the case nor is it realistic.

I would urge that you at least keep this Bill alive and vote for the pending motion of Reconsideration. Thank you, Mr. President.

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

Senator **BUSTIN:** I don't want to delay this debate too much longer and I just want to reiterate some of the words that I said yesterday.

There has been a lot of debate on some issues here, and I think that I agree with the good Senator from Cumberland, Senator Diamond, on his assessment of the twenty-five years, not implementation date, but certainly effective date, because if my math serves me well, then,

it would tell me, with some variations, that you would have to wait for twenty-five years to see some effect from that because you, in fact, are grandfathering everybody before the effective date that you've put into the Bill.

I also understand that the actuary for the Retirement System has already figured out a schedule for buying down the liability that we are incurring, the unfunded liability, that the good Senator from Androscoggin, Senator Gauvreau, is talking about.

But even further than that, if the State really feels itself in trouble with the Retirement System, and they really feel that they must do something about it, it seems to me that we purposely set up a bargaining process between State employees and their managers, and that that process ought to be honored. If there is a problem with retirement then give the employees the courtesy and the respect and the opportunity to sit down and bargain that. It is a bargainable item. Let them bargain it. That is exactly what you should be doing.

If that argument doesn't convince you, then what about the argument that I've heard that says that State employees and teachers are paid well enough so that they don't need this benefit, people who work for small business and in the sweatshops, and all of those, don't get this benefit. I submit to you that the more appropriate comparison is with the larger corporations, the larger businesses in this State. That is who you should be comparing the retirement benefit to. If we make those comparisons, then you will find, as we have found in many studies, that have been made in this State and for this State, that public employees are not as well paid as they are out in the private sector.

Then, the one about the retirement benefit being large enough, I would remind you that municipal and State employees cannot, and I repeat, cannot earn Social Security benefits while they're in State service. They cannot do that. So, they have one pension system to rely on and that's the State pension system.

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

Senator **BALDACCII:** Mr. President, I would like to pose a question through the Chair to anyone who may care to answer it.

The good Senator from Kennebec, Senator Bustin, has eluded to the fact that individuals cannot get Social Security benefits if they're working for the State or for local municipalities, and, I would like to ask a member of that Committee, that it is my understanding in Bangor, that there are firemen that are working on part-time jobs that are paying Social Security on those part-time jobs and accumulating separate benefits. Is that true?

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator **CLARK:** Thank you, Mr. President. In response to the inquiry posed by the Senator from Penobscot, Senator Baldacci, State employees earn credits, meaning quarters, for Social Security purposes on jobs that are not ancillary but separate and distinct from their State service.

That is one of the incentives, I would submit, for the average Maine State employee, that they would fulfill their State service, take early retirement and then seek employment and accumulate the quarters necessary for Social Security retirement, thereby, working until the Social Security retirement age, 62 or 65, which will soon be 67. That is, again, a benefit that most employees in the private sector do not enjoy, at least with reference to the early retirement provision under State service.

This is only my second term on the Committee on Aging, Retirement and Veterans, and it's

been a long hiatus between the 108th and 112th Maine Legislatures. But, in my first service on that Committee, the Committee chair, the former gentleman who served with distinction in this Chamber, the Honorable Samuel Collins from the County of Knox, served as Senate Chair. He was a good tutor and I learned my lessons well. And, my reason for asking for service on that Committee was my experience in the other Chamber whereby I normally voted against any of the Committee reports, not on an intellectual or actualization basis, but, rather perhaps on an emotional basis. I would suggest that the prudent management policies which he and the Senate Chair at that time, the good Representative Albert Theriault of Rumford, instilled in me, fortunately, still prevail today.

As an aside, I would respond to one of the points made by the Senator from Kennebec, Senator Bustin, that this issue is, indeed, an issue that should be before collective bargaining or at the bargaining table. There is one member of the Board of Trustees of the Maine State Retirement System who thinks that this is, in fact, a bargainable issue. The other trustees of that system do not agree. Needless to say, you and I both know who that member of the Board of Trustees represents, knowing the composition of the Board and the interests that they represent.

It is not for me to suggest that the good Senator from Kennebec is wrong, and I am right but this Legislature has authorized the Board of Trustees of the Maine State Retirement System to administer the system and, in fact, their position on this measure is positive. Thank you.

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

Senator **BUSTIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I hope that I am not hearing that what is being suggested, that in order to earn Social Security credits, that we would require State employees to moonlight, to take a second job. I could see where I could require that of myself, if I so chose, but I don't think we should base State service and expect that, in order for an employee to gain a decent retirement, that they should be forced to moonlight.

Now, maybe that's the case in many instances, but that should be an individual's decision, it should not be a policy of State Government, and, we should not be making that kind of a policy. It is incredible that we would do something like that.

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

Senator **GAUVREAU:** Thank you, Mr. President and Men and Women of the Senate. Just briefly, with all due respect to the Senator from Kennebec, whom I truly respect and admire, I think that getting into peripheral issues on Social Security is probably not really germane to the heart of L.D. 1274 and the policy issues it raises.

I would like to respond, though, to the questions she raised earlier regarding collective bargaining and add to the remarks of the good Senator from Cumberland, Senator Clark. The Committee was very impressed with the need, the over-riding concern for stability and certainty in retirement benefits. For that reason we felt that it would be inappropriate to modify current State employee retirement plans. We felt that that would indeed be doing an injustice to the State Employees and teachers who are now under the system.

Beyond that, as I'm sure the people who have spoken in opposition to this Bill fully recognize, that if we did, in fact, include current employees that would raise additional political obstacles to the success of L.D. 1274. But, beyond that, it strikes me that introducing this subject area, retirement system benefits to collective bargaining, would probably not be pru-

dent anyway, because it would be antagonistic to the concern that we have stability and certainty in retirement planning.

If employees had to subject their retirement plans to the whims and caprices and vagaries of collective bargaining, it would, in fact, be likely that retirement plans would be altered in mid-course. I suggest that from a prudent conservative a planning perspective that would, indeed, be irrational.

So, for that reason I sincerely don't believe that introducing retirement system benefits to the collective bargaining process would be fair or even logical.

For all the reasons which have been thoroughly debated in this debate this morning and yesterday, I would urge you to join with me in favor of the motion for Reconsideration. Thank you.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Baldacci, that the Senate Reconsider its action whereby this Bill was Indefinitely Postponed. A Roll Call has been Ordered.

Senator **VIOLETTE** of Aroostook, who would have voted Nay, requested and received leave of the Senate to Pair his vote with the Senator from Cumberland, Senator **NAJARIAN** who would have voted Yea.

The pending question is the motion of Senator **BALDACCII** of Penobscot to **RECONSIDER INDEFINITE POSTPONEMENT** of this Bill and all Accompanying Papers.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Baldacci, Berube, Brown, Clark, Emerson, Gauvreau, Kany, Maybury, Sewall, Stover, Trafton

NAYS:—Senators, Andrews, Black, Bustin, Carpenter, Chalmers, Danton, Diamond, Dow, Dutremble, Erwin, Hichens, McBreairty, Pearson, Perkins, Shute, Tuttle, Twitchell, Usher, Webster, The President — Charles P. Pray

ABSENT:—Senators, Gill, Matthews

Senator **SHUTE** of Waldo was granted permission to change his vote from Yea to Nay.

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators Pairing their votes and 2 Senators being absent, the motion to **RECONSIDER INDEFINITE POSTPONEMENT, FAILS.**

Sent down for concurrence.

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

Bill "An Act Authorizing State Employees to Purchase State Property Upon Retirement or Leaving Office" (H.P. 1036) (L.D. 1510)

Tabled — June 3, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSED TO BE ENGROSSED.** (RECALLED from the Governor's Desk Pursuant to Joint Order S.P. 623)

(In Senate, June 3, 1985, Under Suspension of the Rules, **RECONSIDERED ENACTMENT.** Subsequently, **RECONSIDERED ENGROSSMENT.**)

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

Tabled — June 3, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED**

(Division Requested)

(In Senate May 31, 1985, **READ A SECOND TIME.**)

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

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "B" (S-202) **READ.**

THE PRESIDENT: The Chair recognizes that same Senator.

Senator GAUVREAU: Thank you, Mr. President. During the debate the other day on L.D. 1616, which I might add, is a Bill that was worked on very thoroughly and competently by the Committee on Human Services, I was sensitive to the concerns which were expressed regarding potential investigations by personnel from the Department of Human Services into the homes of registered day care providers.

The debate had piqued my interest in this area, I did a little research and discovered the following situation. Apparently, there are two classifications for day care providers, there are registered providers and also licensed day care providers. L.D. 1616, in the section we're dealing with with my amendment, pertains only to registered day care providers, basically, people who take in from three to twelve children under the age of 16 for purposes of day care.

Now, the prior law governing department investigations into alleged improprieties into these homes required that the Department personnel would not be allowed onto the premises unless either they receive permission from the property owner for the entry or the alternative, a search warrant authorized by a court magistrate. I understand that that standard was just too rigid, in a sense, that the Department could have reasonable belief that violations were occurring in the homes of day care providers and yet in the interim period, between the time that a magistrate would have to be located and authorize a warrant, and then the Department coming into the home, precious time might be lost and relevant evidence dealing with violations of our day care certification standards would also be lost.

It struck me that we really should have, therefore, the Committee voted to provide the Department with authority to enter into the homes of these registered day care providers upon complaint. Now, I'm aware of the concerns which were expressed the other day by the good Senator from Franklin, Senator Webster, that this might in fact impede legitimate Fourth Amendment privacy expectations of registered day care providers.

Consequently, I am offering Senate Amendment "B" which would provide that dealing with the registered day care providers, the Department would be allowed to enter into the homes of these providers, first of all, upon complaint, and secondly, if the Department and only if the Department has reasonable cause to suspect that a violation of the certification requirements of our law has occurred.

This amendment strikes a balance between the legitimate Fourth Amendment privacy expectations of the registered day care provider and also, equally vital concerns which we all have, that we protect our children and that we move swiftly and diligently to prevent any abuses of our children or violations of our certification requirements in the day care provider homes.

In that spirit, I offer Senate Amendment "B" and move its adoption. Thank you, Mr. President.

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. I would want to commend Senator Gauvreau from Androscoggin for his amendment and would say that I feel it is a reasonable compromise.

I would just want to ask the question to who ever might answer, my concern would be that in the amendment and in the Bill, I guess we're

talking about the amendment at this point, it says "upon receipt of a complaint, the Department may, if it has reasonable cause, research this matter." I think reasonable cause, obviously, would be a legal term that most lawyers would know. My concern would be and my question would be as to whether this would have to be a complaint in writing or on the telephone.

I could envision the possibility of some irate neighbor who didn't like the day care provider, calling on the phone or having three or four people call on the phone and say this person is doing something wrong, and I would like to think that if I was a day care provider or I was an individual out there offering these services, that I would have in writing this information so I could confront my accuser.

I would be concerned and want to make sure that if this amendment passed that that complaint was in writing, and if it isn't, I would hope that we would see that it would be.

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

The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you, Mr. President, Men and Women of the Senate. I have no direct experience with day care providers but I can respond to the question as follows.

The issue is whether or not the complaint has to be reduced to writing so that if a day care provider felt aggrieved by an entry by the Department, whether there would be any legitimate recourse to challenge the grounds of the entry. My impression from dealing with other types of Human Services cases is that there would not be a written complaint, in fact an oral complaint, telephone call, personal conference, whatever, that was credible, I think would trigger a duty on the part of the Department to properly and promptly investigate the complaint.

However, in the event a homeowner felt that the Department did not have reasonable cause to enter into his or her place of business or residence, that party would certainly be free to institute an action in court to seek to suppress the fruits of the results of any investigation. And, at that point the burden would shift to the Department to satisfy the court that it had met the specific judicial standard of reasonable cause, to suspect or to believe, I should say, that a violation of certification requirements had occurred. I strikes me that that procedure would accommodate a legitimate concern as expressed by the good Senator from Franklin, Senator Webster. Thank you.

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. To continue on with this subject, it is my understanding, having dealt with the Department of Human Services on different matters, I have called for constituents who have had problems in a number of areas, and I've always been told that any call I made was anonymous; no one would know who made the call.

I would have some concern, I would hope that we could either amend this to say that it would have to be in writing, if there was some concern out there that something was going on, someone who cares enough about this issue ought to be, this concerned, ought to be willing to sign a paper to say so, so that some irate neighbor, some guy out there who wants to or who doesn't like some competition of this day care center, or this babysitting service, would not bring a complaint that was unfounded.

I had concerns last week, as I have concerns today, about the bureaucracy in general and what they might do and what they do do on occasions that is not in the best interest of my constituents.

I would ask that if this Bill or this amend-

ment does not state, or there is no mechanism here to assure that my constituent who has received a complaint that is unfounded, could know who his accuser was and bring suit against him then I think we should eliminate this whole Bill altogether, or amend this amendment or do something so that the innocent provider is protected.

I think we are all concerned, we're all concerned about the possible, and the articles that have come out in the papers recently on abuses with children, but I think there is more here, we don't want to jump into something, we don't take rash action here and without making sure that the vehicle is there for someone to confront their accuser if such a problem was to arise.

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

Senator GAUVREAU: Thank you, Mr. President, Men and Women of the Senate. Just very briefly, I don't believe that requiring as a predicate for the State entering into a registered day care service requirement that a written complaint be filed would be feasible.

There are, and we all can conjure up situations when urgent circumstances require that the Department act expeditiously, that requiring a written complaint would, in fact, defeat the purposes of the Act.

Beyond that, I am satisfied that the existing judicial mechanism provided an aggrieved party to challenge the fairness or reasonableness as the basis for coming into a premises would be responsive to the good Senator's concerns. Thank you.

Senate Amendment "B" (S-202) **ADOPTED.**
THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: I move that L.D. 1616 be Tabled until Later in Today's session.

THE PRESIDENT: The Senator from Franklin, Senator WEBSTER, moves that this Bill be **TABLED** until later in today's Session, pending **PASSAGE TO BE ENGROSSED.**

The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator BERUBE: I would ask for a Division on that motion, please.

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

THE PRESIDENT: The pending question is the motion of the Senator from Franklin, Senator Webster, that this Bill be Tabled until Later in Today's session.

A Division has been requested.

Will all those Senators in favor of the motion to Table until Later in Today's session, please rise in their places to be counted.

