

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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August 29, 1985

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STATE OF MAINE

One Hundred and Twelfth Legislature
First Regular Session

JOURNAL OF THE SENATE

In Senate Chamber
Friday,
June 7, 1985

Senate called to Order by the President.

Prayer by Reverend Edwin Randall of the Whitneyville Congregational Church in Whitneyville.

REVEREND RANDALL: Let us pray. O God, the giver of life, we give You thanks this day that we have arrived here thus far on this spring morning.

We give You thanks for the blessings of our individual careers in public service and we give You thanks that with your guidance and with the faith that sustains us, we will carry through the charge which we have before us in this Session. Amen.

Reading of the Journal of Yesterday.

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) (C. "A" S-186)

In Senate June 4, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186) AND SENATE AMENDMENT "A" (S-190).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186) AS AMENDED BY HOUSE AMENDMENT "A" (H-346)**, thereto in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189)

In House June 3, 1985, **PASSED TO BE ENGROSSED**.

In Senate June 4, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED IN NON-CONCURRENCE**.

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

The Senate **ADHERED**.

Non-concurrent Matter

Bill "An Act to Control Acid Rain" (H.P. 263) (L.D. 317) (C. "A" H-273)

In Senate June 5, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273) AS AMENDED BY HOUSE AMENDMENT "A" (H-350)**, thereto, in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273) AS AMENDED BY HOUSE AMENDMENT "A" (H-350)**, thereto, in **NON-CONCURRENCE**, concurrence.

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON MARINE RESOURCES
112th LEGISLATURE

June 6, 1985

The Honorable Charles P. Pray
President of the Senate
112th Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the first regular session of the 112th Legislature has been completed. The breakdown of bills referred to our

committee follows:

Total number of bills received	43
Unanimous reports	29
Leave to Withdraw	12
Ought to Pass	7
Ought Not to Pass	1
Ought to Pass as Amended	2
Ought to Pass in New Draft	7
Divided reports	12
Carry Over Bills	
(Approved by the Legislative Council)	2

Respectfully submitted,

S/ JEAN B. CHALMERS

Senate Chair

S/ NATHANIEL J. CROWLEY, SR.

House Chair

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

The Following Communication: (S.P. 631)
112th LEGISLATURE

June 6, 1985

Senator Edgar E. Erwin
Representative John M. Michael
Chairpersons

Committee on Agriculture
112 Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Barbara B. Lounsbury of Auburn for appointment to the Pesticides Control Board.

Pursuant to Title 22 MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/ CHARLES P. PRAY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Which was **READ** and referred to the Committee on **AGRICULTURE**.

Sent down for concurrence.

The Following Communication: (S.P. 632)
112th LEGISLATURE

June 6, 1985

Senator Judy C. Kany
Representative Dan A. Gwadosky
Chairpersons

Committee on State Government
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Rose-Marie Joseph of Winslow and Wanda P. Calder of Turner for appointment to the Finance Authority of Maine.

Pursuant to Title 10 MRSA Section 110, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/ CHARLES P. PRAY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Which was **READ** and referred to the Committee on **STATE GOVERNMENT**.

Sent down for concurrence.

The Following Communication: (S.P. 633)
112th LEGISLATURE

June 6, 1985

Senator Judy C. Kany
Representative Dan A. Gwadosky
Chairpersons

Committee on State Government
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Roger P. Michaud for reappointment to the Finance Authority of

Maine.

Pursuant to Title 10 MRSA Section 110 this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/ CHARLES P. PRAY

President of the Senate

S/ JOHN L. MARTIN

Speaker of the House

Which was **READ** and referred to the Committee on **STATE GOVERNMENT**.

Sent down for concurrence.

Under suspension of the Rules, all matters previously acted upon were sent Forthwith.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Concerning Immunity so as to Address Juvenile Crime" (H.P. 1008) (L.D. 1456)

Reported that the same **Ought to Pass**. Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Allow the New Spouse of a Remarried Retirement System Member to be covered After the Member's Death" (H.P. 1020) (L.D. 1473)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-343)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343) AS AMENDED BY HOUSE AMENDMENT "A" (H-347)**, thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-343) **READ**. House Amendment "A" (H-347) to Committee Amendment "A" (H-343) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-343) as Amended by House Amendment "A" (H-347), thereto **ADOPTED**, in concurrence.

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

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Prevent Discrimination Against Retired Maine Residents who have Previously been Members of the Maine State Retirement System" (H.P. 212) (L.D. 246)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-342)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-342) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for Emergency Medical Serv-

ices in Maine" (H.P. 692) (L.D. 987)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-349).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-349).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-349) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning Access to Medical Care for Persons without Adequate Health Insurance" (H.P. 552) (L.D. 824)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-341).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-341).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-341) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Amend the Laws Related to Motor Vehicle Dealers and to Address Certain Problems Related to Motor Vehicle Auctions in Maine" (H.P. 1084) (L.D. 1575)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-348).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-348).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-348) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE GOVERNMENT** on Resolve, Creating a Joint Select Committee on Economic Development (Emergency) (H.P. 74) (L.D. 95)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-344)

Comes from the House, with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-344).

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-344) **READ** and **ADOPTED**, in concurrence.

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

Committee of Conference

The Committee of Conference on the disagreeing action between 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)

Have had the same under consideration and ask leave to report that the House **Recede from Failing of Passage to be Engrossed; Recede from Adoption of Committee Amendment "A"**

(S-93) and **Indefinitely Postpone same; Read and Adopt** Committee of Conference Amendment "A" (H-351) and **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A"** (H-351) in **Non-Concurrence**;

That the Senate **Recede from Passage to be Engrossed as Amended by Committee Amendment "A"** (S-93); **Recede from Adoption of Committee Amendment "A"** (S-93) and **Indefinitely Postpone same; Read and Adopt** Committee of Conference Amendment "A" (H-351) and **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A"** (H-351) in concurrence.

Signed on the part of the House:

Representative BOST of Orono

Representative CLARK of Millinocket

Representative SMALL of Bath

Signed on the part of the Senate:

Senator TUTTLE of York

Senator BALDACCI of Penobscot

Senator STOVER of Sagadahoc

Comes from the House with the Conference Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A"** (H-351) in **NON-CONCURRENCE**.

Which Report was **READ**.

The Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-93).

The Senate **RECEDED** from **ADOPTION** of Committee Amendment "A" (S-93).

The Senate **INDEFINITELY POSTPONED** Committee Amendment "A" (S-93), in concurrence.

Committee of Conference Amendment "A" (H-351) **READ** and **ADOPTED** in concurrence.

Which was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE OF CONFERENCE AMENDMENT "A"** (H-351) in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolution, Proposing an Amendment to the Constitution of Maine Relating to Salaries Received by Judges Who have been Relieved of Their Duties (H.P. 899) (L.D. 1294)

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

Signed:

Senators:

CHALMERS of Knox

CARPENTER of Aroostook

SEWALL of Lincoln

Representatives:

ALLEN of Washington

KANE of South Portland

MacBRIDE of Presque Isle

LEBOWITZ of Bangor

STETSON of Damariscotta

COOPER of Windham

PRIEST of Brunswick

DRINKWATER of Belfast

PARADIS of Augusta

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

Signed:

Representative:

CARRIER of Westbrook

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Provide Funding for the Maine State Housing Authority H.O.M.E. Program and Adjust the Real Estate Transfer Tax" (Emergency) (H.P. 736) (L.D. 1045)

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

Signed:

Senators:

TWITCHELL of Oxford

DIAMOND of Cumberland

Representatives:

HIGGINS of Portland

MCCOLLISTER of Canton

NELSON of Portland

MAYO of Thomaston

SWAZEY of Bucksport

CASHMAN of Old Town

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-339).

Signed:

Senator:

EMERSON of Penobscot

Representatives:

JACKSON of Harrison

WEBSTER of Cape Elizabeth

ZIRNKILTON of Mount Desert

INGRAHAM of Houlton

Comes from the House with the Majority **OUCHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A"** (H-345).

Which Reports were **READ**.

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

Senator TWITCHELL: Mr. President, I move we accept the Majority Ought to Pass Report.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's session, pending the motion of the Senator from Oxford, Senator TWITCHELL to **ACCEPT** the Majority **OUCHT TO PASS** Report.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Clarify Taxpayer Information on Local Property Tax Bills" (H.P. 22) (L.D. 20)

Reported that the same **Ought to Pass in New Draft** under same title (H.P. 1070) (L.D. 1551)

Signed:

Senators:

DIAMOND of Cumberland

TWITCHELL of Oxford

EMERSON of Penobscot

Representatives:

HIGGINS of Portland

INGRAHAM of Houlton

SWAZEY of Bucksport

WEBSTER of Cape Elizabeth

MAYO of Thomaston

MCCOLLISTER of Old Town

CASHMAN of Old Town

ZIRNKILTON of Mount Desert

NELSON of Portland

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

Signed:

Representative:

JACKSON of Harrison

Comes from the House with the Majority **OUCHT TO PASS IN NEW DRAFT** under same title Report **READ** and **ACCEPTED** and the New Draft **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B"** (H-270).