10 Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion to **TABLE** until Later in Today's session, **FAILS.**

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

(See Action Later Today)

Off Record Remarks

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

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

Tabled — June 3, 1985, by Senator VIOLETTE of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED** (In House April 30, 1985, **PASSED TO BE ENACTED.**)

(In Senate May 31, 1985, **RECONSIDERED ENGROSSMENT.**)

On motion by Senator CHALMERS of Knox, Senate Amendment "A" (S-205) **READ and ADOPTED.**

Which was **PASSED TO BE ENGROSSED**

AS AMENDED, in NON-CONCURRENCE.
Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189)

Majority Report — **Ought to Pass**
Minority Report — **Ought Not to Pass**
Tabled — June 3, 1985, by Senator **VIOLETTE** of Aroostook.
Pending — **ACCEPTANCE OF EITHER REPORT**

(In Senate June 3, 1985, Reports **READ**.)
(In House June 3, 1985, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **DOW** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide for Contingency Needs of Intermediate Care Facilities for the Mentally Retarded" (S.P. 346) (L.D. 941)

Reported tht the same **Ought to Pass as Amended** by Committee Amendment "A" (S-204)

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

Committee Amendment "A" (S-204) **READ** and **ADOPTED**.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1117
JOINT RESOLUTION REQUESTING LIMITATION ON INVESTMENT AND DIVESTITURE OF PUBLIC FUNDS IN THE REPUBLIC OF SOUTH AFRICA AND NAMIBIA

WHEREAS, the Republic of South Africa practices a policy of racial segregation known as apartheid, which discriminates against Blacks, persons of mixed race and persons of Asian origin, who comprise more than 80% of the population of the Republic of South Africa; and

WHEREAS, this practice results in these groups being denied South African Citizenship; places severe restriction on freedom of speech and movement; and restricts access to education, housing and public facilities; and

WHEREAS, apartheid and the policies associated with apartheid are used to separate non-white family members from each other, to justify the torture of and destruction of Blacks, Asians and persons of mixed races and to deprive non-whites of a decent standard of living; and

WHEREAS, many citizens of the State of Maine have expressed concern regarding these inequities and injustices and are of the opinion that corporations which public funds are invested should treat all of their employees in a socially responsible manner; and

WHEREAS, persons responsible for the management and investment of funds held in trust for others must exercise their duties in accordance with the "Prudent Man" Rule of the Maine Revised Statutes, Title 18-A, section 7-302; and

WHEREAS, the Sullivan Principles, as developed by Reverend Leon H. Sullivan, attempt to provide some minimal form of employment protection and opportunity to Blacks, Asians and persons of mixed races; and

WHEREAS, most of the recent "reforms" of the government of the Republic of South Africa are not substantive reforms and are intended only to give the appearance of reform; now, therefore be it

RESOLVED: That We, the Members of the 112th Legislature, now assembled in the First Regular Session, request the Board of Trustees of the Maine State Retirement System and all other persons who serve as trustees for public funds to divest their accounts, within 2 years and within the constraints of the "Prudent Man" Rule, of all securities issued by companies and corporations doing business in South Africa and Namibia which have not signed the Sullivan Principles; and be it further

RESOLVED: That the Maine Legislature requests the board of trustees and all other persons who serve as trustees for public funds to establish a policy prohibiting further investments in companies and corporations doing business in South Africa and Namibia which have not signed the Sullivan Principles and that the trustees consider the means by which existing investments in companies and corporations doing business in South Africa and Namibia may be divested over time in the future; and be it further

RESOLVED: That the Maine Legislature requests the Treasurer of State to divest, within the constraints of the "Prudent Man" Rule, the funds and accounts of which he is the administrator and for which the Treasurer of State, by law, is responsible and be it further

RESOLVED: That the Executive Director of the Maine State Retirement System and the Treasurer of State report the results of their divestment efforts and to the Joint Standing Committee on State Government on January 1, 1986; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith by the Secretary of State to the Board of Trustees of the Maine State Retirement System and the Treasurer of State.

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

Which was **READ**.

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

Senator **SEWALL:** I move the Indefinite Postponement of this Resolution.

THE PRESIDENT: The Senator from Lincoln, Senator **SEWALL**, moves that this Joint Resolution be **INDEFINITELY POSTPONED**. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Kany.

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

Thank you, Mr. President and Senators. This is a very gentle urging. The Resolution simply asks or requests the Retirement System and other public funds to attempt to divest themselves of monies held in South African companies which are not complying with the Sullivan Principles.

The Sullivan Principles are simple, simple principles which really call for equal pay for reasonable hours and very few minor requirements such as that.

I would hope that the Senate of the State of Maine would go along with this request.

I would like to point out that some people have pointed out that there are other countries in the world which treat their citizens with disrespect. Certainly we probably all agree that Russia does, but I would like to point out that we don't have a great deal of investment in the Soviet Union. Many of our companies, in my opinion, imprudently are investing in a country, a nation in which there is a great deal of bloodshed. In my opinion, they are not acting

prudently.

This simple, gentle urging, this simple request would ask our State funds to divest themselves under the Prudent Man rule and to do so prudently. I urge you to go along with this and to vote against the pending motion.

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

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate. Speaking solely as a Senator from Aroostook, this issue of divestiture with respect to retirement funds and the like invested in South Africa, American companies with dealings in South Africa, has always interested me a great deal. It interests me to the point where over the last several years I have tried to spend an amount of time and effort looking into this matter.

I guess, coming perhaps from the the political persuasion that I do, it's understood that generally you'd vote in favor of this kind of Resolution. I don't support the Governmental policies in South Africa and the policies of the Government with respect to apartheid, but I guess, to some extent, if we're going to have a policy in the State of Maine, that we're going to divest ourselves of our investments in certain companies because of their investments in South Africa with respect to the entire amount of money invested in South African is minimal at best. It represents only \$4.5 billion of investments as I understand it, with respect to the total economy, South Africa having one of the largest economies in the African continent.

I guess, if we're going to have this kind of policy, I don't understand why the policy doesn't address all the other countries in the world. According to the Institute for the Study of Plural Societies in the Netherlands, have found that there are over 60 countries who were officially recognized as having some form of racial discrimination and in addition to that, the United Nations has found that there are over two dozen nations in Africa alone whose human rights records, according to Freedom House in New York and according to the United Nations, are worse than South Africa's. Many of these same countries, who's own leaders we're condemning, I understand, a racist government which is controlled by the white people in South Africa, and so we're condemning that government and we're deciding that we should withdraw our investments from.

To some extent, it seems as if, since we're not addressing the whole problem with respect to this issue, it seems as if we're lending our support for American investments in other countries, not only in the African continent, but throughout the world. Not only with respect to white governments but black governments are even more oppressive upon their own people in Africa.

I have a great number of questions with respect to this issue, and a lot of questions, quite frankly, that have not been answered. In my short discussion here this morning, on this issue, I have raised a number of issues, that quite frankly, before I am going to be able to vote for this kind of Resolution, are going to have to be answered. That's why, if in fact, the State of Maine is going to have a policy with respect to divesting ourselves of investments by American companies in countries that have these kinds of policies, why is it that our policies with respect to this issue affect all other such countries in the world? I think that that issue needs to have an answer. Thank you.

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

Senator **KANY:** Mr. President and Senators. We aren't just talking about some form of racial segregation here, we're talking about a large majority of the population, the non-white population, that is being treated as animals, not even as human beings. Not only are they not allowed to vote, they cannot own property, and they are literally being separated from their

families.

I think it is, in my opinion, obscene and I would certainly hope that the State of Maine would not allow continuation of such investments and that we, although this does not call for disallowance or immediate disinvestment, I would hope that you would at least go along with this gentler resolution, the gentler resolution, by the way, which was completely adopted by the members of the State Government Committee as being an appropriate first step towards eventual disinvestment under the Prudent Man Rule.

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

Senator **CHALMERS:** Perhaps an answer to the good Senator from Aroostook's questions. We don't have to solve all the problems of the world, we continue at least to recognize that in this area there is a problem and that we don't want to have our money go to further the evils of apartheid.

This is a minor statement, this is just our going on Record in terms of that situation. We don't have to solve all the problems of the world with this. Thank you.

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

Senator **HICHENS:** Mr. President and Members of the Senate. This Resolution is very similar, if it is not the same one, that we defeated in the Senate a couple of weeks ago and I think we should defeat it again today.

The State Government Committee heard much testimony on the Bill which has been set aside in favor of this Resolution, perhaps to come before us in the next Session of the Legislature, the Second Session of this Legislature. I feel that we should defeat this Resolution because I do not think the State of Maine should be interfering in what's going on over in South Africa.

I have heard a lot of reports that a great many people over there aren't as unhappy, aren't persecuted as much as the good Bishop and his organization is trying to make the world believe, and I think if this problem is going to be an issue, it should come up before the people, it should come up by the State of Maine, it should come up by the United States Congress, so I hope that you will vote against the Resolution and I will ask for a Roll Call.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator **GAUVREAU:** Thank you, Mr. President, Men and Women of the Senate. Having already debated extensively this morning, I apologize in advance for taking up your time and prolonging this debate, but as Senate Chair of the Committee on Aging, Retirement and Veterans, I think it is incumbent upon me to report what our Committee did this year in reviewing the whole South African question.

We had before us legislation which has now been Enacted which dealt with the Prudent Man Rule. The Prudent Man Rule is a term of art and it refers to a series of conservative investment practices which all fiduciaries have to adhere to in governing trust funds and alike.

It was the Committee's concern from that conservative perspective that in the event this Legislative Body took any action regarding investments or divestments in companies having business policies or investments in South Africa, that any such investment or divestment practice be within the constraints of the Prudent Man Rule.

Toward that end, many of our Committee members met informally and also sat in on work sessions with the State Government Committee, when this issue was discussed and debated. I would also point out that the Executive Director of the Maine State Retirement System, although she had some philosophical questions regarding whether we should stake a position on this moral issue, she did leave that from a technical perspective the Resolution that you have before you, which is substantially similar, as I understand, to the one earlier before this Body, would be technically correct and would allow her to still adhere to her fiduciary responsibilities within the mandate of the Prudent Man Rule.

I leave it to you for your own philosophical perspective whether we should provide some guidance to the Retirement System in its investment policies. I have two thoughts which I will leave to you on this issue. First, as apparent from my name, my heritage, is that of a Franco-American, an ethnic group which had suffered distinct prejudice and recrimination in the past, and I would be less than human if I did not have a sincere concern and sympathy with the Black people in the Republic of South Africa. I think all of us have a certain litmus test, a certain degree of abhorrent practices after which we will take certain action and breach that line of comity regarding what respect we routinely accord to the policies of foreign jurisdictions. I think that most of us on the extreme and would abhor the practices which were prevalent in Nazi Germany and would not lend any support whatsoever to those abhorrent policies which were followed.

I am not suggesting to you that the policies in South Africa are on a scale of those in Nazi Germany, but what I am suggesting is that we all have to dig deep, look into our conscience and decide which policies we deem so abhorrent to the fundamental principles which united all of us in mankind so that we cannot lend out credence to those policies.

From my individual perspective I find that the practices in South Africa are abhorrent and, in fact, transcend that line. For that reason, my philosophical persuasion, requires me to vote in support of this Resolution. But the main message that I want to leave with you is that from a technical, conservative judiciary standpoint, this Resolution is sound and proper. Thank you.

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

Senator **SEWALL:** Thank you, Mr. President, Members of the Senate. I won't go on at great length.

It has mainly been my point that unless we know a tremendous amount about foreign policy we shouldn't be arguing it here.

For anyone who might be interested, I have an article, I am not going to read the whole thing to you, but I do want to just read you the opening statement about it. It is from *Legislative Policy*, Winter, 1985.

Due to technical malfunction, Senator Sewall's remarks and the following Senator's remarks cannot be transcribed:

Senator Andrews of Cumberland.

Senator **CLARK** of Cumberland, who would have voted Yea, requested and received leave of the Senate to Pair her vote with the Senator **NAJARIAN** of Cumberland, who would have voted Nay.

Senator **VIOLETTE** of Aroostook, who would have voted Yea, requested and receive leave of the Senate to Pair his vote with Senator **MATTHEWS** of Kennebec, who would have voted Nay.

The pending question before the Senate is the motion by the Senator from Lincoln, Senator **SEWALL** to **INDEFINITELY POSTPONE** the Joint Resolution.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Black, Emerson, Erwin, Hichens, Maybury, McBrearty, Perkins, Sewall, Shute, Stover, Webster

NAYS:—Senators, Andrews, Baldacci, Berube, Brown, Bustin, Carpenter, Chalmers, Danton, Diamond, Dow, Dutremble, Gauvreau, Kany, Pearson, Trafton, Tuttle, Twitchell, Usher, The President—Charles P. Pray

ABSENT:—Senator, Gill

11 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 4 Senators Pairing their votes, and 1 Senator being absent, the motion of Senator **SEWALL** of Lincoln, to **INDEFINITELY POSTPONE** the Joint Resolution **FAILS**.

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

Senator **KANY:** Mr. President, I move Reconsideration whereby the Senate failed to Indefinitely Postpone this Joint Resolution. I ask for a Division and I ask you all to vote against me.

THE PRESIDENT: The Senator from Kennebec, Senator **KANY**, moves that the Senate **RECONSIDER** its action whereby it **FAILED** to **INDEFINITELY POSTPONE** this Joint Resolution.

A Division has been requested.

Will all those Senators in favor of **RECONSIDERATION**, please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion of the Senator from Kennebec, Senator **KANY**, to **RECONSIDER** its action whereby it **FAILED** to **INDEFINITELY POSTPONE** the Joint Resolution **FAILS**.

Which was **ADOPTED**, in concurrence.

Under suspension of the Rules, all matters previously acted upon for concurrence with the exception of those matters being held were ordered send down forthwith.

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

ENACTORS

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

An Act to Establish a Civil Statute of Limitations in Cases Involving Sexual Acts Towards Minors (H.P. 427) (L.D. 607) (C "A" H-233)

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

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)

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

Senator **HICHENS:** I now move that L.D. 1522 and all its Accompanying Papers by Indefinitely Postponed and I request a Roll Call.

THE PRESIDENT: The Senator from York, Senator **HICHENS**, moves that the Bill and all its Accompanying Papers be **INDEFINITELY POSTPONED**. 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 in order.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON:** Thank you, Mr. President. Mr. President and Members of the Senate.

L.D. 1522 is a Bill that we have seen before in this Chamber. It's an Act concerning the location of agency liquor stores and the licensing of seasonal agency stores.

To refresh your memory, this Bill does two things. First, it enacts in statute the status-quo in interpreting the ten mile radius requirement. As you will recall, prior to January of this year, the Liquor Commission had been interpreting the ten mile radius as the most reasonable route rather than "as the crow flies," meaning you were to measure from the State Liquor store the distance of ten miles by the most reasonable route. The Attorney General's office indicated that that was an incorrect interpretation. This Bill simply incorporates that definition of determining the ten miles from the State liquor store for the prohibition of agency stores in the State of Maine. I suggest that is a reasonable definition for the ten mile radius, and in fact, continues the status-quo.

The second thing that this Bill does, is it establishes on an experimental basis a license for a seasonal agency store, reflecting the need that the State of Maine has in many of its parts to service the large influx of seasonal tourists in the State of Maine.

I will repeat what the good Senator from York, Senator Danton, said about the town of Old Orchard Beach becoming the largest municipality in the State of Maine during the summer months. It's population increasing twenty-fold and this is not the only town where this type of influx occurs. I suggest that this additional license for a seasonal agency store, only six of which will be allowed under this experiment, is a reasonable approach to address the large demands placed on our State liquor stores.

This is not a Bill which attacks the State liquor stores, this is not weakening the State's role in marketing liquor in the State of Maine. It is simply an attempt to deal with a seasonal problem and I suggest that if it is not a successful experiment in two years time, this Bill will disappear from our statutes by virtue of a Sunset provision.

I urge your continued support for this Bill and I ask you to oppose the good Senator from York, Senator Hichens' motion for Indefinite Postponement.

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

Senator **HICHENS:** Mr. President and Members of the Senate. This Bill just does one thing, it increases liquor sales in the State of Maine. An increased liquor sale in the State of Maine increases the problem.

I am glad the good Senator from Androscoggin mentioned the Old Orchard Beach area because a few years ago it was my privilege to sponsor a bill for the police departments throughout the State, and especially from Old Orchard, to give them more powers in restricting liquor consumption in that area because they were having so many problems along the beach during the summer. To put another store down there is just going to increase those problems.

We do not need increased sales in the State of Maine to have our police have to put up with the problems of drunken driving and so forth, and so I think that this is the time to stop it. We've already increased sales from other bills which have been presented this year. We have another bill coming before us which, again, will increase sales and I think it is about time we put a stop to it.

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

Senator **TRAFTON:** Thank you, Mr. President. Mr. President and Members of the Senate. One of the continuing questions I've have in my deliberations on this type of bill is, does the increased availability of liquor in the State of Maine increase consumption? I see no statistical proof that that is the fact.

What the alternative to this Bill is, is driv-

ing to New Hampshire or to other liquor stores, either agency or State stores in the State of Maine in order to purchase liquor. I suggest, as was suggested the other day by a colleague in this Body, that it's more dangerous for our citizens in the State of Maine to encourage people to drive additional distances to buy their liquor. These people will buy their liquor and they will buy their liquor either at the local agency store if one is available or they will drive to the next town.

This places a store a little more closer to them, more convenient to them, discourages additional driving on our highways and I suggest that this is a reasonable approach.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator **HICHENS**, that this Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. Senator **BUSTIN** of Kennebec who would have voted **YEA** requested and received Leave of the Senate to Pair her vote with Senator **NAJARIAN** of Cumberland who have voted **NAY**.