Which Reports were **READ**.

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

The Bill **READ ONCE**.

House Amendment "B" (H-270) **READ** and **ADOPTED**, in concurrence.

The **NEW DRAFT as Amended TOMORROW ASSIGNED FOR SECOND READING**.

Senate

Ought to Pass As Amended

Senator **CHALMERS** for the Committee on **JUDICIARY** on Bill "An Act Concerning Access to Telephone Toll Records by Prosecutors" (S.P. 536) (L.D. 1437)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-238)**

Which Report was **READ**.

On motion by Senator **VIOLETTE** of Aroostook, Tabled 1 Legislative Day, pending **ACCEPTANCE of the OUGHT TO PASS AS AMENDED** Report.

Senator **CHALMERS** for the Committee on **JUDICIARY** on Bill "An Act to Amend Judicial Certification Procedures" (S.P. 500) (L.D. 1361)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-239)**

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

Committee Amendment "A" (S-239) was **READ** and **ADOPTED**.

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

Senator **TUTTLE** for the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act Relating to Cumberland County Budget Process" (S.P. 618) (L.D. 1629)

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

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

Committee Amendment "A" (S-237) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **BUSINESS AND COMMERCE** on Bill "An Act Affecting the Statutes of Agencies within the Department of Business, Occupational and Professional Regulation" (S.P. 556) (L.D. 1502)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-232)**

Which Report was **READ** and **ACCEPTED**.
Signed:
Senators:

DANTON of York
BUSTIN of Kennebec
SEWALL of Lincoln

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-233)**.

Signed:

Representatives:

MURRAY of Bangor
STEVENS of Bangor

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-232) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend Certain Provisions of the Maine Criminal Code" (S.P. 499) (L.D. 1360)

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

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives:

KANE of South Portland
DRINKWATER of Belfast
LEBOWITZ of Bangor
MacBRIDE of Presque Isle
STETSON of Damariscotta
COOPER of Windham
PRIEST of Brunswick
PARADIS of Augusta
ALLEN of Washington

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

Signed:

Representative:

CARRIER of Westbrook

Which Reports were **READ**.

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

The Bill **READ ONCE**.

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

SECOND READERS

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

House As Amended

Bill "An Act to Revise the Maine Securities Act" (H.P. 1022) (L.D. 1500) (C "A" H-333)

Resolve, Authorizing the Exchange or Sale of Certain Public Reserved Lands (H.P. 1060) (L.D. 1546) (C "A" H-334)

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

Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344) (H "C" H-332 to C "A" H-214)

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senate As Amended

Bill "An Act to Amend the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies" (S.P. 166) (L.D. 453) (C "A" S-222)

Bill "An Act to Clarify Recoverable Costs in Civil Actions" (S.P. 277) (L.D. 735) (C "A" S-223)

Bill "An Act to Provide Adequate Medical Services for Victims of Rape, Gross Sexual Misconduct or Sexual Abuse" (S.P. 427) (L.D. 1184) (C "A" S-225)

Bill "An Act to Make Additional Allocations from the Alcohol Premium Fund" (S.P. 505) (L.D. 1365) (C "A" S-226)

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

Under suspension of the Rules, all matter previously acted upon ordered sent down forthwith for concurrence.

ENACTORS

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

An Act Relating to Night Court Sessions for Small Claims Court (S.P. 324) (L.D. 813) (H "A" H-299 to C "A" S-163)

An Act to Establish Mandatory Energy Standards for Publicly-funded Buildings (S.P. 568) (L.D. 1496) (H "A" H-326 to C "B" S-175)

An Act Defining the Authority of the Bureau of Insurance in Testing, Licensing and Continuing Education (S.P. 583) (L.D. 1532) (S "A" S-201) to C "A" S-183)

An Act Relating to the Maine Self-Insurance Guarantee Association (H.P. 215) (L.D. 249) (C

"A" H-319)

An Act to Establish a Kennebec County Budget Advisory Committee (H.P. 300) (L.D. 389) (H "B" H-293) to C "A" H-155)

An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife (H.P. 408) (L.D. 561) (H "A" H-330 to C "A" H-262)

An Act Amending Certain Provisions of the Maine Health Care Finance Law (H.P. 577) (L.D. 848) (C "A" H-323)

An Act to Protect Persons with Children from Discrimination in Mobile Home Rentals and Leases (H.P. 816) (L.D. 1157) (C "A" H-321)

An Act Providing for the 1985 Amendments to the Finance Authority of Maine Act (H.P. 785) (L.D. 1118)

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 Disposition of State-owned Real Estate (H.P. 884) (L.D. 1241) (H "A" H-328 to C "A" H-243)

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

An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers (H.P. 1120) (L.D. 1616) (S "B" S-202)

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

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate. I think we all went through debate on this issue in the past few days and weeks and I'm sure it's going to pass today, but I still have some concerns about this measure so I would ask for a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of **ENACTMENT**, please rise in their places until counted.

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

22 Senators having voted in the affirmative, and 9 Senators having voted in the negative, the Bill is **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 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) (H "B" H-251) to C "A" S-160)

Comes from the House Ruled **NOT PROPERLY BEFORE THAT BODY** being in violation of Joint Rule 21.

On motion by Senator **TUTTLE** of York, Tabled until Later in Today's session, pending **ENACTMENT**.

Resolve

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

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) (C "A" H-313)

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

Resolve, Creating a Special Commission to Study Teacher Training in the University of Maine System (H.P. 644) (L.D. 914) (H "A" H-306 to C "A" H-302)

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

Under suspension of the Rules, the Senate voted to consider the following inclusively:

Emergency

An Act to Encourage the Development of Solid Waste Energy Recovery Facilities in the State of Maine (S.P. 498) (L.D. 1359) (C "A" S-207)

Emergency

An Act Concerning the Provision of Certain Reports for Court-ordered Examinations (H.P. 947) (L.D. 1356) (H "A" H-315)

Emergency

An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities (H.P. 952) (L.D. 1371) (S "B" S-205)

These being Emergency Measures and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected membership of the Senate was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Concerning Safety and Sanitary Conditions on Railroad Property (H.P. 112) (L.D. 137) (C "A" H-320)

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

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

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

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

After Recess

Senate called to Order by the President.

ORDERS OF THE DAY

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

Emergency

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

Tabled — June 6, 1985, by Senator **PEARSON** of Penobscot

Pending — **ENACTMENT**

(In House June 5, 1985 **PASSED TO BE ENACTED**.)

(In Senate June 4, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301)**, in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Bill "An Act Concerning the Forest Resources of Maine" (H.P. 1069) (L.D. 1550) (H "A" H-329 to C "A" H-318)

Tabled — June 6, 1985, by Senator **CLARK** of Cumberland.

Pending — **ADOPTION** of House Amend-

ment "A" (H-340), in concurrence.

(In Senate June 6, 1985, Committee Amendment "A" (H-318) as Amended by House Amendment "A" (H-329), thereto **READ** and **ADOPTED**, in concurrence. House Amendment "A" (H-340) **READ**.)

(In House June 5, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-318) AS AMENDED BY HOUSE AMENDMENT "A" (H-329)**, thereto and **HOUSE AMENDMENT "A" (H-340)**.)

On motion by Senator **USHER** of Cumberland, House Amendment "A" (H-340) was **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-318) as Amended by House Amendment "A" (H-329) thereto.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "A" (H-329) to Committee Amendment "A" (H-318).

On further motion by the same Senator, House Amendment "A" (H-329) to Committee Amendment "A" (H-318) was **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by the same Senator, Senate Amendment "A" (S-231) to Committee Amendment "A" (H-318) **READ** and **ADOPTED**.

Committee Amendment "A" (H-318) as Amended by Senate Amendment "A" (S-231) thereto **ADOPTED** in **NON-CONCURRENCE**.

On further motion by the same Senator, Senate Amendment "B" (S-240) **READ** and **ADOPTED**.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

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) (C "A" S-210)

Tabled — June 6, 1985, by Senator **PERKINS** of Hancock.

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

(In Senate June 5, 1985, **READ A SECOND TIME**.)

On motion by Senator **PERKINS** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-318).

On further motion by the same Senator, Senate Amendment "A" (S-236) to Committee Amendment "A" (H-210) **READ**.