The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Berube, Brown, Carpenter, Chalmers, Emerson, Hichens, Maybury, McBreairty, Pearson, Perkins, Sewall, Shute, Stover, Webster

NAYS:—Senators, Andrews, Baldacci, Black, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Kany, Trafton, Tuttle, Twitshell, Usher, Violette, The President—Charles P. Pray

ABSENT:—Senators, Gill, Matthews

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 of Senator **HICHENS** of York, to **INDEFINITELY POSTPONE** this Bill and all Accompanying Papers **FAILS**.

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

(See Action Later Today)

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In Senate May 29, 1985, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B"** (H-310) in **NON-CONCURRENCE**.

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

Senator **VIOLETTE:** Mr. President, I move that the Senator would Adhere.

THE PRESIDENT: The Senator from Aroostook, Senator Violette, moves that the Senate Adhere.

The Chair recognizes the Senator from Frankling, Senator Webster.

Senator **WEBSTER:** I move we Recede and Concur.

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

Senator **VIOLETTE:** Mr. President, on that motion I request a Division and I would hope, although the Senate has debated, this is the very same amendment which was put on in the House, and was defeated here in the Senate last week.

It reduced the number of signatures that are necessary for independents to garner on their petitions in order to be candidates on the

November ballot.

The Senate has already rejected this amendment, I would hope that you would vote to defeat the motion to Recede and Concur so that we could the adhere. Thank you.

THE PRESIDENT: The pending question is the motion of the Senator from Franklin, Senator **WEBSTER**, 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 in their places to be counted.

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

8 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin to **RECEDE** and **CONCUR**, **FAILS**.

On motion by Senator **VIOLETTE** of Aroostook the Senate **ADHERED**.

Non-Concurrent Matter

Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age" (H.P. 1131) (L.D. 1638)

In House May 31, 1985, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

In Senate May 31, 1985, **READ TWICE** and **PASSED TO BE ENGROSSED** without reference to a Committee, in **NON-CONCURRENCE**.

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

On Motion by Senator **PEARSON** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act Establishing a System for the Reporting of Selected Neurological Disorders" (H.P. 956) (L.D. 1376)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-291).

Signed:

Senators:

BUSTIN of Kennebec
BERUBE of Androscoggin
GILL of Cumberland

Representatives:

CARROLL of Gray
NELSON of Portland
MANNING of Portland
BRODEUR of Auburn
ROLDE of York
KIMBALL of Buxton

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

Signed:

Representatives:

PINES of Limestone
TAYLOR of Camden
SEAVEY of Kennebunkport

Comes from the House with the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-291) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-291).

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-291) **READ** and **ADOPTED**, in concurrence.

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

ORDERS OF THE DAY

On motion by Senator **VIOLETTE** of Aroostook, the Senate voted to Remove from

the Later Today Assigned Table:

Bill "An Act to Control Acid Rain" (H.P. 263) (L.D. 317) (C "B" H-274)

Tabled—June 4, 1985, by Senator VIOLETTE of Aroostook.

Pending—Motion of Senator CLARK of Cumberland to RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

(In Senate June 4, 1985, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-274) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-274) in NON-CONCURRENCE.)

(In House June 3, 1985, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

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

Senator KANY: Mr. President, I ask for a Division and Mr. President and Senators, I ask you to vote against the pending motion.

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

Senator USHER: Thank you, Mr. President. Mr. President and Members of the Senate. I would hope that we would Reconsider this item today.

I'm sure that we have all thought over the way we voted yesterday and like to Reconsider this so we could Indefinitely Postpone the amendment we accepted yesterday, and I would like to see us Accept Committee Amendment "A," which imposes a study and lets us get more details on this nitrogen oxide within the State.

It is a very modest amendment and I think we can live with it within the next five years.

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

Senator KANY: Mr. President and Senators, just a very quick reminder of what we did Adopt.

We adopted an amendment, a Minority Report, which would require a twenty percent reduction over a period of time and I certainly hope we go with that instead of the other Majority Report which is simply a cap.

The reason I hope that we do not Reconsider our action is that I think that if we ended up with either doing nothing, having had these bills before us, or providing a simple cap, we would make our Congressional delegation look absolutely foolish, not only our Congressional delegation but the entire State of Maine when here we are, calling upon States throughout the country to make a sacrifice, I would hope that we would at least do this little tiny bit.

Secondly, just once again, a quick reminder, that the State of New Hampshire, even old, cautious, conservative, old New Hampshire, even they have before them on their Governor's desk, and it was his proposal, Governor Sununu's proposal, that there be a 25% reduction more than we're even suggesting at all now, and further, that there be a further 25% reduction of sulfur emissions contingent upon Federal action.

I urge you to vote against the pending Reconsideration motion, the procedural motion, to Reconsider.

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

Senator BALDACCI: Mr. President and Members of the Senate. I think this is probably a very important piece of legislation and that we should all think about it very much.

When we are concerned about plants that want to relocate because of the high cost of electricity, when we're concerned about the future rate increases that we're going to be experiencing at Seabrook, when we're talking about cancelled plants that are going to be paid for by the rate-payers and plants that are either here in the State or plants that want to locate here in the State of Maine, that are looking at the electricity and the cost behind that

electricity.

We're also talking about 10% of the problem that's here in the State of Maine that's created by Maine industries and Maine utilities, and we're trying to address that. It's like using a cannon to kill a mosquito.

We're asking the rate-payers in the State of Maine to pay upward in the hundreds of millions of dollars, potentially accepting the Minority Report of the Committee. One estimate was four hundred and thirty-one million dollars. If the consumption increases among the people, if economic growth increases among the people here in the State of Maine in order to have low sulfur dioxide fuel being burned here in the State to the level that the Minority of the Report recommends, you're talking about increasing it four hundred and thirty-one million dollars. That was the testimony that was in front of Energy and Natural Resources Committee.

All of Seabrook doesn't approach four hundred million dollars and it is so devastating that they're looking to spread it out over a period of time.

Men and Women of the Senate, I think that the important point here is reasonableness. We're looking at a national problem that's being created by mid-west utilities and outside concerns on our Maine natural resources. If we want to send a message to Washington, it is much cheaper to use Western Union than it is to force our utilities and industries to put into a system so costly and expensive and not really getting at 90% of the problem. So I would hope that we would Reconsider and go along with the Senator from Cumberland, Senator Usher in his recommendation.

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. Just to clear up, perhaps, once factual inaccuracy. The State of Maine does produce acid rain. As a matter of fact, the more you learn about acid rain, it is interesting.

Acid rain comes in two forms. We normally think of acid rain as just coming from the clouds when it rains but it also comes in a dry form, the dry form of acid rain, according to studies that I've seen recently. Actually, most of that dry form of acid rain is deposited within one or two hundred miles of the source of that acid rain. So, in fact Ladies and Gentlemen of the Senate, we are generating acid rain and that acid rain is having an effect on our environment.

There was a story in a State newspaper, the Bangor Daily News, not too long ago that was of great concern to me. The study is entitled *Smaller Stream May Be Too Acidic For Salmon*. It begins: "...The water in some of Maine's smaller streams could be getting too acidic to support Atlantic Salmon." In the study, the United States Fish and Wildlife Service found the tributaries with small watersheds and acid-intolerant soils are approaching a critical stage for salmon survival. 20 to 40% of the available Atlantic Salmon habitat in New England could be affected. (And I'm quoting from the study)... "continued or increased deposition of acid may further degrade conditions in these streams" the authors warned.

You know, we hear a plea for a study and that plea should be no surprise to those of us who've been involved in the acid rain debate and have followed the acid rain debate in Washington D.C. It should also be no surprise to those who feel that we should be doing more to discourage cigarette smoking in the United States. Many in the tobacco industry urge that we need to do more study before we show any correlation between cigarette smoking and lung cancer.

In the case of acid rain, let's do more studies before we can make a link between the acid rain and the destruction of our forests and streams.

The Senator from Kennebec, Senator Kany, was quite right. The proposal is quite a moderate proposal when you consider the action that has been taken by other states in the New England. The cost of this proposal is minute when you consider the costs that are going to have to be borne by other states in the mid-west to control the acid rain problem.

To put it into perspective, a little bit better, what we're asking for in this Minority Report, the Report that has been Accepted by this Chamber, a caucus of members of the delegation to the United States House of Representatives have agreed to propose a series of measures to reduce acid rain, recognizing the tremendous impact that it's having on New England.

In that proposal that was adopted and, certainly, my own Representative in the United States House of Representatives who does not happen to be a member of my party, but yet he supports this Resolution that would call for not a 20% reduction, not a 30% reduction, not a 40% reduction but a 48% reduction in the State of Maine.

Now Ladies and Gentlemen of the Senate, the proposal here is modest, it's a responsible proposal when you consider that tremendous value, the incalculable value, of our forests, of our lakes and our streams. And when you consider the economic return that we receive as a State because of those natural resources, it's a resource that we simply cannot afford to play around with.

I suggest, very respectfully, that we look at this proposal quite seriously, we have before us two competing proposals, we hear a lot of talk about acid rain, particularly when it comes to election time. And Ladies and Gentlemen, if hot political air could dissipate acid rain we'd have no problem at all in this Chamber, and no problem at all in the State of Maine. That's the one we're being asked to Reconsider today. The other proposal, competing proposal, allows for an increase, an increase, in the primary source of acid rain.

Those are the two proposals before us. This Senate has acted responsibly in calling for a reduction in acid rain, in seizing this problem and taking responsible action and I hope that we stick by the position that we took yesterday on this issue. Thank you.

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

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate. I would propose a question to any member of the Committee who might wish to respond.

I am deeply concerned about the issue of acid rain and yesterday I voted with the good Senator from Kennebec, Senator Kany, in supporting her Minority Report.

I have a question, though, and it relates particularly to the circumstances surrounding the utility that services Aroostook County, the Maine Public Service Company. Maine Public Service Company contracts with N.B. Hydro, I am not an expert in this area so I may not exactly state this correctly but, their contract with N.B. Hydro states to the extent, and this is just energy that they are purchasing from N.B. Hydro, but the contract states that the price of that energy is going to be based on the kind of fuel they would have to buy if they were producing it in their oil fired generators. That is the contract that they have with N.B. Hydro.

As I understand it, if I vote for this Report, even though I want to do something about acid rain, and this energy coming from N.B. Hydro is hydro electric energy, it's not being produced by oil, either it's coming from Point LaCroix or some other entity like that. It's going to raise the cost of electricity to Maine Public Service, to the rate payers in Aroostook County, and it's not energy that's being produced at an oil-based, an energy that produces it by consuming oil. Because of the contract that they have

with N.B. Hydro states that the price they're to be charged is how much it would cost them if they had to use oil in their facility. And this, as I understand it, would say that they had to use a more expensive product and so you understand my dilemma, and I am concerned about this and I would appreciate an answer to my question.

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Thank you, Mr. President. Mr. President and Senators, I am familiar with a number of the contracts with the Canadian authorities and I am familiar with the Central Maine Power contracts with New Brunswick Power.

That particular contract is a contract which states that, monthly, that both New Brunswick Power and Central Maine Power will look at the circumstances regarding a certain type of oil, and if it is to the benefit of New Brunswick Power, within a 10% allotment, to go ahead and allow such energy to go forth to Central Maine Power service area then they would allow it and if it is to the benefit within a 10% allotment of Central Maine Power to accept it then they would agree upon that for the month. It is very specific within the contract, it is a very beneficial contract regarding interruptible energy, not capacity, and I would assume that Maine Public Service has a very similar contract and it should not in any way effect this.

I certainly would not change your vote as a result of some rumor circulating from someone that, perhaps, Maine Public Service might be adversely effected because I am certain it is not true.

I urge you to go with this particular amendment that we have adopted and vote against Reconsideration. Remember that in the long run I think we can benefit our children and our grandchildren if we take action to reduce our acid rain production, the acidity, because it negatively affects our soils to a great degree, our granite geological area, it negatively affects our forests, particularly in the Spruce areas. And thirdly, of course, it negatively affects our waters. We have learned that once a certain acidity is reached, we don't have a diminishing aquatic life, we actually have it leaving and note it's absence under such effects.

So, I urge you to stand by your strong vote of yesterday and to defeat this pending procedural motion before you.

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

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate. The Gentle lady's response to my inquiry has not answered my question. If she is unfamiliar with Maine Public Service Company's contract with N.B. Hydro, she cannot just draw an analogy with respect to Central Maine Power Company's contract. They may not, in fact, be similar in nature.

It is, quite frankly, not simply rumor that this would, in fact, be the effect upon the contract because I understand it, that would, in fact, be the effect on the contract. It would seem to me that there must be a way to tailor the Minority Report to address the concerns that I am raising. That is what I would like to see the Senator do so that then I could, in fact, support her Report.

It is somewhat different circumstances that other entities which are producing electrical power based on through their own capacity, but this is not the case here.

That is my concern, and it is just not rumor or innuendo, it is a little bit more than that, and it's Maine Public Service's contract, it's not CMP's contracts. That is the concern that I have and the Gentle lady has not satisfactorily answered my inquiry.

I would be of hopes that this issue, I support the Report that the Gentle lady in general is bringing before the Legislature but it would seem to me that there must be some way to tend that Report so it deals with the issue that I'm raising, otherwise the Gentle lady is going to force me into a position whereby I'm going to have to vote against the Report.

THE PRESIDENT: The Senator from Kennebec, Senator Kany asks leave of the Senate for a fourth time.

Is there any objection?

The Chair hearing none, the Senator has the floor.

Senator **KANY:** Thank you very much, Mr. President. Mr. President and Senators. I'd just like to point out to the good Senator from Aroostook, Senator Violette, that this Bill, we are not filing and enacting it now, and certainly there would be plenty of time to closely examine that contract and I certainly would be delighted to sit down with you and look very closely at the contract of New Brunswick Power and Maine Public Service.

I would love to do that and I urge you to vote against Reconsideration of the motion. Thank you very much.

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

Senator **BALDACCI:** Mr. President, in regards to the good Senator from Aroostook, Senator Violette's concerns about Maine Public Services Contracts with Canada, I would like to point out to the Senator and to the Members of the Senate that the cost to Maine Public Service would be increased on two points.

By increasing the cost of the fuel that would have to be burned, of the lower sulfur dioxide content, that's more expensive. And, because the power contracts are based on the fuels being used by the utility, that would raise that. So, that would mean that it would cost Maine Public Service probably two or three hundred thousand dollars more for the energy that it has with its Canadian contracts.

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. I also do not know the details of this particular contract but I would simply like to point out the Senate by way of information, the amendment that we're talking about here offers utility companies in any industry a range of options and how they may reduce emissions from their stacks to reduce overall acid rain in Maine.

It may mean that a company would purchase a higher grade of oil so that the sulfur content is reduced, perhaps from 2.5 to 2.0, perhaps lower. Another option for a company may be to install some new scrubbers on their stacks. They could continue to burn the lower grade fuel if they had a means to clean that fuel at the emission stage.

There is a wide range of options, some are more expensive than others, some have more of a long term pay-back than others, but to suggest that this will immediately mean, and simply mean, an absolute increase in fuel costs alone is not, in fact, the case. There are a number of options that industry could use to, in fact, reduce this acid rain emission.

I would certainly like to point out, however, that no one is suggesting, certainly, that reducing acid rain is going to be free. It's going to cost something. But what I'm trying to point out to everyone here in this Senate is that acid rain itself is costing us dearly and I suggest that if we let our most precious natural resources die because of acid rain, we're talking about a price too high to pay, not only for our generation but for other generations to come.

I think this, Ladies and Gentlemen, is a bargain.

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

Senator **VIOLETTE:** Mr. President and

Ladies and Gentlemen of the Senate. I don't mean to belabor this point.

The good Gentlemen from Cumberland, Senator Andrews has explained a list of potential ways for dealing with this problem, but this is our problem. We are not consuming this oil and the energy we are buying from N.B. Hydro, does not emit or create acid rain because the energy they are producing, they don't make it out of oil. They make it out of nuclear energy and out of hydro-electric energy. So, we're going to pay a penalty for something we don't even consume.

That's the fundamental problem that I have here. We aren't consuming this electricity in the Maine Public Service, I mean we aren't using this oil. We're buying this energy from New Brunswick which is not oil based and because of this, unless somebody can explain it to me, we're going to pay a premium by voting for this.

I support the idea of doing something with acid rain and bringing down the particulate levels, but it seems to me, I don't understand unless I am in error or probably understand this that we're going to pay a penalty for something we're not even doing. That's the fundamental problem here. We're not consuming oil to produce this electrical energy, either ourselves or N.B. Hydro.

THE PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator **CLARK**, that the Senate **RECONSIDER** its action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

A Division has been requested.

Will all those Senators in favor of **Reconsideration**, please rise in their places to be counted.

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Mr. President, I ask for a Roll Call.

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

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

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

The Chair understands that the Senator from Aroostook, Senator Violette, asks Leave of the Senate to speak a fourth time.

Is there objection?

The Chair hearing none, the Senator has the floor.

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate. What I've been suggesting to Members that support that position, the Minority Report, is that I might be apt to support that position, perhaps, if the Bill were Tabled, allowing us an opportunity to look into the issue that has been brought to my attention only this morning, perhaps it is inaccurate, perhaps it is in error, and if the matter were Tabled, allowing us to look into the issue.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's session, pending the motion of the same Senator, to **RECONSIDER** its action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

Senator **TRAFON** of Androscoggin moved that the Senate **RECONSIDER** its action of earlier in today's session, whereby it **PASSED TO BE ENACTED**:

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

THE PRESIDENT: The Chair recognizes the

Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON**: Thank you, Mr. President. I would urge the Members to vote against my motion to Reconsider Enactment.

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator **TRAFTON** to **RECONSIDER** its action of earlier in today's session whereby this Bill was **PASSED TO BE ENACTED**.

A Viva Voce Vote being had, the motion of the Senator from Androscoggin, Senator **TRAFTON** to **RECONSIDER ENACTMENT**, **FAILS**.

Under suspension of the Rules all matters previously acted upon with the exception of those matters being held were ordered sent down forthwith for concurrence.

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

On motion by Senator **CLARK** of Cumberland, **RECESSED** until 3:00 this afternoon.

After Recess

Senate called to Order by the President.

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

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

House

Bill "An Act to Establish the Maine Vocational-technical Institutes Administration" (H.P. 1132) (L.D. 1639)

Which was **READ A SECOND TIME**.

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

Off Record Remarks

Bill "An Act Concerning Absentee Voting at Designated Places" (H.P. 1105) (L.D. 1594)

Which was **READ A SECOND TIME**.

On motion by Senator **VIOLETTE** of Aroostook, the Bill and all Accompanying Papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

House As Amended

Bill "An Act to Require Adequate Notice of Tax Lien Foreclosure" (H.P. 1090) (L.D. 1583) (H "A" H-210; H "C" H-289)

Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources" (H.P. 761) (L.D. 1081) (H "B" H-294 to C "A" H-237)

Bill "An Act Establishing a System for the Reporting of Selected Neurological Disorders" (H.P. 956) (L.D. 1376) (C "A" H-291)

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

Bill "An Act to Further Competition in the Liquor Trade" (H.P. 1119) (L.D. 1615) (H "D" H-290)

Which was **READ A SECOND TIME**.

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

Senator **VIOLETTE**: Mr. President and Ladies and Gentlemen of the Senate. This particular piece of Legislation has been before the Maine Legislature on a number of occasions.

Basically, what it does, and I have always been opposed to this type of Legislation which would allow, in whatever form, although I must admit this is the most ingenious way of dealing with the issue of providing for reduction in the price of alcohol at a number of locations in the State.

In the past, we have had legislation which

would have reduced the price of alcohol in all stores, we have had legislation which would have allowed for a buffer area along the New Hampshire border, we have had even potential referendums which have been offered.

As a member of the Legal Affairs Committee, when I was on there, I generally opposed those, and I continue to do so till this day, and I oppose them, quite frankly, on the basis that I believe it is not in the best interest of the State of Maine to provide for more access, for greater access, to places that sell alcohol at reduced rates.

I have always been concerned in the context of the Kittery Liquor Store. It's a very unique entity. I happen to come from the area of the State, the most removed from that store, and yet I have always opposed either reducing the price of alcohol throughout the State to that level or providing for more stores, State liquor stores, to sell cheap liquor. I don't want to make more liquor available at a cheaper cost to people in this State, or people that are coming into this State from elsewhere. I've always had a problem with providing greater access to cheap liquor.

I am going to move the Indefinite Postponement of this Bill this afternoon and I would hope that you would all vote with me. Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator **VIOLETTE**, moves that L.D. 1615 be **INDEFINITELY POSTPONED**.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON**: Thank you, Mr. President. Mr. President and Members of the Senate. I appreciate the good words from the good Senator from Aroostook, Senator Violette, who had sat on the Joint Standing Committee on Legal Affairs and seen this issue pass in front of him on the least several occasions, but I suggest that times have changed.

We have experienced, in the United States and the State of Maine, a downward spiral in sales of liquor. Now I know that the good Senator from York, Senator Hichens, will be particularly pleased with that downward spiral, and I have no real problem with a reduced consumption of liquor in the State of Maine and nationwide. Obviously, there has, in fact, been abuse of liquor. But, I suggest that this downward spiral puts a different twist on marketing in the State of Maine.

Let me state from the outset, that I'm not advocating increased consumption of liquor in the State of Maine, and as I indicated this morning in regards to a different bill, I perceive no facts in our Committee on Legal Affairs nor on the Floor that increased availability of liquor leads to increased consumption.

I'm going to speak to you today as business people. We have, in the State of Maine, a source of revenue and I suggest that revenue is in short supply these days in the State House. This supply of revenue has been affected by the downward spiral of liquor sales in the State of Maine. Well, how do we regain that particular revenue without encouraging increased consumption? Well, it's important to look next door to our sister state of New Hampshire and realize that approximately 65% of the sales at their liquor stores are sales to out-of-state purchasers. I suggest that a substantial number of those out-of-state purchasers are sales to Maine residents. We've all seen the Maine cars parked at the New Hampshire liquor store from Route 95 and elsewhere throughout the state of New Hampshire, near our borders and in fact, what those cars are doing are purchasing liquor in the state of New Hampshire and illegally transporting that liquor to the State of Maine.

Well, some people will stand here today and suggest that what we need is more enforcement of our current limitations as to the number of bottles of liquor that can be transported across our State lines. Captain John Martin of the Bureau of Liquor Enforce-

ment testified many times within our Committee that this limitation of the amount of alcohol that can be brought into the State of Maine by private cars is virtually impossible to enforce. Do you want roadblocks at our borders inspecting each car that crosses our border into the State of Maine? I suggest that there are legitimate difficulties in enforcing that limitation of liquor that can cross our borders.

How do you counteract that business of the Maine resident buying liquor out-of-state for in-state consumption? How do we encourage Maine residents to buy liquor in the State of Maine, therefore preserving the legitimate source of revenue that we have today? It's estimated that at least \$80 million a year of New Hampshire sales come from Maine residents purchasing liquor at the Dover, New Hampshire store, the Gorham, New Hampshire store, the North Conway store, all in New Hampshire. This has been on a regular basis, Maine residents simply making a liquor run. You've heard reference to it before. Is this something that we want to encourage?

This Bill that is before you today, L.D. 1615, allows the State to establish five additional discount liquor stores comparable to the Kittery Liquor Store. The location of these stores is not limited to the border areas, but the location is left to the discretion of the Liquor Commission. I suggest that it is most likely that these stores will be placed in the area of the New Hampshire border because that is where the problem currently exists. The problem is not with the people traveling across the Maine border to Canada purchasing liquor and then returning, the problem is that we, as the State of Maine, have only one other state at our border. We happen to be the only State in the country where that is the case, but New Hampshire is the only state that is on our border and it is the most convenient, and that State sells liquor at the discounted price compared to the prices here in the State of Maine, so that this Bill gives the Liquor Commission the discretion to establish additional discount stores, it doesn't mandate additional discount stores, it does not say that the Liquor Commission must establish five additional stores. It'll permit the State to establish those stores.

We have the assurances from the Commission that these discount liquor stores will not lead to the closing of other liquor stores in the State of Maine, so those of you who are concerned with your own local liquor store being closed in preference to a discount liquor store closer to the border, I don't think that is necessarily a legitimate concern. As you know, current law requires that before any State liquor store can be closed, the Liquor Commission must report back to the Legislature and a hearing must be held.

So, I suggest that this is a reasonable approach to properly allocate market shares in the liquor industry. That's all we're doing. We're businessmen saying how do we encourage people who are already buying liquor to buy that liquor in the State of Maine as opposed to crossing the border and buying it in the State of New Hampshire.

I firmly believe that this Bill will not lead to increased consumption. I've seen no direct connection between increased availability, decreased price and the increased consumption, so I argue here today that this Bill should not be Indefinitely Postponed, and I urge you to vote against the good Senator from Aroostook, Senator Violette's motion for Indefinite Postponement.

Off Record Remarks

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

Senator **TWITCHELL**: Thank you, Mr. President. I would like to pose a question through the Chair.

If this Bill were passed, I was wondering

what the loss of revenue would be.

THE PRESIDENT: The Chair would inform the Senator from Oxford, Senator Twitchell, that the Finance Office has provided a fiscal note. This states a net profit is estimated to approximately 25% of new liquor sales, \$1,250,000.00 revenue to the State.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE:** Mr. President and Ladies and Gentlemen of the Senate. We've had this Bill in prior years, when I was on Legal Affairs, and it didn't fare too well.

I guess this year, as I understand this Bill, we're going to have six new border stores. I'd like to ask a question to the Chairman or members of the Committee. Will any of these stores be located in Central Maine or just around the borders of the State?

Second, if we're going to have a, I think it was \$1.25 million increase in sales, would these sales come from Maine residents or non-residents? If they are coming from Maine residents it would appear to me that that would be a loss of our regular State liquor stores that we now have, and if they're coming from non-residents, why are we giving discount prices to non-residents and shoving it to the Maine citizens? It seems that's what we do every time here.

If there's somebody on the border from New Hampshire or wherever, we give them a break, we give the non-residents a break coming into the State so they can buy liquor at Kittery and there's a very small part of the State that can take advantage of Kittery, so all that we're doing is lowering the price for the non-residents and sticking it to the Maine residents.

I hope this Bill is defeated unless we can, of course, put one of these stores in each County in the State. I wonder if the Committee thought of that?

THE PRESIDENT: The Senator from Waldo, Senator Shute, has posed a question 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. One of the joys of Chairing the Joint Standing Committee on Legal Affairs is that you get to hear from all the old members or the past members of the Joint Standing Committee and you learn a great deal about the history of these issues that seem to resurface each year.

Let me point out to the good Senator from Waldo, Senator Shute, that the Bill does not create six additional stores, but the reference of six in the Bill, and I'm sure the good Senator from Waldo, Senator Shute, has the Bill in front of him, on line 27, page 2 of the Bill, Number 6 refers to one existing store and five additional stores, so that we'll start at that point.

The other point that the good Senator raises is, should these stores be located throughout the State, and I would ask him to look at the amendment that is referred to in our Calendar, with the Filing Number of H-290, which indicates that no more than one of those stores may be located in each county. So that this amendment obviously envisions spreading the wealth, so called, throughout the State so that the central portion, and even the areas near Belfast, in Waldo County, may be served by these types of stores as well.

The aim of this Bill is not, and I repeat is not, to take advantage of our non-residents that we cherish so deeply in the State of Maine. I think that what this Bill aims to do is to simply, as I indicated earlier, encourage Maine residents who are here, hopefully, most of the year, to purchase their liquor in the State of Maine rather than crossing the border and purchasing their liquor in another state.

As I indicated to you earlier, 65% of the liquor sold in our neighboring state is from out-of-state sales. \$8 million a year can be verified,

lost to the State of Maine revenue as Maine purchases or purchases in New Hampshire from Maine residents. This is the problem.

We're simply trying to encourage Maine residents to purchase their liquor in the State of Maine rather than trying to take advantage of lower prices in state of New Hampshire. This is simply an economic competition measure and, in fact, it will encourage non-residents who do spend time in the State of Maine to purchase their liquor in the State of Maine once they arrive here rather than purchasing liquor on Route 95 or other routes before they come to the State of Maine.

So, I encourage you to support this measure and submit to you that it is a fair approach to encourage Maine residents to purchase liquor in the State of Maine.

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

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate. It is true, perhaps, that the good Senator from Androscoggin, Senator Trafton, has said that perhaps those of us who were on the Committee in the past, and I can remember the many battles that I had with the good Senator from Waldo, Senator Shute, on this very issue when we co-chaired the Committee, when I was a member of the other Body and he was the Senate Chair in this Body.

As I remember, the Senator's argument at that time, and I think generally they still hold true today, although I am opposed to lowering the prices throughout the State, but you just don't come in and open up, excuse me, not open up new stores, but reduce the price at up to six stores which the Committee has left to the discretion of the Commission, and I would suggest to the good Gentleman from Waldo, Senator Shute, that we know where those stores are going to go even though they can only have one in each County, but this, in fact, if you want to be fair and equitable that the Committee should have then recommended that the price be the same everywhere. That to me, if you're really looking to deal with an issue of fairness and equity for all people in Maine, that's the way you go about doing it.

Now, I would still be opposed to that because I've been opposed to lowering the price of liquor throughout the State, and so I am equally as opposed to this particular Bill because, first of all, there are some forty-odd liquor stores in the State of Maine, this will simply effect six of them, so wherever the remainder of stores are in the State of Maine, you will continue with the present system as inequitable as it is.

I would like to think that so long as the State of Maine is still in the liquor business, and I happen to be one that has felt that that is one business that the State ought to remain in, because of the issue of control, and I so voted the last number of years that way. As long as the State remains in that business and it controls the price, whether it is in the business or not, I don't believe that we ought to solely be determining our policy on what our prices are just because of the state of New Hampshire.

I mean, if the state of New Hampshire decided to give it away for free, would the State of Maine decide to do that as well? The simple fact of the matter is that the state of New Hampshire, and I'm sure the good Senator from Androscoggin is more aware of recent statistics, but the state of New Hampshire grosses two to three times what the State of Maine does in total sales, but nets out somewhere between 5% and 10% more than the State of Maine does in what it nets out in its liquor sales because of its lower prices.

I think it is a decision on the part of the State of Maine, that it doesn't want to get into, it's wanted to retain the present pricing policy that it has up to now with the one exception that was created in the 1970's in Kittery, and to allow for that exception to continue. It should

not be our pricing policy to become involved in some cut-throat competition with the state of New Hampshire. The state of New Hampshire wants to run their entire State budget on cheap liquor, that is their own business, cheap liquor and lotteries, that's fine, let them do that. I don't think it is in the best interest of the State of Maine and the health, or the best interest of the people of the State of Maine in the long term.

If we're losing \$8 million, I can well remember fiscal notes that came from the Senator from Waldo, Senator Shute's bills, to equalize prices throughout the State of Maine and he will remember when he was on that Committee, I would keep going back to the Liquor Commission and I must have had six or seven fiscal notes on what I thought the cost of that was going to be to the State of Maine at that time, so even though there is a fiscal note on this Bill of an increase of \$1.25 million to the General Fund for the next two years, I would also hope that we would not base our pricing policies in the State of Maine simply on the basis that we want to increase income to the General Fund.

In addition to this, yes, it has been a nationwide trend that there has been a reduction in the sale of hard liquor. As a matter of fact, Maine has been one of the few states in the country which has been quite unique in that it has actually remained somewhat constant or it has been leveling off to a slight decrease in sales and income versus the national average, which has been for a more marked decrease in total sales. That, of course, is because the consumer has decided to move over to other alcoholic products such as beer and wine, which are not sold through the State liquor stores, but which in fact, we are taxing apart from our sales in the State liquor stores.

So, I would hope that we would support the motion to Indefinitely Postpone. Thank you.

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

Senator **BALDACCI:** Mr. President and Members of the Senate. Two years ago the good Senator from Oxford, Senator Twitchell, had a bill that would do exactly the same thing that this Bill proposes to do.