Senator **PERKINS**: Mr. President and Ladies and Gentlemen of the Senate. I offer this Amendment and give with it my appreciation to the President's Legal Aid, Mr. Zendzian for his assistance in drawing the Amendment in our effort to get this, and the Committee's efforts, to find a little closer oversight on investigatory committees.

We inadvertently included oversight into the Standing Committees as well, and, this would eliminate this part of it which has already been taken care of, so, I would hope that you would support the adoption of this Amendment.

Senate Amendment "A" (S-236) to Committee Amendment "A" (S-210) **ADOPTED**.

Committee Amendment "A" (S-210) as amended by Senate Amendment "A" (S-236) thereto **ADOPTED**.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

Bill "An Act Regarding Members of the Public Serving on State Licensing Boards" (H.P. 1125) (L.D. 1631)

Tabled — June 6, 1985, by Senator **CLARK** of Cumberland.

Pending — Motion of Senator **BUSTIN** of Kennebec to **ADOPT** Senate Amendment "B" (S-229)

(In Senate June 6, 1985, Senate Amendment "B" (S-229) **READ**.)

(In House June 4, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.) Senate Amendment "B" (S-229) **ADOPTED**.

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

Senator **ERWIN**: Mr. President, I move that this Bill and all its Accompanying Papers be **Indefinitely Postponed**.

Ladies and Gentlemen of the Senate, there are some forty boards involved in this. There are three boards with three members, ten boards with five members, ten boards with six members, nine boards with seven members, four with eight members and four with nine members.

Currently, two boards have no public members, four boards have two public members, one board has three public members, and the remainder of the boards have one public member except the Blower and the Athletic Commission. This Bill would require 37 new board members on these boards.

On expenses for these boards, two boards have no expense and no per diem. Eleven boards receive expenses only. One board receives \$20 per day, seven boards receive \$25 per day, three boards receive \$30 per day, ten boards receive \$35 per day, one boards gives \$35 to the public member, four boards give legislative per diem, one board give \$1,250 to members per year, \$1500 to the Chairman per year and \$7500 to the Secretary per year.

If I understand the proposed Bill, the two public members would receive \$35 a day. How would you feel if you were donating your services and you don't get anything or if you just get expenses, or if you receive lower than the amount that they are willing to give you.

I could go on and talk on many other different problems on this, but the lateness of the hour and knowing that other things are coming up, I will not unless I have to. I would like to suggest strongly that each and every one of these boards should be looked at as an individual board and the proper solutions should be made or should be recommended that Legislature make the correction to each individual board, not as a block move, and, I think perhaps someone may be speaking on this later on if needed. Thank you.

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

Is this the pleasure of the Senate?

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

Senator **BUSTIN**: I request a Division and I would hope that you would vote to defeat that motion.

This is a Bill that would help shore up, in my mind, the public participation on these boards. The boards are a dedicated revenue source, as you have heard, so there is no appropriation on that. I have been advised by the Commissioner of Business Regulations that the cost should be no more than between \$230 to \$400 a year for any additional members.

The Amendment "B" that we have just accepted would give you the option of adding the additional public member if your board was so

constructed that it would tend to erode the board with the public member, so that you would be adding the public members where you would need to add them where they don't now have the two public members. And, it also would shore up those boards who only have three members and having two public members, it would make that board a majority of public members, which is not intended by any member of the Business and Commerce Committee.

Further than that, you should understand what these boards and commissions do. The primary responsibility of the Occupational and Licensing Boards is to protect the health, welfare and safety of the public, **of the public**. Now, years ago we put on that one additional public member, it does not seem to have caused a problem. The only problem is that you only have one public member and it's relatively difficult for them to maintain their public stand when you have all of the others there who are within the profession, so, they really have no support there for a public stand if they wanted to have some, let's say moral support for their position. So, I think it's important that we have those two public members.

The boards have various authorities including examining, licensing, investigating, calling witnesses and many boards even have subpoena powers, and I think you ought to concentrate on that. They can remove licenses, they can discipline members, I think it is important that you have the two public members to serve with that. These are clearly public concerns. The Boards serve the public but are also capable of serving on their trade or industry.

These excessive licensure and training requirements, excessive education requirements and these acts could serve to restrict entry into the professions and so it's important that you have at least somebody there who is removed from the industry or trade that they can get a better perspective on that before you start passing those things.

So, it is important that you stick with the position of the Bill and vote to defeat the pending motion of Indefinite Postponement.

Mr. President, I ask for a Division.

THE PRESIDENT: The pending motion is the motion of the Senator from Oxford, Senator **ERWIN** that Bill and all Accompanying Papers be **INDEFINITELY POSTPONED**. A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Mr. President and Members of the Senate. I don't necessarily disagree with the Senator from Kennebec, Senator Bustin. I raise some concerns about doing this right now, about passing this Bill now.

The Committee on Audit and Program Review has had a subcommittee working on this question and all the questions pertaining to the problem of business regulation and we are dealing with that question at this time. I think there are some inequities in that department that need to be straightened out. I would feel uncomfortable for us to pass this now until we, at least, have a chance to do that next January, if it doesn't make any difference, I think that is the way we should go.

I know I've talked with the good Senator from Kennebec, Senator Bustin, just briefly in caucus at one point, and she had indicated that it was a policy or philosophical difference and I understand that differences but I think, truly, before we make any kind of action from this Body, I think we ought to wait until that Committee finishes their total review of that Department. Thank you, Mr. President.

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

Senator **ERWIN:** Mr. President, Ladies and

Gentlemen of the Senate. Beside the points that are raised, there are other numerous problems that certainly should be look at on an individual basis.

For example, one of the boards mentioned, I believe, in the amendment, the Plumbing Board, I wonder how many public members would be qualified to take part in an exam. Anything can happen, supposing the people that are qualified, plumbers that know their business, one is sick, another is hurt, and the two public members wind up having to give the exam. There are numerous problems. That's just one. That is why I request that this be looked at on an individual basis.

The good Senator's point is well taken. The public should be protected, I don't disagree with that at all. I'm in hopes that you can go along with my point of view and let a Committee such as the Audit and Program Review take a close look at this and come back with recommendations for each individual board.

Mr. President, I ask for a Roll Call.

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

Senator **BUSTIN:** Mr. President and Ladies and Gentlemen of the Senate. We have another bill that will be coming up before you and we've loosely termed it the "Corporate Raters Bill" and as I was walking out of caucus this morning, one of the Senators turned that around and said "How about Committee Raters." Well, I feel like this is a "Committee Rater" Bill now because as the good Senator from Cumberland, Senator Diamond, has so stated, I did make a statement in caucus about his being a policy decision.

I heartedly look forward to the report from Audit and Program Review on these boards because I feel very strongly, having sat on that Committee for this Session, that we do need to look at those. However, this is truly a policy decision that really should be made in the Business and Commerce Committee and that if there are separate boards that need more look-see and that, I assume, is going to be done by the Audit and Program Review Committee, than that's the appropriate time to do it. But, I would hope that there would not be any committee rating of the Business and Commerce Committee.

THE PRESIDENT: The Senator from Oxford, Senator Erwin, 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 pending question before the Senate is the motion of the Senator from Oxford, Senator **Erwin**, 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 **DUTREMBLE** of York who would have voted Yea requested and received permission to pair his vote with Senator **NAJARIAN** of Cumberland who would have voted Nay.

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

The pending question is the motion of the Senator from Oxford, Senator **Erwin**, that this Bill and all Accompanying Papers be **Indefinitely Postponed**.

The Secretary will call the Roll.

ROLL CALL

YEA:—Senators, Baldacci, Berube, Black, Diamond, Dow, Emerson, Erwin, Gauvreau,

Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Pearson, Perkins, Sewall, Shute, Stover, Trafton, Tuttle, Twitchell, Usher, Webster

NAYS:—Senators, Brown, Bustin, Carpenter, Chalmers, Danton, Violette, The President — Charles P. Pray

ABSENT:—Senators, None

24 Senators having vote in the affirmative; and 7 Senators having vote in the negative; with 4 Senators Pairing their votes, and No Senators being absent, the motion of Senator **ERWIN** of Oxford, to **INDEFINITELY POSTPONE** this Bill and all accompanying Papers, **PREVAILS** in concurrence.

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

Emergency

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

Tabled—June 6, 1985, by Senator **CARPENTER** of Aroostook.

Pending—Motion of same Senator to **RECONSIDER** action whereby the Bill **FAILED OF ENACTMENT**.

(In Senate June 5, 1985, **FAILED OF ENACTMENT IN NON-CONCURRENCE**.)

(In House June 4, 1985, **PASSED TO BE ENACTED**.)

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

Senator **CARPENTER:** Mr. President, Ladies and Gentlemen of the Senate. It is my understanding that this issue is going to be tabled pending my motion.

I wanted to make it very clear, however, that I have looked at the issue and had meetings with practically everybody in the State House Complex and some people outside the State House Complex trying to resolve this issue and I have not been able to. And, if you will, my position or my side has not been able to, and I will be opposing the enactment of this Bill after we come back from the weekend.

I find it fascinating, in fact at this point, that the other side now wants this issue tabled. We fought very hard to get it tabled yesterday and they really wanted to get it moving. But, I suspect that some of you who voted with me the other day will be getting lots and lots of phone calls this weekend and I don't see any maneuvering room here. You're certainly going to be called this weekend. I would ask you to hold firm to your position.

I have not been able to find a common ground and I've talked to the woodcutters involved and they believe very adamantly that this Bill, as amended, guts what they worked so hard for last year, and it's my understanding that they will be here Monday to discuss the issue. So, in order to give the other side a chance to do whatever, it is they want to do, I'm not going to ask permission of the Senate to withdraw my motion.

On motion by Senator **VIOLETTE** of Aroostook Tabled 1 Legislative Day, pending the motion of Senator **CARPENTER** of Aroostook, to **RECONSIDER** whereby the Bill **FAILED OF ENACTMENT**.

Off Record Remarks

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

An Act to Clarify and Improve the Laws on Education in the Unorganized Territory (S.P. 381) (L.D. 1048) (C "A" S-182)

Tabled—June 6, 1985, by Senator **BROWN** of Washington.

Pending—**ENACTMENT**

(In House June 5, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 3, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182)**.)

On motion by Senator **BROWN** of Washington, 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 AS AMENDED**.

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

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby Committee Amendment "A" (S-182) **ADOPTED**.

On further motion by the same Senator, Senate Amendment "A" (S-234) to Committee Amendment "A" (S-182) **READ** and **ADOPTED**.

Committee Amendment "A" (S-182) as amended by Senate Amendment "A" (S-234) thereto **ADOPTED** in **NON-CONCURRENCE**.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

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) (H "B" H-251 to C "A" S-160)

Tabled—June 7, 1985, by Senator **TUTTLE** of York.

Pending—**ENACTMENT**.

(In House June 6, 1985, Ruled **NOT PROPERLY BEFORE THAT BODY** being in violation of Joint Rule 21.)

(In Senate June 5, 1985, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

On motion by Senator **TUTTLE** of York, the Senate **SUSPENDED THE RULES**.

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

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

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-160) as Amended by House Amendment "A" (H-251) thereto.

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

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "B" (H-251) to Committee Amendment "A" (S-160).

On further motion by the same Senator, House Amendment "B" (H-251) was **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by the same Senator, Senate Amendment "B" (S-241) to Committee Amendment "A" (S-160) **READ**.

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

Senator **TUTTLE:** Just as a point of clarification, Mr. President, this adds a fiscal note to the Bill which was required initially and the reason why the other Body saw some problems with it, so, all this does is add a fiscal note which is proper before we pass the Bill.

Senate Amendment "B" (S-241) to Committee Amendment "A" (S-160) **ADOPTED**.

Committee Amendment "A" (S-160) as amended by Senate Amendment "B" (S-241) thereto **ADOPTED**, in **NON-CONCURRENCE**.

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

Under suspension of the Rules, ordered sent

down forthwith for concurrence.

Senate At Ease

Senate called to Order by the President.

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

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 Require Deeds to Contain Mailing Addresses of Grantees" (S.P. 206) (L.D. 554)

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Resolve, Authorizing Colwell Construction Company, Incorporated, to Bring a Civil Action Against the State of Maine (S.P. 550) (L.D. 1467)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-242)**.

Signed:

Senator:

TRAFTON of Androscoggin

Representatives:

PERRY of Mexico

PAUL of Sanford

RIOUX of Biddeford

WARREN of Scarborough

BOTT of Orono

NICKERSON of Turner

REEVES of Pittston

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

Signed:

Senators:

NAJARIAN of Cumberland

STOVER of Sagadahoc

Representatives:

MASTERMAN of Milo

MURPHY of Berwick

DILLENBACK of Cumberland

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-242) **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:

ORDERS

Joint Order

On motion by Senator **GILL** of Cumberland, the following Joint Order; (S.P. 634)

ORDERED, the House concurring that Bill "An Act to Establish a Medicaid Report," S.P. 592, L.D. 1555, be recalled from the Governor's desk to the Senate.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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:

Resolve, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment (H.P. 151) (L.D. 185)

Bill "An Act to Amend the Law Relating to Spousal Elective Shares under the Probate Code" (H.P. 648) (L.D. 918)

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 673) (L.D. 956)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-353)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-353) **READ** and **ADOPTED**, in concurrence.

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

ORDERS OF THE DAY

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

HOUSE REPORTS—from the Committee on **TAXATION** on Bill "An Act to Provide Funding for the Maine State Housing Authority H.O.M.E. Program and Adjust the Real Estate Transfer Tax" (Emergency) (H.P. 736) (L.D. 1045)

Majority Report—**OUGHT TO PASS**

Minority Report—**OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229)**.

Tabled—June 7, 1985 by Senator **VIOLETTE** of Aroostook

Pending—Motion of Senator **TWITCHELL** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS** Report.

(In Senate June 7, 1985, Reports **READ**.)

In House June 6, 1985, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-345)**.

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

Senator **WEBSTER:** Mr. President, Ladies and Gentlemen of the Senate. I would ask you today to oppose the good Senator from Oxford's motion so that we could accept the Minority Ought to Pass Report.

For those of you who are not familiar with the H.O.M.E. program, I'm going to tell you that there are many of us who feel that often times this program is in competition with private enterprise and perhaps is always doing things that it ought to be doing, but I think that it's become accepted by the people in this Legislature that this program is worthy and should be funded. So, I would suggest that if we're going to fund it we shouldn't be deviating from the way that we've always funded it, and that's through the General Fund.

During my three terms here, every year, the first year was \$4.5 million, the second term was \$4 million, and now we're going to be asking for some more millions of dollars to fund this program. This time we've changed the way we're funding it. Now we're going to pass another tax.

I want all of us to know today that when we vote for this, we're voting to raise a tax. If we support the good Senator from Oxford's motion, Senator Twitchell. I feel that the legislature is — at some point we have to make a decision on setting priorities. If the Legislature feels this is an important program then I would suggest that we start making

some tough decisions.

You know, my first term here was the year that President Reagan was elected and told people, I guess I'll always remember that but, I remember as a member of the Human Services Committee, Health and Institutional Committee at that time, that we were the only State in the Nation after President Reagan and Congress was elected back in 1980 to pick up every cut made by Washington, 86 positions in Human Services Department, over \$1 million in new State dollars were spent to pick up federal positions in 1980. At that time, I felt that perhaps those 80 positions, or 83 or 85 — whatever it was, that perhaps some of those might not be necessary. But the Legislature in its wisdom at that time felt that all those positions, all 86 of them were necessary.

Well, I think at some point we as elected officials have to decide when the priorities are going to be made. Now the Appropriations Committee, through all their hard work, have a number of measures on the table. It would seem to me that this would be another measure that we could put on the table. We can let that Committee do their work, let that committee decide whether this is an important issue or whether it isn't.

You know, a few days ago, the people of Lewiston/Auburn decided that they didn't feel that they could afford to fund a new university. For whatever their reason was, they voted down the proposal for the U.M.L.A. I would suggest that the \$2 million that was spent there, which the Appropriations Committee will be allocating, could be spent for this program.

I just feel that I'm willing to make the decisions that are tough and I think all of us are willing to do that and I think it is time that we do that. So, I would ask you to oppose the motion of the Senator from Oxford, Senator Twitchell, and I would request a Roll Call.

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

Senator **TWITCHELL:** Thank you, Mr. President and Members of the Senate. I hope you will not accept the good Senator from Franklin, Senator Webster's motion and stick to my motion the Majority Ought to Pass Report.

The last thing I want to do is vote for a new tax but you'll have to act responsible. This program will fund itself and I believe that that's acting responsible.

Now, some time ago we had the Part I Budget flying through this Body and not one person got up to amend the Part I Budget. Everybody had the chance to and nobody did, and that's why we have this Bill before us today.

This Bill would generate about \$100 million worth of low interest rate mortgage loans available in Maine. This is an American dream to own your own home and what the good Senator from Franklin just said, Senator Webster, when he got up, was to shatter the dreams of many young couples who want to own their own home. This is an American Dream, it's probably the largest purchase these young couples will ever make and I hope that you will stick with my Report and stick with me on my motion on the Ought to Pass Report.