He was told at the time that it was going to cost the State some money by lowering the prices. Well, since that time, and accountants are reviewing, it just verified what the good Senator from Oxford had always known, that there were people that were leaving the State of Maine, that were going to New Hampshire and they were buying certain products. It wasn't just liquor but it was cigarettes, other products that they were buying, that didn't have the excise tax or whatever it was. The Senator from Oxford, Senator Twitchell, was right.

During that time I got up as a freshman Senator and I amended that bill to equalize the prices of liquor throughout the State. That bill passed, even though the good Senator from Oxford thought that I was trying to kill his bill, credited me with that, and ever since we've been the closest of friends. But the fiscal note on equalization of the price was of tremendous concern. It was the thing that caused the bill to ultimately fall. We were responsible people. You just can't do it.

People in Bangor are upset about paying 35% more for liquor than they are in Kittery, they are very concerned about it. But, we realize the financially precarious position that we're in. We're talking about \$8 million from Maine people that are leaving the State of Maine and going to New Hampshire. Arthur Anderson hopes that we don't pass this Legislation. He hopes that we don't pass it! He wants us to keep it the way it is because it forces the business to New Hampshire. That's the position they've always been in, and if the good General was here today, he would be leading the charge. I think it is important to realize that

this Bill is very important because of the erosion.

I would like to play the music back in Peoria and have people think that it was a great idea that I stood for equalization throughout the State, but in reality it costs so much money that it doesn't make sense to do it, so we have an opportunity to increase the revenue to this State and I hope you would support the good Senator from Androscoggin, Senator Trafton, and his Committee's Report. It is a very limited approach, guided approach, no more than one in each County and they're looking at it in a very studious way. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton. Senator **TRAFTON:** Thank you, Mr. President, Mr. President and Members of the Senate. You are in the business of selling liquor whether you like it or not.

I am asking you, if you had a lemonade stand at the end of a dead-end street and there was another kid who had a lemonade stand a little bit further down the street, would you set your prices higher than the kid down the street even though you knew that everybody had to bypass his lemonade stand before they got to yours? I suggest that this is simply a business decision. How do we compete with lower prices in the State of New Hampshire?

You know what the economic forces are, you know your neighbors are buying liquor in New Hampshire. Some of you are buying liquor in New Hampshire. As a matter of fact, I've seen a Commissioner of this Government in the New Hampshire liquor store when I was buying liquor there, when he was buying liquor there. We all do it.

When are we going to wake up that if we're going to be in the business of selling liquor in the State of Maine that we've got to act responsibly as businessmen. Price yourself out of the market and you're going to lose revenues. How are you going to regain those revenues? Come on, raise the income tax! Raise the excise tax! Tax cigarettes some more! Find a few other sins that you might want to plug on to. I'm suggesting that if you want that \$1.25 million of additional annual revenue in the State of Maine you have to protect it. Act like businessmen and you'll keep your business. If you don't act like businessmen, look somewhere else for the business, maybe you ought to go out of business.

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

Senator **TWITCHELL:** Thank you, Mr. President. Just two years ago I put this same Bill in, exactly the same bill, and the good Senator from York, Senator Danton, got up and made a flowery speech that this was a \$10 to \$12 million loss of revenue.

I can't for the life of me understand in two years how this can be a gain to our General Fund. In two years time it was a \$10 million loss of revenue and all of a sudden now we have a gain, and I guess it all depends on the bill who the sponsor is.

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

Senator **DANTON:** Mr. President and Members of the Senate. I hope this isn't the annual Twitchell-Danton Comedy Hour, I don't mean it to be, Mr. President.

Mr. President and Members of the Senate. As most of you know, I represent a tourist area. You've heard me say that time and time again. Let me just give you an example of how it works in my little neck of the woods.

Most of the tourists that we get in my area come from Massachusetts, Rhode Island, Connecticut. Here's how they usually come to my area. They'll stop in New Hampshire, they'll buy their liquor because it's cheaper, then they'll stop and buy their beverages, whether it's soft drinks or beer, because there's no deposit on the bottles. Then, they'll buy their cigarettes because they're cheaper and if they

need any clothes, they'll buy them because there is no sales tax.

Now, these are just some of the things that I point out to you, that when they come into my area, and in a big tent and trailer camping area, those people perhaps only pay for whatever the camping fee is. They buy their food, even, in New Hampshire....

Due to a technical malfunction, Senator Danton's remarks cannot be transcribed.

Senator Hichens' remarks cannot be transcribed.

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

Senator **TRAFTON:** Thank you, Mr. President, I would request a Roll Call of the good Senator from Aroostook, Senator Violette's motion to Indefinitely Postpone this Bill and all Accompanying Papers.

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

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

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

Due to a technical malfunction, the following Senator's remarks cannot be transcribed:

Senator Shute of Waldo

Senator Danton of York

Senator Violette of Aroostook

Senator Trafton of Androscoggin

The pending question before the Senate is motion of the Senator from Aroostook, Senator **VIOLETTE** that this Bill be **INDEFINITELY POSTPONED**.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Brown, Emerson, Hichens, Maybury, McBairty, Pearson, Sewall, Shute, Violette, Webster

NAYS:—Senators, Andrews, Baldacci, Black, Bustin, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Kany, Najarian, Perkins, Stover, Trafton, Tuttle, Twitchell, Usher, The President — Charles P. Pray
ABSENT:—Senators, Berube, Carpenter, Gill, Matthews

10 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 4 Senators being absent, the motion of the Senator from Aroostook, Senator **VIOLETTE**, to **INDEFINITELY POSTPONE** the Bill and all Accompanying Papers **FAILS**.

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

Senate As Amended

Bill "An Act to Provide for Contingency Needs of Intermediate Care Facilities for the Mentally Retarded" (S.P. 356) (L.D. 941) (C "A" S-204)

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

Off Record Remarks

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

ENACTORS

The Committee on **Engrossed Bills** reported the following:

Emergency

An Act to Assist Workers' Displaced from Employment by Imports (H.P. 594) (L.D. 864) (C "A" H-271)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, was **PASSED TO BE**

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

Emergency

An Act to Amend the Wood Measurement Laws (H.P. 960) (L.D. 1381) (C "A" H-272)

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

Emergency

An Act to Adjust the Statutory Ceiling for the Certificate of Need Development Account (H.P. 1028) (L.D. 1480) (C "A" H-267)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 0 Senators having voted in negative was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Assess the Current Projected Needs of Maine Citizens for Additional Nursing Care Services (S.P. 528) (L.D. 1423) (C "A" S-169)

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

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

SENATE PAPERS

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S.P. 627)

Presented by Senator **CARPENTER** of Aroostook Cosponsored by: Representative **KANE** of S. Portland 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.

Under suspension of the Rules all matters previously acted upon with the exception of those matters being held were ordered sent down forthwith for concurrence.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **USHER** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Encourage the Development of Solid Waste Energy Recovery Facilities in the State of Maine" (Emergency) (S.P. 498) (L.D. 1359)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-207)**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-207) **READ** and **ADOPTED**.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Require Two Members of the Public on All State Licensing Boards" (H.P. 857) (L.D. 1216)

Reported that the same **Ought to Pass in New Draft under New Title** Bill "An Act Regarding Members of the Public Serving on State Licensing Boards" (H.P. 1125) (L.D. 1631)

Signed:

Senators:

DANTON of York
BUSTIN of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass in New Draft under New Title** Bill "An Act Regarding Members of the Public Services on State Licensing Boards" (H.P. 1126) (L.D. 1632)

Signed:

Senator:

SEWALL of Lincoln

Representatives:

ARMSTRONG of Wilton
BAKER of Orrington

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

Which Reports were **READ.**

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

Senator **SEWALL:** Mr. President, I move that we accept the Minority Ought to Pass in new Draft under New Title Report, and would speak to my motion.

Thank you, Mr. President and Members of the Senate. The Committee on Business and Commerce discussed the whole idea of public members serving on our boards and commissions and the idea was presented to us that we should have two of these members.

We also discussed further, exactly what these members did, and the Minority Report which I am supporting today, does more than just put two members on. It keeps the one member that we have now, but it also specifies that that public member who's been so-called public, but often has had an interest in one industry or another, our draft says that this member should be a member who does not have any conflict of interest that may cause that person to favor the industry regulated rather than truly representing the interest of the general public and keeping the same amount.

We also then, in our amendment, set the per diem at \$35 a day. We felt that if he really wanted to do something about the public membership on the board, what you might try to do is make sure that they are sincerely a public member, and not try to add more members who perhaps have an interest in whatever the board and commission is, and perhaps that doesn't serve the public as well.

That is the difference between the two Reports and I would hope that you might support the Minority Report.

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

Senator **BUSTIN:** I would hope this Body would defeat that motion and I would ask for a Division and that the Secretary be requested to read the Report.

Which Reports were **READ.**

THE PRESIDENT: A Division has been requested.

The pending question is the motion of Senator **SEWALL** of Lincoln, to **ACCEPT** the Minority **OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE** Report.

Will all those Senators in favor of accepting the Minority Ought to Pass in New Draft under New Title Report of the Committee, please rise in their places until counted.

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

8 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion of Senator **SEWALL** of Lincoln, to

ACCEPT the Minority **OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE** Report **FAILS.**

The Majority **OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE (H.P. 1125) (L.D. 1631)** Report **ACCEPTED.**

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

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Provide Personnel to Man the Weighing Stations in Southern York County" (H.P. 1050) (L.D. 1526) Reported that the same **Ought Not to Pass.**

Signed:

Senators:

ERWIN of Oxford
DANTON of York
SHUTE of Waldo

Representatives:

STROUT of Corinth
MOHOLLAND of Princeton
POULIOT of Lewiston
THERIAULT of Fort Kent
CALLAHAN of Mechanic Falls
MACOMBER of South Portland

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

Signed:

Representatives:

McPHERSON of Eliot
MILLS of Bethel
CAHILL of Woolwich
SOUCY of Kittery

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 of the Committee **ACCEPTED**, in concurrence.

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

ENACTORS

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

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

An Act Pertaining to Interest on Abated Property Taxes (H.P. 497) (L.D. 700) (S "A" S-172 to C "A" H-147)

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) (S "B" S-168)

An Act to Require Recognition of Nursing Licenses Granted in other Jurisdictions (H.P. 1003) (L.D. 1445) (S "A" S-171 to C "A" H-227)

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

An Act to Amend Certain Sections of the Employment Security Law (S.P. 493) (L.D. 1319) (S "B" S-127; H "A" H-286 to C "A" S-104)

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

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

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

Senator **CHALMERS:** Thank you, Mr. President. In relation to L.D. 268, I would like to pose a question if I may to the Chairman of the

Committee.

The question to the Chairman of the Utilities Committee, is this Bill intended to give the Department of Environmental Protection any greater power over the Megunticook Lake Outlet Dams than the Department already has under Title 38 of M.R.S.A.?

THE PRESIDENT: The Senator from Knox, Senator Chalmers, has posed a question to any Senator who may respond if they so desire.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACC:** The answer to the question of the good Senator from Knox, Senator Chalmers, is emphatically no.

The power conferred relates only to Mataganquit River between the Lake Outlet Dams and the Seabright Dams. I hope that answers the question of the good Senator.

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

An Act to Amend the Maine Certificate of Need Act to Define More Clearly the Legal Requirements for Ex Parte Contacts During the Certificate of Need Process, Consistent with the Maine Administrative Procedure Act (S.P. 108) (L.D. 323) (C "A" S-157)

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

Senator **TUTTLE:** Mr. President and Members of the Senate. I guess I have a question here. I don't see the Chairman of the Human Resources Committee here.

I have talked to many other Members of this Body who might have received communications on this Bill from the medical profession. I want to ask the Chairman of the Human Resources Committee if that Bill, in fact, addresses the concerns of the medical community pertaining to physicians. If anybody can answer that question I would like to have a brief explanation of what this Bill does.

THE PRESIDENT: The Senator from York, Senator Tuttle, has posed a question to any Senator who may respond if they so desire.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator **NAJARIAN:** Mr. President and Members of the Senate. I believe that the Senator from York, Senator Tuttle, is confusing this Bill with another Certificate of Need bill. This is an entirely non-controversial Bill.

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

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) (H "A" H-295); (H "A" H-244 to C "A" S-132)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENACTED.**

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

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

An Act Establishing a Tuition Waiver Program at State Institutions for Children of Firefighters and Law Enforcement Officers Killed in the Line of Duty (H.P. 478) (L.D. 681) (H "A" H-269) to C "A" H-176)

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

An Act to Reimburse the Department of In-

land Fisheries and Wildlife for Search and Rescue Operations (H.P. 1033) (L.D. 1485) (C "A" H-287)

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

Senate At Ease

Senate called to Order by the President.

On motion by Senator VIOLETTE of Aroostook, the Senate voted to Remove from the Tabled and Later Today Assigned item:

Bill "An Act to Establish the Maine Vocational-technical Institutes Administration" (H.P. 1132 L.D. 1639)

Tabled June 4, 1985 by Senator VIOLETTE of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED**. (In Senate June 4, 1985, **READ A SECOND TIME**.)

Senate At Ease

Senate called to Order by the President

ORDERS OF THE DAY

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

Bill "An Act to Authorize a Self-liquidating Bond Issue for the County of Cumberland to Raise Funds for the Construction of a Courthouse Addition, Capital Improvements to the Existing Structure and a Related Parking Facility" (S.P. 547) (L.D. 1460) (C "A" S-160)

Tabled — June 4, 1985, by Senator VIOLETTE of Aroostook.

Pending — **FURTHER CONSIDERATION** (In Senate May 30, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-160).)

(In House June 3, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-160) AS AMENDED BY HOUSE AMENDMENT "B"** (H-251), thereto in **NON-CONCURRENCE**.)

On motion by Senator NAJARIAN of Cumberland, the Senate **INSISTED AND ASKED FOR A COMMITTEE OF CONCURRENCE** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Establish the State Employee Assistance Program" (S.P. 501) (L.D. 1362) (C "A" S-173)

Tabled — June 4, 1985, by Senator VIOLETTE of Aroostook.

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

(In Senate June 3, 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 Later Today Assigned matter:

Bill "An Act Authorizing State Employees to Purchase State Property Upon Retirement or Leaving Office" (H.P. 1036) (L.D. 1510)

Tabled — June 4, 1985, by Senator VIOLETTE of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED (RECALLED** from the Governor's Desk Pursuant to Joint Order S.P. 623)

(In Senate, June 3, 1985, Under Suspension of the Rules, **RECONSIDERED ENACTMENT**. Subsequently, **RECONSIDERED ENGROSSMENT**.)

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

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

HOUSE REPORTS — from the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189)

Majority Report — **Ought to Pass**
 Minority Report — **Ought Not to Pass**
 Tabled — June 4, 1985, by Senator VIOLETTE of Aroostook.
 Pending — **ACCEPTANCE OF EITHER REPORT**

(In Senate June 3, 1985, Reports **READ**.)
 (In House June 3, 1985, Majority **UGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

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

Senator BUSTIN: I move the Senate accept the Minority Ought Not to Pass Report.

THE PRESIDENT: The Senator from Kennebec, Senator BUSTIN, moves the Senate **ACCEPT** the Minority **UGHT NOT TO PASS** Report of the Committee.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, I oppose that motion.

This, Mr. President and Members of the Senate is a form of mandatory insurance for vehicles, automobiles, cars. Mr. President and Members of the Senate, this Bill is really a fair Bill, it's a fair approach to what is a real big problem out on our highways.

If you get into an accident and it's your fault, shouldn't you have insurance? Of course you should. And, we all know of many cases and many constituents that'll come to you and complain to you that they were involved in an accident, and the other person didn't have insurance, and they had to pay for their damages on their vehicle, and if they had any personal injuries they didn't even collect for those unless it was through their own insurance.