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

Senator **VIOLETTE:** Mr. President and Ladies and Gentlemen of the Senate. I listened with great interest to the comments of the good Gentlemen from Franklin, Senator Webster, and when I was on the Committee on State Government when this particular program was created, and since it's inception and to this day this program has had the support of the banking community and the various other business interest communities in the State of Maine, those communities, perhaps with the rare exception of individual members, have never opposed the H.O.M.E. program. As

a matter of fact, they have always supported it overwhelmingly, they have felt that it contributes substantially to the housing stock and the replacement of the housing stock in the State of Maine.

I agree completely with the good Senator from Oxford, Senator Twitchell, it is, in fact, this allows people who are being pushed out of the home market, it allows those people to buy their own home and it allows them to do something which is becoming more and more difficult for not only young people but people of all ages in middle income positions, those are the kinds of people we are talking about here, these are not wealthy people, they are not people in the lower income stratas, they are middle income people that because of the high cost of housing are simply being pushed out of the housing market.

I guess we can discuss the funding mechanism. The simple fact of the matter is that is the recommendation of the Committee on Taxation to fund the program in this manner. If the Gentleman from Franklin suggests that we do it in some other way then it is for him to propose amendments that will fund this particular piece of legislation in another manner. But, that isn't before us now. I would hope that we would support the Committee Report of the Committee on Taxation and vote in favor of the Ought to Pass Report. Thank you.

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

Senator **BERUBE:** Thank you, Mr. President and fellow Senators. I'm not going to dispute the American dream nor the need, obviously, of housing.

I guess what I want to do this morning, very briefly, is to express my concern over the funding mechanism, and, maybe Senator Twitchell from Oxford is right, some of us should have picked it up earlier in the Session.

I take issue because I think it should have been continued to be funded in the Appropriations budget and not taken out and shifted to an additional new tax on the shoulders of this never ending source of supply of money, namely the tax payer. I guess that's my major concern.

I'm told the industry needs this, they need it for the economy, we need it for 550-odd new homes, yet, what I don't understand is that close to a quarter of a million dollars, I guess it's precisely \$200,000, will be earmarked for County Government, and I guess I can't reconcile that either.

However, I am also told that failure to levy this additional tax will have a negative impact on the economy of our State. I guess because of that I will go along but I would hope that this not become a common tactic when we want to fund popular programs, I don't think that would augur well for the future. Thank you.

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

Senator **KANY:** Mr. President and Senators, I rise as the Senate Chair of the State Government Committee to, also, add my two cents.

As the good Senator from Aroostook, Senator Violette, mentions, the State Government Committee has had jurisdiction over the Maine State Housing Authority Programs for all these years. I just want to share one thing with you and that is that when we talk about economic development and we talk about capital formation and availability of capital, and we all understand that we lack capital availability in the State.

I just wanted to point out to you that nothing the State does or has done in the last twenty years has promoted capital availability by its programs than has the Maine State Housing Authority by using secondary markets and by cooperating with the private sector, private enterprise, our private banking community. It has really done more for the State of Maine in

capital availability and in economic development than any other program possible.

So, I urge you to go along with this Report.

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

Senator **TWITCHELL:** Thank you, Mr. President and Members of the Senate. In 1984 the Maine State Housing Authority Program generated \$99 million worth of housing activity in the State. This generated \$27 million worth of new housing and more than \$70 million in financing for the lenders and realtors in the industry. It also generated an estimated \$50 million in building supply sales and another \$5 million for items like furniture and appliances.

This is a good bill and I would ask for a Roll Call.

THE PRESIDENT: The Chair would advise the Senator that the Senator from Franklin, Senator Webster, has already 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 Penobscot, Senator Emerson.

Senator **EMERSON:** Mr. President, and Ladies and Gentlemen. I have just one comment — I think the Senator from Oxford, Senator Twitchell, made a good point for funding this from the General Fund because he spoke about how much business it has created, and the business it creates would add a sales tax and I think it is a good argument for funding from the General Fund.

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

Senator **PEARSON:** Mr. President and Men and Women of the Senate, when we were considering the Part I Budget, not even once was the suggestion ever made in Committee or from anybody outside of the Committee, that I recall, or anybody else that I've spoken to can recall, of talking about putting the H.O.M.E. Program in the Part I Budget because we simply knew we couldn't afford to do it, and everybody else did.

This is simply turned into a political thing and I think that's unfortunate because on the backs of that are all the people who normally couldn't afford a house any other way.

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

Senator **PERKINS:** Mr. President and Ladies and Gentlemen of the Senate. I think we rise here today, and I don't know that politicians, or anybody else, are blessed with their lack of ability to have twenty/twenty hindsight.

This appears to me to be, today, one of the features that is facing this Senate. Whether it be twenty/twenty hindsight or whatever it be, and whether it was our responsibility as those who object to the manner of funding at this point, or somebody else's responsibility because they drew the proposals for the Part I Budget. I do, however, believe that this matter and it's manner of funding is, indeed, going to be not the great boon that it is proposed to be.

I must confess that yesterday I sent to a member of my family the H.O.M.E. brochure since they are considering purchasing a home. If you consider this factor and consider that the normal process of home buying with a family is that they'll buy a home that they can afford and then build up equity in it and then perpetuate it along by the sale of this home to the next home and get their equity and parlay this into a larger or better home or a home that more suits their needs at that time, then each time we are then adding this method of funding and whether we like it or not, this is an ad-

ditional fee on this segment of our population.

So, yes we indeed may be for providing a mechanism for some people to buy a home but it seems to me that this adds a special fee on a special segment of the other population, and this special fee, or tax or whatever we choose to call it, and because we are here today in our virtue and hindsight, saying that perhaps it would better be funded by another mechanism, this is our problem, but, I don't think that by passing this fees makes it any sweeter or any more adaptable to our population, and certainly, I think it places a flaw on a program that even though many of us had some reservations about it in the start, have now found that, perhaps, it has its place in our society, but, I don't believe this funding mechanism does.

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

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate. I just wanted to speak briefly to a couple of points that have been brought up here today.

It's kind of upset me in a way that we are, I don't know of anyone here today who is debating the value of this program. Perhaps in a different day and a different forum we might do that, but, no one here seems to be arguing that the program is good.

Now, others have mentioned that it brings business into the area, into the State and it's a great program. All right, we all realize that. I think the argument here today is that your taxing those people out there who, a little old lady who happens to live down the road from me who just bought a lot of land, paid \$5,000 for that piece of land, is going to pay a tax, so someone else, somewhere else, who's making \$28,000 a year can buy a house. I guess I just feel, I think all of us feel, and I want all the people out there to know, that what we're doing is raising another tax.

Now, the money on the table, at the Appropriations Table, that Committee should make a decision on where they want the money spent, and I suggest that this program is worth a lot more than some of the other things that are on the table, and I would think that the Committee, the Appropriations Committee in its wisdom, could fund this program instead of the others. Now, what's going to happen, I'll guarantee you this much, the money that would be spent on this program on the Appropriations Table will probably be spent elsewhere probably not to most of our likings.

I think the people in Maine should know, I think the people in this Senate should realize that we are voting, indeed for yet another tax.

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

Senator **DIAMOND:** Thank you, Mr. President and Members of the Senate. Well, you know, we've gotten here, I guess we were hoping that we were going to avoid this kind of debate but here we go!

We're trying to look into the fact or trying to point out the fact to everybody out in the State of Maine that if you vote for this Bill, of course, you're a bad guy raising taxes and if you vote against it then you're a nice guy because you're not raising taxes. As the good Senator from Franklin, Senator Webster, said, "we are not debating the value of the program" (quote). "We all agree that the program is real good." And, it's probably going to get 100% vote on that one question.

The question is how we are going to fund it? Now, if it is a good program, before us right now, we have a choice of funding it or not funding it. Part I has gone by and we can fund it through this tax, and I'm not afraid to say the word "TAX", you know we have to say it and we can say it when we have a good reason to say it and this is a darn good reason to say it — "TAX" — \$2.20 per thousand, \$50,000

house — \$110.00. It seems to me that if we do, in fact, we agree that this is a good program, we're not debating the value of it, then I think we can probably go along with the funding mechanism.

Once we look at what type of folks this program is going to help and who it's going to help, we're looking at low and middle income people. The very folks that all of us would like to stand up and say we are always getting it in the wrong end. And, those are the kinds of people we are never really going to help because we're always asking the middle income to fund everything that is going. Well, here's a chance for us, again, to help the middle income people. That guy or gal who pays their taxes every day and goes to work every day, and does all the kinds of things that we ask them to do, here's a chance for us to help those people out. We can give them some housing in a more reasonable amount.

So, as has just been said, there's absolutely no debate on the value of this program, no debate. It's a great program, and what we have left to say is how are we going to fund it. Well, Part I has gone by and we point our finger and say, "well, if I had known that this was coming I'd of amended Part I. Well, we probably wouldn't have but we can say all kinds of things. My point is that the only funding source that we have now that's logical, looking at the Table, is the fact of this \$2.20.

I learned for the first time in a Taxation meeting this morning that we have \$702 million in exemptions that we've all approved as Legislators, and this isn't even an exemption and it's helping somebody.

So, I would ask, and I would hope, that all of us will go along with this Legislation. We have a way of funding this, it's a very reasonable one, and I would think that once we examine that carefully and with a cool head, we will realize that it'd going to help a lot of people. I would urge you to support this Bill. Thank you.

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

Senator **PEARSON:** Mr. President and Men and Women of the Senate. Yesterday afternoon I took a couple of trips, one was to Old Town and the other one was through Memory Lane, because yesterday afternoon I went to my niece's graduation in Old Town. It was a real nice graduation, they do a good job at home, they all marched in to Leta's Grand March, scored down for graduation, and they had a number of speakers, none of which were adults, in the normal sense of the word, they were all their own classmates. They ran the graduation, they conducted the band, they did everything that was done on the program except pass out the diplomas.

While they were talking the president of the class, the valedictorian and a couple of other speakers, talked about friendship that they've had in the past and what the future looked like for them. All the lights were down and just the stage was lit and everybody was listening very intently. Those people who are able right now are going to step into what we call the "adult life," the real world sometimes, or whatever you want to call it, the life after high school, are all faced with fears, hopes and dreams and all those other things that go along with that.

As they marched out, probably, they were thinking about what they were going to do that evening, but I saw a lot of them pretty teary-eyed because they were leaving one life and going onto another and that life that they are going into in one, if they are typical, of marriage, of children, of buying a home, buying a car and trying to bump their way along through life like all the rest of us did in Old Town and everywhere else in Maine.

I had a conversation and Senator McBrearty overheard it just the other day, with a

gentleman that I think is probably in this Chamber right now who has a payment on his house right now of over \$800 a month. That's what a lot of people are facing right now. If you saw those kids coming out of that gym last night, there were not very many of them, hardly any of them could handle \$800 a month. But, that's the world they are stepping out into.

Now, Senator Webster would say, "Well, there's nobody that's opposed to the program." But, Senator Webster will not come up with a solution on how to fund that program. He simply wants to say, "it's a good program but I don't want to spend any money on it." There was a friend of mine who used to be in the House a long time ago who used to vote for every program but never voted for any money for the program. That's what Senator Webster is suggesting that you do today. That you all acknowledge that the program is great, but don't provide any money for it.

A mechanism has been suggested by the Taxation Committee through the Governor's office to continue this program so people who were walking down that aisle last night in Old Town can buy a house because I'm telling you they can't do it any other way, or in many cases not very many. If you are like me, you've probably from time to time get calls from constituents who need help in buying a house. I've gone through the whole litany of Farmers Home with people and all the rest of it, and the H.O.M.E. Program is, for many people, the only thing that they have that they can even dream of financing a house.

I'm going to lay the cards right on the table. The Republicans are trying to create a situation where they can say the Democrats were in favor of taxes. That's for the next election. That's what they are doing here today. You go right ahead and do that, but, I'll tell you what, I still believe that people ought to be able to have a house, and if this is the mechanism we can use so we can provide for it, \$110.00 on a \$50,000.00 house then I am for it.

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from Oxford, Senator **Twitchell**, that the Senate **Accept the Majority Ought to Pass Report**.

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

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

ROLL CALL

YEAS:—Senators, Baldacci, Berube, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gauvreau, Kany, Matthews, Pearson, Trafton, Tuttle, Twitchell, Usher, Violette, The President — Charles P. Pray

NAYS:—Senators, Black, Emerson, Gill, Hichens, Maybury, McBrearty, Perkins, Sewall, Shute, Stover, Webster

ABSENT:—Senators, Andrews, Najarian
22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being absent, the motion to **ACCEPT the Majority OUGHT TO PASS Report PREVAILS**.

The Bill **READ ONCE**.
House Amendment "A" (H-345) **READ and ADOPTED**.

Senate At Ease

Senate called to Order by the President.

Under suspension of the Rules, the Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

Under suspension of the Rules, sent forthwith to the Engrossing Department.

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

the Unassigned Table:

SENATE REPORTS—from the Committee on UTILITIES Bill "An Act to Require Public Utilities Commission Approval of Significant Agreements and Contracts by Public Utilities" (S.P. 436) (L.D. 1203)

Majority Report — Ought Not to Pass

Minority Report — Ought to Pass as Amended by Committee Amendment "A" (S-212)

Tabled—June 6, 1985, by Senator VIOLETTE of Aroostook.

Pending—Motion of Senator BALDACCI of Penobscot to ACCEPT the Majority OUGHT NOT TO PASS Report.

(In Senate June 4, 1985, Reports READ.)

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

Senator KANY: Mr. President and Senators. I urge you not to support the motion that is before you but instead to go with the Minority Ought to Pass Report on this legislation and I would like to, just briefly, explain what it is.

I did hand out to some of you and hope that all of you did receive just a little explanation of what the Bill would do. Some of this utility law is a little complicated until you spend some time in it. All of us have complicated issues before us all the time nowadays and, naturally, we can't be knowledgeable in every area. This was an area that I happened to have been interested in for a number of years, utilities law, energy and natural resources. It is through this long-term interest that finally I awoke last summer to the need for this legislation. The only thing that surprises me is why didn't I think of this long before then.

It reminds me, reminiscent of legislation that I offered in 1980 and was summarily rejected and then offered it again in 1982, then it unanimously passed, and, this particular Bill does actually amend that legislation, that very legislation. In 1980, the legislation that was offered would finally have given authority to the Public Utility Commission to approve or disapprove purchases by our electric utilities of generating facilities outside the State of Maine.

Now, people, at that time, used the argument that what we are doing involving ourselves in a management decision by a private sector utility. Who are we to make a management decision for a private company. That was the argument used against that legislation then. So, it was summarily rejected out of hand. And I remember saying "Oh, we're in trouble because pending presently are possible purchases by two of our three major utilities, Bangor Hydro and Central Maine Power, of further ownership in Seabrook." And, it looks to me as if it just is not an economical decision to purchase further into the two large generating facilities which were, at that time, being developed. Both of them, 1150 megawatts each that was Seabrook I and Seabrook II, and it seems clear to me that the economics simply, any reasonable person would have chosen not to purchase more there because it was after Three Mile Island. It was when demand was down and those two generating facilities were just too large to be developed primarily by a small company.

So, right after that Maine Public Service had a major financial problem, too, and that was clear to the people of the State of Maine, and so, in 1982 that legislation ----

THE PRESIDENT: The Chair will interrupt debate to inquire as to what purpose does the Senator from York, Senator Danton, rise?

Senator DANTON: Mr. President, I question as to whether we have a quorum or not.

THE PRESIDENT: An absence of a quorum has been suggested. The Chair notes the absence of a quorum.

A Quorum of Senators was called to the Chamber

Senate called to Order by the President.

THE PRESIDENT: At the time of the request as to whether or not there was a quorum, the Senator from Kennebec, Senator Kany, had the Floor.

Senator KANY: Thank you, Mr. President and thanks to the good Senator from York, Senator Danton, for asking for the quorum call.

I won't go over that material but will just say that that is the portion of the Statute that is being amended, that portion that deals with the purchases of significant amounts of energy.

What this Legislation would do, primarily three things. First of all, it would give the Public Utilities Commission authority, authority it does not presently have, to approve or disapprove of an amendment to the Joint Ownership Agreement of Seabrook or any other such major contracts. The PUC does not now have that authority.

And, I would just like to tell you of a couple of problems with the present Joint Ownership Agreement at Seabrook, by the way, and why I wish at one time we had had legislation that would have allowed or authorized the PUC to have been able to look at and approve or disapprove of that original contract.

Those three points that I will make just on that are that pursuant to the Joint Ownership Agreement of Seabrook, minority owners are required to cede complete control over all aspects of the project to the lead owner, Public Service of New Hampshire.

Secondly, the Seabrook Joint Ownership Agreement has no escape clause under which minority owners can be relieved of their obligations in the face of substantially changed circumstances.

Thirdly, the contract limits the lead owners of liability to minority owners for damages which have resulted from a deliberate violation of the Joint Ownership Agreement.

Any amendments to any such agreements now are simply not within the jurisdiction of the Public Utilities Commission, I think that would surprise a lot of people. A lot of people think that our electric utilities are over-regulated and they would be surprised at the areas in which the State of Maine or any of its agencies have absolutely no jurisdiction. So, that is one of them.