This Bill takes a different approach. You do not need insurance to register your car with this Bill, but, if you're stopped for a violation, a traffic violation, when the police officer stops you, at that time when he asks you for your driver's license and registration he also asks you if you are an insured motorist, or if you have insurance. If you don't, at that time, they will give you a card which is very similar to a defective card that you get when a tail light or a head light out, and they'll give you a certain period of time for you to go and get insurance on your vehicle, send the card in verifying that you are now an insured motorist.

There is plenty of support out there with our constituency for mandatory insurance. In fact, there are plenty that would like to see the Bill read that when you register your car you should have mandatory insurance, but this is a mild approach to the problem.

Too many Maine drivers end up as innocent victims and have to pay for their own damages. Some say it's unfair to low-income people, that they, perhaps, may not be able to afford insurance. I hardly think that. In fact, sometimes people think that someone is of low-income, and low-income today is anywhere from \$8,000, \$9,000, \$10,000, \$11,000 a year, that those people don't know how to manage their affairs. I submit to you that some of those people perhaps know how to handle their dollars a lot better than those that make \$25, \$30, and \$40,000 a year, because the one that make \$25, \$30, and \$40,000 a year usually end up living way beyond their means. When low income people have to, they can make their adjustments.

This Bill, as it is, is a real mild approach to having mandatory insurance and I would hope that you would defeat the Minority Ought Not to Pass Report and then join me with the Majority Ought to Pass Report. Thank you.

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

Senator SEWALL: Thank you, Mr. President and Members of the Senate. I would agree with the good Senator from York, Senator Danton, that this is a mild Bill towards mandatory insurance. As a matter of fact, it's so mild as to be completely and totally ineffective and that is the reason for my opposition to this Bill.

About 85% of our Maine citizens now, that's by the way, way above the national average, voluntarily buy car insurance, liability at least and a lot of them, collision. Also, we have a mandatory provision in our law that says if you buy any kind of liability insurance you must also buy uninsured motorist provision.

With the passage of this Bill, of course, you'd also have to buy the uninsured motorist, and people would think they had mandatory insurance. If you really want to pull the wool over the eyes of your constituency and say you did something for mandatory insurance, this is the way to do it, because under this Bill if someone is driving, in that same 15%, that they have no matter where they have mandatory insurance in the rest of the United States, that same 15% or so, between 13% and 15%, that drive under suspension of their license, drive without a license entirely, drive an unregistered vehicle, or any of those sorts of things, those same people are going to be out there. The only difference is your constituents are going to say "Gee, we passed a mandatory insurance bill, that's why my premiums jumped up 2 to 3 times," which is what the evidence is in the states where this has happened, "my insurance went up so it can't happen, it just can't happen that this person is going to hit me and not have insurance." I'm telling you it is going to!

When I argued this last year before this Body, I didn't know that there was a solution for this situation. Today I believe there is. I think I found that solution in an old New Jersey law, and it's something that I sincerely want to work on, but I can't present it to you now, probably more than in concept in this Session, because unfortunately, there hasn't been any staff available to help me with the idea.

But this Bill, it's completely ineffectual, it's exactly the same one we killed last year and all it's going to do is raise the rates of your insurance company, and lets you go home and pretend that everyone driving has got insurance, because they won't. That same percent will still be there, your constituents can still be hit by an uninsured motorist even if this Bill passes, so all you're doing is voting to make yourself feel good, but not doing a thing to address the problem.

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

Senator BALDACCIO: Mr. President and Members of the Senate. I had debated this issue two years ago, the same exact issue that we have in front of us today.

I wasn't satisfied because I didn't think it was genuine. The concern of the people in my district is genuine. When they get into a car accident and the person does not have insurance, they are upset about it. They wanted us to address it. This Bill is not genuine. It only says "after the fact," or "after they've been stopped," if they have insurance. You cannot guarantee the people, even the good percentage of the people, that when they get into an accident, the other person is going to have insurance.

I remember discussing that and I was looking at the Legislative Record in April of 1984, and reviewing the comments that were made in regards to that particular legislation. And, I remember quoting the late Reverend Martin Luther King who said "I had a dream." But, when I scrutinized this Bill, I had a nightmare.

I remember discussing about the insurance premiums and the commission of 3% or 7% of those uninsured motorists that we're supposed to be clearing off the roads, Who do we reward? Does the State's General Fund get the commission? Or, surely, Mr. President, we all hope

those poor State Troopers don't get the commission. Who gets the commission? I'm sure it may even be that little gentleman out in the lobby who represents the insurance agency.

The problem with this particular piece of legislation is that it does not address the concerns. We introduced a bill this Session to the Committee on Business and Commerce to do that. It was a good faith attempt to do something that this Senate had rejected two years ago, and it was rejected by that Committee and they brought the same old bill back saying that this is the best that we can do, and frankly, Men and Women of the Senate, I think we can do better.

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

Senator **TWITCHELL:** I move this Bill and all Accompanying Papers be Indefinitely Postponed.

THE PRESIDENT: The Senator from Oxford, Senator **TWITCHELL**, moves that this Bill and all Accompanying Papers be **INDEFINITELY POSTPONED**.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator **TRAFTON:** Thank you, Mr. President. Mr. President, I rise in opposition to the good Senator from Oxford, Senator Twitchell's motion for Indefinite Postponement, and would like to add a few thoughts that I have on this particular issue.

This Bill is not the same bill that we debated in the last Session, as the good Senator from Penobscot, Senator Baldacci, indicated. This isn't a Bill that creates a massive bureaucracy to administer, not is it a bill that creates high administrative costs. It doesn't take the approach as past bills did to require proof of automobile insurance as a condition of registering a motor vehicle. This Bill takes a more passive approach and requires all motorists to carry and show proof of insurance when it becomes apparent in the course of other business that the person is uninsured.

How does this Bill work? This Bill requires all persons to carry auto insurance, but, that prerequisite of the proof of insurance is not required for registration. When a motorist is stopped by a law enforcement officer in routine traffic checks or speeding violations or whatever the reason, the officer will require that driver to show evidence of insurance along with her license and registration. If the driver can show proof by an insurance card or policy or other evidence, nothing more is required. If, however, the driver at that time is unable to show proof of insurances then a verification card will be issued by the officer and that person's insurance agent or company will have to verify that that person does, in fact, have insurance in effect to the Secretary of State. If the insurance is not verified, the Secretary of State will suspend the license of the operator and the registration of the owner until proof of insurance is provided.

So, do we support the idea of mandatory insurance? That's the basic issue. We aren't creating a bureaucracy here that has high administrative costs, we can focus on the principle issue — do we support mandatory auto insurance?.

I submit to you that we have a continued problem with uninsured motorists. The Secretary of State's office has determined that approximately 15% of Maine's motorists are uninsured at this moment, and this percentage has increased over the past few years. In fact, other sources indicate a much higher percentage of uninsured motorists in this State. Too many Maine citizens are innocent accident victims of uninsured motorists, suffering injuries and damages that go uncompensated. Drivers who are not at fault, passengers and property owners who are not at fault, must bear the burdens of these costs. The uninsured motorist causing the injury or damage escapes financial

responsibility for his or her actions.

The current system and financial responsibility law condones this irresponsible behavior. I submit to you that the State must take this reasonable action to assure that all motorists are financially responsible. As the good Senator from York, Senator Danton, indicated, this is simply an issue of fairness. The person who is legally responsible for causing the damage and injury to another should also be required to be financially responsible for remedying that harm.

Is this Bill workable? Well, no system of mandatory automobile insurance can be a 100% cure-all. However, I feel that by enacting this Bill we can reduce the 15% uninsured, let's say, by half, we can say that this type of insurance program is successful. So, let's protect our constituents and ourselves from the financially irresponsible motorists, let's vote for this Bill and oppose the motion of the good Senator from Oxford, Senator Twitchell, to Indefinitely Postpone this Bill.

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

Senator **TWITCHELL:** Thank you, Mr. President and Members of the Senate. If this Bill passes it's going to create ten new positions to administer the Bill at a cost of \$33,000 in 1985-86, and \$290,000 in 1986-87. I don't believe that it's needed and hope that you will stick with my motion.

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

Senator **DANTON:** Mr. President an Members of the Senate. I knew somewhere along the line in this debate, someone would talk about positions and money and what have you, but I assure you that the money that will be needed for those positions will be paid for by fees that people who were uninsured will pay in the process of receiving their license back once it's been taken away from them. It's a self-supporting fund.

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

Senator **BALDACC:** Mr. President and Members of the Senate. I think, in the debate, that one should clearly remember the very important point that this Bill, even though the rhetoric is hot and heavy and it may play well back home, is not really addressing the concerns of people that have come up to us on the street corners, or in the grocery stores, or at the butcher shop and say "You know, it really bothers me, I just got hit by somebody, they didn't have insurance and you wouldn't believe the headache or the hassle it was."

This Bill is not going to do anything to address those concerns, and if we think we're doing something, we're just fooling ourselves. The good Senator from Androscoggin, Senator Trafton, points out that rather than creating some large bureaucracy and some tremendous amount of expense, that this is the best approach to go. Well, frankly, I don't see all the problem with requiring somebody, upon registration, to show proof of insurance, and I don't see any problem with having an individual company required to contact the Secretary of State upon revocation or termination of the insurance, where the company notifies the Secretary of State in that the license is pulled.

I don't see what the big deal is. They do it in North Carolina, they do in a whole bunch of states. It's not a horror show. I think it can be done, but they want to bring up the same old bill, have the same old problems addressed with it, and frankly, Mr. President, I just think that we ought to go along with the good Senator from Oxford, Senator Twitchell, and Indefinitely Postpone this.

THE PRESIDENT: The pending question is the motion by the Senator from Oxford, Senator **TWITCHELL**, that L.D. 1189 and all its Accompanying Papers be **INDEFINITELY POSTPONED**.

The Chair recognizes the Senator from Oxford, Senator Twitchell.

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

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Mr. President and Ladies and Gentlemen of the Senate. Before you take your vote, and I hope that you will vote with the good Senator from Oxford, Senator Twitchell, on his motion to Indefinitely Postpone this Bill.

I have always been against the mandatory insurance bill and I remain that way. I thought that my mind might have been changed sitting as the Senate Chair of the Business and Commerce Committee. It was not. It only solidified my position and the positions are the same.

As a matter of fact, what we're really talking about is 15% of the population, and it is estimated by our own Secretary of State that we will only catch in the net of mandatory insurance 7% or 7.5%. Of course the year before, I think that he had estimated approximately 3%, but somehow it's risen to 7.5%, so that's all you're talking about is that 7.5% that you're going to catch in that net.

For that, what you trade off is higher insurance rates because in every state where you have had mandatory insurance, you have had insurance rates raised. Now, that would mean one of two things to me, if I were a poor person, or a person who is on the borderline of good and bad income, of low income or medium income. It would mean that I would either have to reduce my liability in order to afford any insurance and get it down to bare minimum of the mandatory insurance, or I would have to fudge it and buy the insurance and then cancel it afterward, if I were desperate enough to get to work, until the police caught me again.

Now there is a good reason why they don't in this Bill, ask us to show proof of insurance when we register our vehicles. It is a very good reason because I can buy it on that day, that I register, I can cancel it the next day, and then hope I don't get caught, and hope I can get to work long enough to may be pay for the mandatory insurance, and I won't have to play that little game of where I'm going to spend my money, if I happen to be poor enough to play that game. That's the problem with this.

I don't disagree, and I sympathize with trying to solve the problem of those people who have accidents and there is no insurance coverage. We did this in this State by requiring uninsured coverage. We did this in this State by requiring uninsured motorists coverage on our policies. Most of the policies in this State will carry that automatically, or they'll ask you if you want it, in fact, you have to carry it. So, that's what you do, you have the uninsured motorist protection. Now I will have to buy it, if we have mandatory insurance, I'll have to pay the higher rate and probably get a lower coverage. That doesn't make a whole lot of sense to me.

There is another item you might consider as you consider your vote, and that is that the \$750,000 that the Department will bring in the second year, part of that, the \$290,000, I think it will be of that, will pay for the ten positions. I'm usually not against putting on more State employees if they are going to fulfill a job that is necessary. After all, they're my constituency, why wouldn't I? But this is an unnecessary addition to the State employee's coffers. It is unnecessary and besides that, what do you do

with the other \$500,000? Do you know where that goes? I think you can figure it out, the General Fund, Department of Transportation, wherever you want it to go. But that's what we're doing, we're adding more monies with a hidden tax, as far as I'm concerned that's a hidden tax, and that's for me having to pay the penalty. Now, I have to have a card saying that you've got to show proof of insurance and I don't have that proof, whether or not I have it, I must pay that reinstatement fee. I must pay it. That goes into the State coffers.

So, you have a number of items that you have to consider. It is a difficult choice and you do have to take that into consideration. One of the ways you can do that was suggested by the good Senator from Lincoln, Senator Sewall, and she suggested that she had come up with a better way to fund this. She has, I've seen the outline of what she has had, we have not had the staff or the time to develop that. She has made a commitment to me that she wants to present that in the next Session, I think that's the way to go. I would prefer that we follow the good Senator from Oxford, Senator Twitchell's motion to Indefinitely Postpone, do away with the mandatory insurance aspect, take care of the problem the way the problem should be taken care of by helping those people who happen, those 7% who happen to hit an uninsured motorist and have no way of recovering that other than under their uninsured motorist. That is the way it should be taken care of and I hope that's the way we handle it.

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

Senator **CLARK:** Thank you, Mr. President. Mr. President and Men and Women of the Senate. Suffice it to say, this afternoon when we're all tired and probably a little worn and a little too warm, that I supported a similar measure, not exactly the same, but similar last year and I support it this year.

It boils down to this. This issue is responsibility, not affordability and I would hope that you would not support the prevailing motion of Indefinite Postponement.

The Chair recognizes the Senator from York, Senator Danton.

Senator **DANTON:** Mr. President and Members of the Senate. I have listened to the debate that the good Senator from Penobscot, Senator Baldacci, gave, his words of wisdom on this issue. He left Maine and went down to North Carolina and South Carolina and everywhere else but I still don't understand what he was trying to say that they've done there. And the good Senator from Kennebec, Senator Bustin, is talking about mandatory insurance. And I thought that I explained when I first got up that this is a very mild approach, that if you are a careful driver and you observe all the traffic rules, and never get stopped by a police officer, you can perhaps go your entire life without having to buy insurance, because the only time you will need that insurance is when you're stopped by a police officer and he says to you "May I see your license and registration and by the way, are you also insured?" From that point, that's when you have to fish or cut bait.

Now, we talk about 15% uninsured motorists as if it's nothing out there. Well, 15% of 500,000 or 600,000 motorists, automobiles, I think that's a great chunk of people that are driving that do not have insurance, and it's their responsibility, if they get into an accident, that they should have insurance, or have the means to take care of the damage and the personal injury to those people that do get damaged or personal injury, and I see absolutely nothing wrong with that.

All these plans that we've been hearing coming along, I've never seen one yet. Someday we may get one, but I would hope today that we would pass this mild approach to having uninsured motorists have insurance.

The pending question before the Senate is motion of the Senator from Oxford, Senator **TWITCHELL**, that this Bill and all Accompanying Papers be **INDEFINITELY POSTPONED**.

Senator **ERWIN** of Oxford, who would have voted Yea, requested and received Leave of the Senate to pair his vote with Senator **BERUBE** of Androscoggin, who would have voted Nay.

A Yes vote will be in a favor of Indefinite Postponement.

A No vote will be opposed.
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Baldacci, Black, Bustin, Emerson, Kany, Maybury, McBreaity, Pearson, Perkins, Sewall, Shute, Stover, Twitchell, Usher, Violette, Webster, The President — Charles P. Pray

NAYS:—Senators, Andrews, Brown, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Gauvreau, Hichens, Trafton, Tuttle
ABSENT:—Senators, Carpenter, Gill, Matthews, Najarian

17 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators Pairing their votes, and 4 Senators being absent, the motion of Senator **TWITCHELL** of Oxford, to **INDEFINITELY POSTPONE** this Bill and all Accompanying Papers, **PREVAILS**.

(See Action Later Today)

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

Bill "An Act to Control Acid Rain" (H.P. 263) (L.D. 317) (C "B" H-274)

Tabled — June 4, 1985, by Senator **CLARK** of Cumberland.