Secondly, this Bill would allow for the first time an approval or disapproval by the Public Utilities Commission of an arrangement, an agreement, such as the NEPOOL Agreement, the New England Power Pool Agreement. Our Maine Public Utilities Commission actually has no authority to approve or disapprove of any such agreement, and it is a major significant thing. It affects us because it actually has committed our particular utilities, the two out of the three that belong to it, CMP and Bangor Hydro, to sharing certain things. One of the things that we're sharing this summer is our Mason Station at Wiscasset.

The Mason Station which has been mothballed a couple of times because we really don't need that here in Maine now, and it is an old generating facility, spewing out all kinds of fumes and using oil. Just the other day, those of us on the Energy and Natural Resources Committee and the Utilities Committee, too, I'm sure, received a letter from CMP stating that Mason Station would be put on-line for three months this summer only because the people in the State of Maine needed it. I think that is important for you to know.

The third thing that is done in this Legislation is that it does require a study by the PUC of the involvement of Bangor Hydro and CMP in NEPOOL and to see if it is really in our best interest, and theirs, to be participants. And also to look at the fact that Maine Public Service is not a member and to see if, perhaps, they should be, and it requires reporting back to us by March 31, 1986. I think that is very important. It is interesting that Maine Public Service

presently has the lowest rates of any of our three major utilities and they have an agreement, instead, with New Brunswick, and perhaps it would be in everybody's best interest if we all did that with Canada instead of having participants in NEPOOL.

Those are the major portions of this. All I ask is that you don't make me come back like I have so often and say I told you so. I've said that many times regarding the Seabrook purchases and I don't want to have to say it again. I know there are pending changes in the Seabrook Joint Ownership Agreement and I just urge you to go along with this Legislation which would let people from the State of Maine evaluate our interest, and the stockholders interest, in the significant energy agreements.

I do ask for a Roll Call on this.

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.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President, we've discussed this a little bit in caucus today and some information has been passed to the membership. I don't expect you all to be able to have the time to absorb all of it but very quickly I would like to point out that the Committee dealt with the Bill that was submitted by the good Senator from Kennebec, Senator Kany, and as far as the consideration of what NEPOOL does, which is the New England Power Pool which coordinates power in and out of the New England region. The Commission, without any legislation and prodding by the Committee, has agreed to conduct a review of existing and anticipated NEPOOL and other significant energy related arrangements of electric utilities. They have invited the utilities, the public advocates, Senator Kany, in to participate in this particular process.

It says in the letter that the Commission has not had the time to come to a final decision as to whether it believes all or some of the contracts existing under NEPOOL would be subject to any type of a prior approval arrangement. The Commission at the hearing stated that there was not that much knowledge within the Commission in regards to all the different contracts by the utilities under NEPOOL. They would like to have the time to review it. The Committee has told the Commission and the Commission has set up proceedings where they're going to be reviewing it and reporting back to us in January.

I would like to also point out to you in Section 35-295 of the Utilities Law, it says, "Whenever the Commission believes that any rate or charge is unjust or unreasonable, or that any service is inadequate and cannot be obtained, or that an investigation of any matter relating to any public utility should be for any reason be made, it may, on its own motion, summarily investigate the same with or without notice. If, after making summary investigation, the Commission becomes satisfied that sufficient grounds exist to warrant a formal public hearing being ordered as to its matters, it shall furnish such utility interest in written statements seven days notice."

I want to submit to you, Ladies and Gentlemen, the biggest problem sometimes that we do face is not whether an authority has enough power but whether it may have too much. With the help of the Program and Audit Review Committee, it's good Senator, Senator Diamond and Representative Rolde, we have sat down and gone through the public utilities

this past year, spent a long time going through it very thoroughly. This particular area, I think it's an area that the Commission would like to sit down and review for it, and not to make any laws at this time until it's had an opportunity to review it.

So, I would appreciate support for the Majority Ought Not to Pass Report.

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

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

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

Senator **KANY:** Mr. President and Senators, I just would like to say that I know that Maine people and the Maine Legislature and the Maine Utilities Committee, particularly, generally like to err on the side of being cautious and I appreciate that, it's part of the nature of most people in Maine.

But, sometimes, that caution can be very costly. It can cost you hundreds of millions of dollars, as I believe it has in the Seabrook question. Here we're talking about not anti-nuclear or pro-nuclear, we are talking about economics and I do think that if you really want to be prudent that it is more prudent, really, to allow PUC to have the authority to evaluate these decisions because, really, we are talking about a monopoly. We aren't talking about even a hospital, we have certificate of need there, in which individual customers of hospitals choose to get their services elsewhere, in Boston, other towns, you might even have two hospitals in a region. But here we're talking about an electric utility that has been granted a monopoly by the State of Maine in exchange for providing the only service to be provided, marketed, within that territory and I think that is important to note.

I just want to say that CMP's initial decision to invest in the Seabrook facility was influenced in large part by recommendations made by NEPOOL and its Predecessors. That very decision and many decisions since. Most planning decisions have been made by CMP and Bangor Hydro within the context of what was best, perhaps, for the New England Power Pool and not best for either their own stockholders or the customers within their monopoly service area. So, I urge you to think about that as you vote.

Thirdly, I would like to say that I wish Senator Andrews were here, the good Senator from Cumberland, because he could help me articulate some of these things. He did vote in favor of this legislation and the other two Senators on that Committee who are voting against it were not present at the public hearing. During the public hearing, I would like you to know that the Public Utilities Commission did testify in favor of this Legislation with this amendment. I presented this amendment for them, they did favor it, I want you to know that.

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

Senator **BALDACC:** Mr. President and Members of the Senate. The good Senator from Kennebec has let us believe that the Public Utilities are probably less regulated than the hospitals in the State of Maine.

I would like to point out to the good Senators that some of the things that the Public Utilities Commission may review deal with the reasonableness or prudence of all the utilities operating expenses in a rate case, including those resulting from any contract. That's 35 M.R.S.A. Section 517. Any contract with an affiliated interest, Section 104, "Any plan to raise money through the sale of stock or bonds, Sec-

tion 171, any plan to build major generating or transmission facilities, Section 13-A, any power purchase.

Members of the Senate, they have the ability at any time to investigate any reason without any notice. And, I would submit to you that I, as a co-sponsor of this Legislation, was not present at that public hearing but all the participants that were at the public hearing were present at the workshop when we re-enacted with the help of the good Senator from Kennebec, Senator Kany, the public hearing, and, was able to listen to the discussion and feel that this is a reasonable tact that the Committee has taken; to work with the Commission and to sit down and discuss the contracts of NEPOOL and the arrangements that are going on to best protect the ratepayers.

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

Senator **KANY:** Mr. President and Senators. Finally, I would just like to say that this legislation is intended to prevent, not to just go in and clean up like we did with Seabrook. It is attempting to prevent bad decisions and it would give authority which the PUC does not now have, and that is to evaluate an agreement like NEPOOL in advance or to evaluate any amendment to an agreement like NEPOOLS and to evaluate an amendment to a contract that has taken place such as the Joint Ownership Agreement at Seabrook.

Please, keep that in mind as you vote. And, I hope that I will not have to come back in another two years, as I did in 1982, and say "There, I told you so." Please, don't do that.

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

Senator **MATTHEWS:** Mr. President and Members of the Senate. The hour, I know, is probably not conducive to one wanting to stay and chat a little bit about an issue which, I think, is of immense importance to the State of Maine, but I do feel compelled to get up on this Floor and chat about the good Senator from Kennebec's Bill.

I sincerely hope that you will not vote for the Indefinite Postponement of this Bill, and I hope that you'll take an opportunity on Friday at 2:30 in the afternoon to take a look at the Bill that's been proposed by the Senator from Kennebec. Take a look at the sheet that the Senator from Kennebec has supplied us. I don't know how many people were here earlier on the Floor, but, I'll take a minute to review the question of whether or not this Bill is necessary.

L.D. 1203 protects ratepayers. Construction of major power plants, transmission lines in State, under present law, Title 35, requires PUC approval. Purchase of major generating capacity, energy transmission capacity, requires PUC approval under Section 13-B. Fuel conversion of major power plants requires PUC approval under Section 13-B.

Here are the two ingredients that I hope that everyone in this Chamber will understand. Significant agreements for generating capacity, energy transmission capacity, no PUC approval, example — NEPOOL. Renewals and amendments to old purchase agreement — no PUC approval, example — Seabrook, the Joint Ownership Agreement.