Pending — Motion of same Senator to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE** (Roll Call Ordered)

(In Senate June 4, 1985, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-274)** Report **READ AND ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-274)** in **NON-CONCURRENCE**.)

(In House June 3, 1985, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273)** Report **READ AND ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273)** AS **AMENDED BY HOUSE AMENDMENT "A" (H-300)**, thereto.)

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

Senator **McBREAITY** of Aroostook, who would have voted Yea, requested and received Leave of the Senate to pair his vote with Senator **GILL** of Cumberland, who would have voted Nay.

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

Senator **BLACK:** Thank you, Mr. President and fellow Senators. I would like to speak on this subject.

I've requested and received some figures and the increased cost to Central Maine Power Company if this is passed, as Senator Kany would prefer. At present, in the Wyman Station, they use three grades of oil, .7, 1.5 and 2.5 oil for individual generators. If they were obliged to go to .3% fuel as required in the Bill, the implemental cost would be, in 1985, \$2.06 a barrel more; in 1986, \$2.20; in 1987, \$2.39; in 1988, \$2.90 more; in 1989, \$3.02; in 1990, \$3.00. They use three million barrels of oil there, so figure out exactly what the cost would be, if you care to do that, but is a tremendous increase.

They also have in their contract from purchasing electricity from New Brunswick that

they would have to pay on a 3% oil increase, it would be \$1.54 million in 1985 and \$2 million in 1990, so if this Bill is enacted or a portion of the Bill she would request, they're going to have a tremendous increase in industry.

I wonder if that's the way, if we're in the end of the line, to increase business here in the State to create employment. It seems as though our good friend, Senator Usher, in a section of the Bill, would be far more preferable and not hurry into this. We're aren't going to help our acid rain situation locally very much and I'd rather have a look at it instead of increasing all these costs.

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

Senator **KANY:** Mr. President and Senators. I just want to correct a misconception.

The amendment, as adopted by the Senate does not actually require going from 2.5 to 2.0 oil. Instead it would allow a variety of means for the 20% reduction, including scrubbers, conservation and all.

I urge you to consider that and I urge you once again to vote against the procedural motion to Reconsider, and will just say one final thing and that is that I wish to goodness that the Maine Legislature doesn't make the State of Maine look foolish by not being willing to go forward with a slight reduction.

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

Senator **DUTREMBLE:** Mr. President and Members of the Senate. I guess acid rain has been a problem that we've been discussing in this Country for many years and I guess yesterday on my votes I wasn't sure which way I wanted to go, and after talking to a few people and doing a little research, I guess I'm pretty sure what I'm going to do today.

I guess I've been concerned with the rest of you about acid rain, in that when I go fishing I want to make sure I catch fish and when I go swimming I want to make sure I don't get contaminated. The problem is that Maine is at the end of the tunnel.

There are a lot of States in the industrialized Midwest that produce a lot of this pollution they emit into the air, and other industrialized states in the Northeast that produce this pollution, which eventually finds its way up to the State of Maine. But, what we're asking to do here is ask the people of the State of Maine to spend some of their hard earned dollars so that we can take care of some of the problems. From what I heard from the speakers yesterday and this morning, we're talking about less than 10% of the State of Maine, of less than 10% of the problem will be solved if Maine did what this Committee Amendment "B" would want us to do.

I guess I have a real problem with that, because that still leaves over 90% of the problem, so that means when I go fishing I still may not catch fish and when people go swimming they still may get contaminated, and we're not really addressing the problem at all. What I really resent is for someone to say to me that we have to show our delegation in Congress that we support them by voting for this. I don't think that the Maine people have to spend \$6-\$10 million of their hard earned dollars to show that they support the Congressional delegation. They can do that at the polls or they can do that by writing letters.

If this addressed the problem, I would vote for it, but it doesn't do anything. The problem of acid rain has been around for awhile and I think that a lot of people are willing to do anything, no matter what it is. I'll do something when it does something. Thank you.

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

Senator **ERWIN:** Mr. President and Ladies and Gentlemen of the Senate. Having spent most of my adult life in the pulp and paper industry, I'm aware of a few of the problems, but perhaps, some people would not be and what

I'm going to say isn't meant to be sarcastic in any way.

The word "scrubber" has been used quite loosely here. It isn't the piece of perfected equipment that many people think a sulfur scrubber is. I've been out of Boise-Cascade for a couple of years and I know that when I left that their reliability was extremely poor, so I had someone run a check for me this afternoon and the answer came back that the reliability hadn't improved very much, if any. It's still around 60% to 65% of the time you can figure your scrubber on-line.

The pulp and paper business is a very competitive field. For example, the I.P. mill in Jay has a Number 6 machine down now, or it was last week. Why? European pulp and paper is coming into this Country more and more and the paper that that machine was in competition with, a lot of it is coming from Europe.

We've got to think in terms of jobs for our young people, for our children and our grandchildren, as well as having a beautiful state, a nice climate. You've got to have some happy medium there somewhere. You can't just have wonderful, clean air for the people to move here that's made their fortune somewhere else and come up here and enjoy our State, our children need a place for employment. We've got to consider them also when we make our decision.

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. Well, the ghosts and goblins of this Bill are certainly out in force here in this Chamber this afternoon.

We've heard of the dire predictions of what will happen if the Bill passes. We've heard of the tremendous expense to our utilities, we've heard about the tremendous expense to our rate-payers if the Bill goes through. Of course, if you look at the projects and you look at the basis on which those projections were made, we may find out that the projections were made on probably the most expensive way possible to address the problem and figures that are conservatively stated by myself and inflated at best.

You also look at figures that are based on the assumption that conservation would not be taken into account, that alternative ways of dealing with this problem of reducing acid rain that are less expensive than ones that were used in those projections would be used and I suggest, Ladies and Gentlemen, that if we bite the bullet on this very serious problem, that we will find a substantial reduction in the cost to deal with this problem than what we've heard on the Senate Floor today, because it takes a little bit of imagination, it takes a little bit of hard work to do that, but if there was the incentive to do it, it would be done at a much less expensive cost, I submit, than what we've heard today.

We hear about the hard earned dollars of Maine people. Yes, we have to respect the people who have worked so hard in this State and we have to look at those dollars and act in a very prudent way. Obviously, we have to. But, what you don't hear when you listen to that argument is the tremendous loss to this State now and in the future if we allow the continued destruction of our environment, which is our most precious resource for now and in the future. And, I'm not just talking about someone coming up from Massachusetts or New York to enjoy Maine for two weeks, I'm talking about a vital part of this State economy that we are jeopardizing by turning our back on the problem.

Now look, for example, in the Mid-west. Let's look at the State of Ohio. It's, yes, generating a large portion of the acid rain problem. Now, let's look at how much they have to gain by solid acid rain legislation. Not as much, I would submit, as the State of Maine. There's not as

much at stake as the State of Maine in terms of not only our natural beauty but in terms of economic dollars, but look at the costs that they are going to have to bear when it comes time to bite the bullet on this problem. It's going to be several time, hundreds of times, perhaps, more than the moderate cost that we're being asked to bear to protect this vital resource in the State of Maine. Remember, Ladies and Gentlemen, it is not true that Maine does not contribute to the problem. It does contribute to the problem and we have something before us today that can begin to deal with that problem.

We've debated this issue back and forth, I think the arguments on both sides are pretty clear. We've heard in the debate this afternoon that we don't want to vote for a bill that does nothing. Well, if you want to vote for a bill that does nothing that is up to you.

Due to a technical malfunction the remaining remarks by Senator Andrews can not be transcribed:

Senator Usher of Cumberland.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator **CLARK**, that the Senate **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.**

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

Senator **DUTREMBLE** of York who would have voted Yea, requested and received Leave of the Senate to pair his vote with Senator **NAJARIAN** of Cumberland, who would have voted Nay.

The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Baldacci, Black, Danton, Emerson, Erwin, Maybury, Perkins, Sewall, Shute, Stover, Tuttle, Twitchell, Usher, Violette, Webster, The President—Charles P. Pray

NAYS:—Senators, Andrews, Brown, Bustin, Chalmers, Clark, Diamond, Dow, Gauvreau, Kany, Pearson, Trafton

ABSENT:—Senators, Carpenter, Matthews
16 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 6 Senators Pairing their votes and 2 Senators being absent, the motion of Senator **CLARK** of Cumberland, to **RECONSIDER** its action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE, PREVAILS.**

Due to a technical malfunction the remarks of the following Senator cannot be transcribed: Senator Baldacci of Penobscot.

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

Senator **USHER:** Thank you, Mr. President. I move that the Senate Reconsider its action whereby the Minority Ought to Pass as Amended Report of the Committee was Accepted and would request a Division.

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

Senator **ANDREWS:** I move this Bill be Tabled 1 Legislative Day pending the motion of Senator Usher of Cumberland to Accept the Minority Ought to Pass as Amended Report.

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

Senator **USHER:** Thank you, Mr. President. I request a Division on the motion of the Senator from Cumberland, Senator Andrew's motion to Table this matter 1 Legislative Day.

THE PRESIDENT: A Division has been requested. The pending question before the Senate is the motion of the Senator from Cumberland, Senator **ANDREWS**, to **TABLE** this Bill 1 Legislative Day, pending the motion of the Senator from Cumberland, Senator **USHER**, to **RECONSIDER ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator **ANDREWS**, that this Bill be Tabled 1 Legislative Day, pending the motion of Senator **USHER** of Cumberland, to **RECONSIDER ACCEPTANCE OF THE MINORITY OUGHT TO PASS AS AMENDED** Report of the Committee, 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 15 Senators having voted in the negative, the motion of Senator **ANDREWS** of Cumberland, to **TABLE 1** Legislative Day, **FAILS.**

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator **USHER**, to **RECONSIDER ACCEPTANCE** the Minority **OUGHT TO PASS AS AMENDED** Report.

The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator **ANDREWS:** Thank you, Mr. President. I request a Division.

THE PRESIDENT: A Division has been requested. The pending question is the motion of the Senator from Cumberland, Senator **USHER**, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of **ACCEPTING** the **MAJORITY OUGHT TO PASS AS AMENDED** Report of the Committee, please rise in their places to be counted.

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

13 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion to **RECONSIDER ACCEPTANCE** the Minority **OUGHT TO PASS AS AMENDED** Report of the Committee **FAILS.**

THE PRESIDENT: The pending question is the **ACCEPTANCE** of the **MAJORITY OUGHT TO PASS AS AMENDED** by Committee Amendment "A" (H-273) Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator **USHER:** Mr. President, I request a Division of the pending question.

THE PRESIDENT: The pending question is the **ACCEPTANCE** of the **MAJORITY OUGHT TO PASS AS AMENDED** Report.

A Division has been requested.

Will all those Senators in favor of the **ACCEPTANCE** of the **Majority Ought To Pass As Amended** Report, please rise in their places until counted.

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

18 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion to **ACCEPT** the **MAJORITY OUGHT TO PASS AS AMENDED** Report **PREVAILS.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-273) **READ.**

House Amendment "A" (H-300) to Committee Amendment "A" (H-273) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-273) as Amended by House Amendment "A" (H-300), thereto **ADOPTED** in concurrence.

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

Senate At Ease

Senate called to Order by the President.

Off Record Remarks

On motion by Senator **CHALMERS** of Knox, **RECESSED** until the sound of the Bell.

After Recess

Senate called to Order by the President.

Off Record Remarks

HELD ITEM

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

Senator **WEBSTER:** Mr. President, is the Bill in possession of L.D. 1616?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held.

Bill "An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers" (H.P. 1120) (L.D. 1616) (S. "B" S-202) (In House May 30, 1985, **PASSED TO BE ENGROSSED.**)

(In Senate June 4, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-202) IN NON-CONCURRENCE.**)

On motion by Senator **WEBSTER** of Franklin, the Senate **RECONSIDERED** its action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED.**

On motion by Senator **WEBSTER** of Franklin, Senate Amendment "D" (S-209) **READ.**

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate, I appreciate the indulgence of this Body tonight on this matter and the courtesy given to me to Reconsider.

This amendment, for those of you who have it in front of you, simply states that the Department has to, (well, my concern about this whole matter has been that the Department could go into a person's home, this is where they are running this day care business) on an anonymous tip without proof that there was anything ever going on. The amendment states the Department may not investigate a complaint filed pursuant to this Section unless the complainant provides the Department with his name, address and the nature of the complaint.

I feel that this amendment is a reasonable approach to the concerns that many people have, particularly in this Body, with this piece of Legislation, L.D. 1616. I think as Legislators that many times we have dealt with some over-zealous bureaucrat who has decided that his position is right and proceeded in a manner that would not be necessarily what we wanted.

I feel that the majority of people that work for State Government probably are doing a good job and are very conscientious, but my concern is that someone at some point could call the Department and state that they knew of someone who was abusing their child, without even giving their name and address, then hang up the phone. Well, the typical state employee might question whether this person was creditable, but there might be that individual who works for the State Government who took that person serious. My feeling would be that before I want State Government walking into my house or a child-provider in my district, that there ought to be some kind of check and balance. I don't want some anonymous phone call, I don't want some crackpot, I don't want some neighbor who doesn't like this lady who's giving child care, to call up on the phone and not at least acknowledge who they are.

Now, Senator Gauvreau from Androscoggin earlier presented an amendment which I supported and I think it is a reasonable amendment. It stated that you had to have just cause and I think that is reasonable. But, I think there are examples where someone could fall through the crack. I think that most State employees, most bureaucrats in Government today would say "Well, if this guy can't tell me who he is then maybe he really hasn't got just cause and maybe there is a question there in my mind." But, my concern is not about the average State employee, the average bureaucrat, my concern is about those out there that might just decide that they were a little bit better than the law and might proceed in a manner that I don't think is right. I don't think that most of us here feel it would be

right.

I just feel that I'm not willing at this time to give State Government more power, to give some person out there who decides that he can wield a little bit more power than he ought to and goes out there and makes accusations or storm troopers into a guy's house, this person lives in this home, you know, comparisons could be made that if you don't like the food in his establishment you could complain and say that it was unsafe and you wouldn't necessarily give your name, and I think that's true. But people don't live in their restaurants. They don't go home at night and put up their feet and watch TV. I just have a feeling there's a thin line between where your going past the point where you ought to be infringing on a homeowner's lifestyle in their home and going into the house.

So, I feel that I would like to see something in this Bill that would address my concerns, that's why I came up with this amendment. I thank you for listening.

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

Senator **GAUVREAU:** Thank you, Mr. President, Men and Women of the Maine Senate. I move Indefinite Postponement of Senate Amendment "D" to L.D. 1616 and would speak to my motion.

As you recall, L.D. 1616 is legislation pertaining to registered day care providers. Those persons who have between three and twelve youngsters age sixteen or under, which they contract with parents for day care services.

I offered an amendment earlier which we accepted, Senate Amendment "B", which provides a specific procedure for the Department of Human Services to follow in the event it has received a complaint from any party regarding illegal or improper activity at such a registered day care home.

Specifically, the Department would be authorized to come onto the property and investigate a complaint if upon the complaint the Department had reasonable cause to suspect that, in fact, a violation of the appropriate certification standards had occurred.

Now, my concern with the proposed amendment is that if we require parties who phone in or advise social workers of possible violations at a registered home, that may well have a chilling affect upon reporting such improper or illegal activities. The Department, under my amendment, has a burden to demonstrate it has reasonable cause as a predicate for going into such a home. There seems to be no requirement, there's no purpose served in opposing the additional obligation that the party phoning in or bringing the complaint identify themselves by name and address. In fact, there is a real potential, I suggest, for retaliation in such a circumstance and it strikes me that we really ought to be encouraging parties to bring complaints if they have reason to believe that improper activities are going on.

So, for that reason I would urge you to Indefinitely Postpone Senate Amendment "D" so that we could go on and pass this Bill. Thank you.

THE PRESIDENT: The pending question is the motion of the Senator from Androscoggin, Senator **GAUVREAU**, that Senate Amendment "D" (S-209) be **INDEFINITELY POSTPONED.**

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Mr. President, I request a Division on that motion, and further state that I share the concerns that Senator Gauvreau and I have discussed earlier in regards to this issue, and he has explained his position well.

I guess my concern would be that of the question of repercussions, as Senator Gauvreau has mentioned, and I guess I'm wondering if there was a complaint brought by some anonymous person out there that somebody,

somewheres, was doing something that wasn't right and the State took it upon itself to enter these peoples' homes and found there was no fault, nothing wrong within that home, then how does the individual who runs that little business that takes care of three children, how does this individual confront his accuser. That's my concern. How are we going to confront our accuser, the guy who doesn't like me so he calls up the State and says I'm doing something wrong but he doesn't say who he is. The State comes in, he rakes havoc to my business, not necessarily my business but the people who send their children to me are concerned because the State has come in and investigated my business and for no reason at all, and I have no recourse, no way to go back to the State and say that I want to know who made these complaints that were not necessarily right.

That's my concern and I believe I've explained it to the Senate before and I hope you will vote against the motion to Indefinitely Postpone. Thank you.

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

Senator **BUSTIN:** Mr. President, Men and Women of the Senate. I'll speak just a few moments to this Bill and hope you go along with the Senator from Androscoggin's motion for Indefinite Postponement.

This would be, in fact, a very chilling effect for those people who might see child abuse, who might be your neighbor, who might be a relative of yours, you would not want be forced to give your name and address, yet you would want to report the child abuse and the reason you wouldn't is because you have to live with these people afterwards.

Keep in mind that child abuse is a sickness. People don't mean to abuse children, people don't want to do that, it's a sickness that needs to be treated. We must give those people who have that sickness the ability to get treated and to get cured as much room as possible to do that. To tie my hands in reporting that abuse and not giving me that ability to report it without using my name and getting the harassment from that quote/unquote "sick person," I think does not bode well for a society at all, or at large. It just simply doesn't.

What we are talking about is protecting that very valuable human resource I talked about yesterday, the children of this Nation and of this State, and we must not tie the hands of those people who are willing to come forward, it's hard enough to come forward, even on an anonymous basis, to report your neighbor or your child. Take for instance if my daughter were abusing my granddaughter, you know, what am I going to do, call up the Department of Human Services? I'll do everything in my power to help that situation but I have a limited amount of ability to do that. And, if it comes to the point where I must report it to the authorities, sure, in the best of all possible worlds, in an ideal society, I should be able to do that and take that on my shoulder, but I submit to you that most people will not. So please vote with the Indefinite Postponement motion. Thank you.

THE PRESIDENT: The pending question is the motion of the Senator from Androscoggin, Senator **GAUVREAU**, that Senate Amendment "D" (S-209) be **INDEFINITELY POSTPONED.** A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of Senate Amendment "D" (S-209), please rise in their places until counted.

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

17 Senators having voted in the affirmative, and 9 Senators having voted in the negative, the motion of Senator **GAUVREAU** of Androscoggin, to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-209) **PREVAILS.**

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

Under suspension of the Rules, sent down forthwith for concurrence.

Senate At Ease

Senate called to Order by the President.

ORDERS OF THE DAY

HELD ITEM

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

Senator **DOW:** Mr. President, is the Senate in possession of L.D. 389.

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held.

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

(In Senate May 28, 1985, **FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)**, in **NON-CONCURRENCE**.)

(In House June 3, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155) AS AMENDED BY HOUSE AMENDMENT "B" (H-293)**, thereto in **NON-CONCURRENCE**.) (In Senate June 4, 1985, **ADHERED**.)

On motion by Senator **DOW** of Kennebec, the Senate **RECONSIDERED** its action where by it **ADHERED**.

THE PRESIDENT: The pending motion is the motion of the Senator from Kennebec, Senator **BUSTIN**, that the Senate **ADHERE**.

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

Senator **BUSTIN:** Mr. President, I request permission to withdraw my motion.

THE PRESIDENT: Senator **BUSTIN** of Kennebec now requests Leave of the Senate to Withdraw her Motion to Adhere.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

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

Senator **DOW:** I move we Recede and Concur.

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

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

Senator **BUSTIN:** Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate. I have Withdrawn my motion to Adhere and allowed the Recede and Concur motion from the good Senator from Kennebec, Senator **DOW**.

I still have some doubts about the new amendment that has been put on in this House. I will be checking it out. We will do whatever is necessary then.

The amendment sets up an advisory committee that is appointed by the Commissioners. I just want, for the Record, to have you understand that we in Kennebec County already had an advisory committee that functioned, to the best of my recall, did not function all that well although I'm sure there are many people who would disagree with me, and what we're doing is setting up that system again. I'm not sure that that's a good thing to do, but let's accept the Recede and Concur motion and then we can go from there.

On motion by Senator **DOW** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

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 Relating to Protection from Abuse Law" (H.P. 647) (L.D. 917)

Bill "An Act Concerning Pleas of Insani-

ty" (H.P. 924) (L.D. 1331)

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning the Provision of Certain Reports for Court-ordered Examinations" (Emergency) (H.P. 947) (L.D. 1356)

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

Signed:

Senator:

CHALMERS of Knox

Representatives:

KANE of South Portland

PRIEST of Brunswick

COOPER of Windham

LEBOWITZ of Bangor

MacBRIDE of Presque Isle

STETSON of Damariscotta

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-277)**.

Signed:

Sensors:

CARPENTER of Aroostook

SEWALL of Lincoln

Representatives:

DRINKWATER of Belfast

ALLEN of Washington

PARADIS of Augusta

CARRIER of Westbrook

Comes from the House with the Minority **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-315)**.

Which Reports were **READ**.

The Minority **OUCHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-277) was **READ**.

Senate At Ease

Senate called to Order by the President.

On motion by Senator **CHALMERS** of Knox, Committee Amendment "A" (H-277) **INDEFINITELY POSTPONED**.

House Amendment "A" (H-315) **READ** and **ADOPTED**, in concurrence.

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

Resolve, Authorizing and Directing the Maine State Housing Authority to Study and Report on Current Practices Relating to Enforcement of Safe and Habitable Conditions in Rental Housing (S.P. 313) (L.D. 802)

In Senate June 4, 1985, the Majority **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186) AND SENATE AMENDMENT "A" (S-190)**.

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

The Senate **ADHERED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Non-concurrent Matter

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

In Senate June 3, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-163)**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMIT-**

TEE AMENDMENT "A" (S-163) AS AMENDED BY HOUSE AMENDMENT "A" (H-299), thereto in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act Concerning Inspection of Safety Seat Belts" (H.P. 432) (L.D. 612)

In Senate June 3, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265) AND HOUSE AMENDMENT "A" (H-314)** in **NON-CONCURRENCE**.

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

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought Not To Pass

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Construction of an Economic Development and Conference Center" (S.P. 421) (L.D. 1169)

Ought to Pass As Amended

Senator **KANY** for the Committee on **STATE GOVERNMENT** on Bill "An Act to Establish Legislative Council Oversight of Expenditures for Joint Standing Committees, Joint Select Committees and Legislative Investigating Committees" (S.P. 587) (L.D. 1544)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-210)**

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

Committee Amendment "A" (S-210) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Require Public Utilities Commission Approval of Significant Agreements and Contracts by Public Utilities" (S.P. 436) (L.D. 1203)

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

Signed:

Sensors:

BALDACCI of Penobscot

WEBSTER of Franklin

Representatives:

VOSE of Eastport

NICHOLSON of South Portland

RICHARD of Madison

WILLEY of Hampden

CLARK of Millinocket

PARADIS of Old Town

WEYMOUTH of West Gardiner

WEBSTER of Cape Elizabeth

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee "A" (S-212)**.

Signed:

Senator:

ANDREWS of Cumberland

Representatives:

BAKER of Portland

McHENRY of Madawaska

Which Reports were **READ**.

Senator **BALDACCI** of Penobscot moved the Senate **ACCEPT** the Majority **OUCHT NOT TO PASS** Report.

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending the motion of the Senator from Penobscot,

Senator **BALDACCI** to **ACCEPT** the Majority **OUCHT NOT TO PASS** Report.

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 **BUSINESS AND COMMERCE** on Bill "An Act to Protect Persons with Children from Discrimination in Mobile Home Rentals and Leases" (H.P. 816) (L.D. 1157)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-321)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-321) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS AND COMMERCE** on Bill "An Act Relating to the Maine Self-Insurance Guarantee Association" (H.P. 215) (L.D. 249)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-319)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-319) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act Concerning Safety and Sanitary Conditions on Railroad Property" (H.P. 112) (L.D. 137)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-320)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-320) **READ** and **ADOPTED**, in concurrence.

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

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

After Recess

Senate called to Order by the President.

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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-313)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-313)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-313) **READ** and **ADOPTED**, in concurrence.

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 Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Agencies" (H.P. 379) (L.D. 520)

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

Signed:

Sensors:

TUTTLE of York

STOVER of Sagadahoc

Representatives:

HALE of Sanford

MURPHY of Berwick

NICKERSON of Turner

SALSBURY of Bar Harbor

SMITH of Island Falls

WENTWORTH of Wells

DAGGETT of Manchester

MASTERMAN of Milo

McHENRY of Madawaska

ROTONDI of Athens

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-249)**.

Signed:

Sensor:

BALDACCI of Penobscot

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

Which Reports were **READ**.

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

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

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

THE PRESIDENT: The Senator from Penobscot, Senator **Baldacci**, has requested a Division on the motion to **ACCEPT** the Majority **OUCHT NOT TO PASS** Report.

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

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

20 Senators having voted in the affirmative, and 5 Senators having voted in the negative, the motion to **ACCEPT** the Majority **OUCHT NOT TO PASS** Report **PREVAILS**.

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 End Subsidized Early Retirement Payments Under the Maine State Retirement System Laws" (S.P. 471) (L.D. 1274)

In Senate June 4, 1985, the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-164)** in **NON-CONCURRENCE**.

Sensor **BUSTIN** of Kennebec moved the Senate **ADHERE**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending the motion of the Senator from Kennebec, Senator **BUSTIN** to **ADHERE**.

Senate At Ease

Senate called to Order by the President.

Off Record Remarks

Joint Order

The following Joint Order: (H.P. 1139) **ORDERED**, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out a bill in the form of a bound issue relating to equipment and land purchase for vocational-technical institutes.

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

ORDERS OF THE DAY

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

Bill "An Act to Establish the State Employee Assistance Program" (S.P. 501) (L.D. 1362) (C "A" S-173)

Tabled — June 4, 1985, by Senator **VIOLETTE** of Aroostook.

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

(In Senate June 3, 1985, **READ A SECOND TIME**.)

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

Senate At Ease

Senate called to Order by the President

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

ORDERS

Joint Resolution

On motion by Senator **EMERSON** of Penobscot, (Cosponsored by President **PRAY** of Penobscot, Speaker **MARTIN** of Eagle Lake, Representative **WILLEY** of Hampden) the following Joint Resolution: (S.P. 630)

JOINT RESOLUTION RECOGNIZING

THE MAINE NATIONAL HIGH ADVENTURE PROGRAM FOR OUTSTANDING SERVICE TO THE NATURAL RESOURCES INDUSTRIES AND PUBLIC AGENCIES OF THE STATE AND HONORING MR. AND MRS. WALLACE H. JEFFREY

WHEREAS, the Maine National High Adventure Area represents a unique partnership between the private sector, state agencies and the Boy Scouts of America, operating as the top outdoor and leadership training program, the "Graduate School" of the Boy Scouts of America; and

WHEREAS, Since 1971, over 17,000 participants from over 30 states and the nations of Australia, Canada, Great Britain, Pakistan, Saudi Arabia and South Africa have visited this State through the Maine High Adventure Program, which serves as an "ambassador of good will" for the State; and

WHEREAS, Maine High Adventure has provided hundreds of hours of volunteer service to Baxter State Park, the Allagash Wilderness Waterway, the Maine Forest Service, the Department of Inland Fisheries and Wildlife and the University of Maine System; and

WHEREAS, Maine High Adventure staff and crews have volunteered hundreds of hours fighting forest fires and assisting in search and rescue operations; and

WHEREAS, the Bureau of Parks and Recreation presented Maine High Adventure an Outstanding Service Award for cleaning up litter from public campsites on Lobster Lake; and

WHEREAS, in 15 years, the program has operated bases at Matagamon Lake and Pittston Farm, providing thousands of people with rugged back-country experience without a single serious illness or injury; and

WHEREAS, the program has operated according to the philosophy of good stewardship and the "melding of the resources, both human and natural," and has featured the concept of shared and cooperative use of natural resources; and

WHEREAS, Maine High Adventure operates with the strong support and benefit of the following private and public cooperators:

Bangor Hydro Electric Company
J.M. Huber Corporation
Boise Cascade Coporation, Inc.
Prentiss & Carlisle Company
Champion International Corporation
Scott Paper Company
Cianbro Corporation
Seven Islands Land Company
Dead River Company
Baxter State Park Authority
Diamond Occidental, Inc.
Bureau of Parks & Recreation
Dunn Heirs
Bureau of Forestry
Georgia-Pacific Corporation
University of Maine
Great Northern Paper Company
Department of Inland
Fisheries & Wildlife
H.E. Sargent, Inc.
James W. Sewall Company
International Paper Company; and

WHEREAS, Maine High Adventure has served as a model for other programs around the United States, in Canada and the Bahamas, stressing leadership, character development and environmental education; and

WHEREAS, the Maine High Adventure program has been created and administered by Mr. Wallace H. Jeffrey and Patricia Jeffrey who have provided inspiration, dedication, vision, commitment and leadership and who have served as counselors, mentors and friends setting a high standard for all to follow; and

WHEREAS, on July 1, 1985, they will retire from outstanding life-long service to the Boy Scouts of America and to the natural resources of New England, now, therefore, be it

RESOLVED: That we, the Members of the 112th Legislature of the State of Maine, now assembled, in the First Regular Session, take this opportunity to recognize the Maine High Adventure Program and its accomplishments and to express, on behalf of the Legislature and interested citizens of Maine, our utmost gratitude and heartfelt best wishes to the Jeffreys for their outstanding role in this development; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and presented to the Jeffreys in token of this sentiment expressed herein.

Which was **READ** and **ADOPTED**.
Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **BALDACCI** of Penobscot, **RECESSED** until the sound of the Bell.

After Recess

Senate called to Order by the President.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Implement Recommendations of the Maine Health Care Finance Commission's Hospital Advisory Committee" (H.P. 577) (L.D. 848)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-323)**.

Signed:

Senators:

BUSTIN of Kennebec
BERUBE of Androscoggin

GILL of Cumberland

Representatives:

KIMBALL of Buxton
NELSON of Portland
PINES of Limestone
TAYLOR of Camden
CARROLL of Gray
BRODEUR of Auburn
SEAVEY of Kennebunkport
ROLDE of York
MELENDY of Rockland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-324)**

Signed:

Representative:

MANNING of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-323)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-323)**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-323) **READ** and **ADOPTED**, in concurrence.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **EDUCATION** on Resolve, Creating a Special Commission to Study Teacher Training in the University of Maine System (Emergency) (H.P. 644) (L.D. 914)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-302)**.

Signed:

Senators:

BROWN of Washington
GAUVREAU of Androscoggin

Representatives:

O'GARA of Westbrook
CROUSE of Caribou
BOST of Orono
LAWRENCE of Parsonsfield
ROBERTS of Farmington
MATTHEWS of Caribou
HANDY of Lewiston

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

Signed:

Senator:

HICHENS of York

Representatives:

SMALL of Bath
BROWN of Gorham
FOSS of Yarmouth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302) AS AMENDED BY HOUSE AMENDMENT "A" (H-306)** thereto.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-302) **READ**.
House Amendment "A" (H-306) to Committee Amendment "A" (H-302) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-302) as Amended by House Amendment "A" (H-306) thereto, **ADOPTED**, in concurrence.

The Bill as Amended **TOMORROW AS-**

SIGNED FOR SECOND READING.

On motion by Senator **TWITCHELL** of Oxford,
ADJOURNED until 9:00 o'clock tomorrow morning.