Ladies and Gentlemen, I'm not an expert in public utility laws. I served just two sessions in the Legislature, in the House, last time on the Public Utilities Committee. But, I can tell you, as a country boy, I do understand things when they are brought down into perspective a little bit. The reason that the State of Maine and the Legislature decided to create the Public Utilities Commission was to, in order to give the PUC all the power that it needed to review regulations, rate increases and these kinds of things that we're talking about here, purchase of generating capacity and power. It seems to me that if the Legislature wants to continue

to give the Public Utilities Commission the power that it needs to protect business, industry, utility rate payers and protect, and I think this is the ingredient that sometimes is forgotten, to protect the utilities themselves from their own mistakes, is to give the Commission the power it needs to do its job.

That, in essence, is also, I would continue to say, the reason we decided that we need a public advocate. I would submit to this Legislature that that advocate was not a whim of Legislative, a spur of the moment decision to create another agency out of the blue. It was because the decision that have been made by Central Maine Power Company and our utilities that were mistakes. I have nothing against those mistakes that were made by the utilities, all of us make mistakes. Unfortunately, when a mistake is made in the utility area, it puts us in an economic disadvantage that we are struggling with today, and, I think that's been one of the big economic questions that has not even been addressed by the Legislature and the State of Maine is where we're going to get our energy for the future and what kinds of decision making and priorities should be kept over at our utilities.

Don't forget, Ladies and Gentlemen, that these are monopolies that are regulated. These are not just the business, the Mom and Pop store down at the end of the street. The utilities, the new president at Central Maine Power Company is someone that I have a lot of faith in and I respect some of the things that he's been very forthright in coming out with.

I would submit to you that the utilities don't really mind all that regulation. Ladies and Gentlemen, regulation, if it's good regulation, gives the utility or whatever entity is being regulated, if it's good regulation, gives them the wear-with-all to continue in doing the right thing.

I really think that this Bill is a good Bill. I guess that the utility questions have been real important to me for the last six months or so, and, I really respect the Senator from Penobscot, Senator Baldacci, we're good friends and he works hard on that Committee. But, I hope that you'll take a minute to take a look at this issue, and again, if you really want to give the Commission the authority to protect business and industry and all of us in this State and the utilities themselves, to be able to do things in the open. It's better to look at all the facts before you make a mistake then to come back two years now and say "Gee, we should have done something."

Seabrook is looming over the heads of the people of the State of Maine, it's looming right now, today. I hope that you really will give this Bill some look at and vote against Indefinite Postponement.

Senator **TRAFTON** of Androscoggin who would have voted Nay requested and received permission to pair his vote with Senator **BROWN** of Washington who would have voted Yea.

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator **Baldacci**, to **Accept** the Majority **Ought Not to Pass** Report.

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

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, Baldacci, Berube, Black, Carpenter, Chalmers, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Hichens, Maybury, McBrearty, Pearson, Perkins, Sewall, Shute, Stover, Tuttle, Twitchell, Usher, Violette, Webster, The President — Charles P. Pray

NAYS:—Senators, Clark, Diamond, Kany, Matthews

ABSENT:—Senators, None

25 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 6 Senators having Paired their votes, and No Senators being absent, the motion by the Senator from Penobscot, Senator **BALDACCI** to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILS**.

Sent down for concurrence.

Off Record Remarks

Under suspension of the Rules, all matter previously acted upon were sent forthwith.

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

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 Include the Term "Sexual Orientation" in the Maine Human Rights Act" (S.P. 446) (L.D. 1249) (C "A" S-221)

Senator **CARPENTER** of Aroostook moved that the Senate **ADHERE**.

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

Senator **HICHENS:** I make a motion that the Senate Recede and Concur and I ask for a Roll Call.

THE PRESIDENT: The Senator from York, Senator **HICHENS**, moves that the Senate **RECEDE** and **CONCUR** and requests a Roll Call. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know the hour is late, the day is long and the weather is warm, but I think it is important that we discuss this subject a little bit. As you all know, it was not discussed in here yesterday, primarily for time reasons and I'm not going to take very long here.

I've been around this Legislature for eleven years, for eleven years, five times that I can recall, approximately five times, this Bill, in its original version has come before this Legislature and all those time, be they five or six, I have opposed it. This time around I had intended to oppose it as well. In fact, when my dear friend, Jerry Conley, left this Chamber I sort of went "phew." If Jerry couldn't get me to believe in this issue, then probably nobody could.

However, I have come to believe in the amended version that we have before us, and I want to emphasize that because if you have not read the Bill or the press reports, this Bill is a very substantially watered down version.

The way I was characterized this morning in the press was that there were four items that were asked for — no discrimination in housing, public accommodations, credit and employment. When the Committee, the Minority of the Committee, but nevertheless the Committee on Judiciary finished with the issue it had the, the Minority of the Committee, had recommended the inclusion of two and one half of these four issues in the Maine Human Rights Act.

Now, it may be a illogical but I cannot stand here and logically debate on why we should

go two and one half as opposed to four except to say that what we attempted to do was to separate the economic issues from the morality issues, if you can call them "morality issues." What we did was we tried to look at, focus, on those things that were purely economic interests, the extension of credit. Why should I, as a funding institution or a credit extending institution, be allowed to say that I'm not going to give you credit because you're tall or short or a Catholic or a Jew or black or white or a man or woman, or whether you are heterosexual or homosexual. It has no relationship to the issue. The issue is ability to handle the credit. The issue is ability to repay the debt — economic issues. That's number one.

Public accommodations — public accommodations is defined under law. They are hotels, motels, restaurants, service stations. I mean, our Country is such that I don't have to go and knock on the door of the Senator Motel Restaurant and ask if it is a Catholic restaurant or a Baptist restaurant, is this a restaurant that serves only men or one that serves women. Why should it be one that is allowed to discriminate because it is an economic interest. Why should it be allowed to discriminate in the area of sexual orientation.

Employment has always been my problems with this Bill, and, of the three hundred plus letters that I've received, employment seemed to be the biggest concern of the people out there. It is a concern of mine and it is a concern of many of the members of my Committee, some of whom did sign the Minority Ought to Pass Report. We took employment out.

If this Bill were to pass as amended you could still say "this person is still a homosexual, I don't want them working for me." Period, end of issue.

So, there is two in and one out. So then, we took the housing and we sort of divided it. We said "allright, because you believe so strongly against this lifestyle that you should not have to be forced to live with someone who practices this lifestyle. However, if you're holding out these rental units, five units or more, you're not owner/occupier, then it is an economic interest and you should not be allowed to determine based on this kind of rational, who can have that accommodation and who can't.

I told my caucus yesterday that probably the most striking thing that was said that I heard at the public hearing, was an emergency medical technician who came in and told us that he had lost his job because he was suspended at that point, of being gay, and he asked us, he said "What do I do when I go an accident? Do I start to practice "gay-CPR" or "straight CPR," no, I practice CPR." But, more importantly than that or more poignantly that that was what he said was "I pay taxes too, I pay at the same tax rate that you folks all do, but I'm not allowed the same protections." I think that is a very valid point. I think that is a very valid point and one that helped to bring me to the point where I could vote for this issue.

It is not a comfortable position for me because it is a lifestyle to which I find, personally, offensive. But, I'd don't think that my position in this Senate, as a State Senator, I don't think that position gives me the right to play God, and I don't think my Christian beliefs, and they are deep, give me the right to play God, in that regard, to make that kind of a moral judgment.

I'm taught, through my Christian belief, that somebody else is going to make those kinds of judgments about you and about me and about these people and about all of us. Those decisions are going to be made and it is going to be a score sheet run up. But, I'm not going to be the one tallying those score sheets and neither are you.

I don't see how you can disagree with the

economic interest. This Country has stood on the principles for 200 plus years, that all people are created equal and we've digressed from there, if you will. Well, in this situation we have digressed and I think that's too bad, and, I'll grant you that it took me a long while to get to the position where I could support even an amended version of this Bill, but, I submit to you that the fear over this amended version of this Bill tends to be a little bit irrational. I have not yet heard any rational arguments against the inclusion of these two and one half items, if you will, in the Maine Human Rights Act.

Therefore, I would ask you to vote against the pending motion to Recede and Concur, at which time, if in fact, that position prevails, my position prevails, at that time I will make the motion to Adhere. Thank you, Mr. President.

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

Senator **HICHENS:** Mr. President and Members of the Senate. I'm a little bit disappointed that this issue had to come up this afternoon because it is getting very late and I thought that if we were going to have any debate it should be postponed until next week. But it is before us, I do have a lengthy speech, but I'm not going to prolong the agony this afternoon by giving you the whole speech, but, I would like to respond to the good Senator from Aroostook, Senator Carpenter.

This is a watered down version, but it is just a foot in the door. If we accept this this year, you can well be assured that next year they will be back to get all that they wanted in the first place.

The amendment's Statement of Fact states that the amendment does not take a moral stand on homosexuality. The question of morality is left to the judgment of each person as it should be. I advise you this afternoon that the question of morality is the whole basis of the question before us today and cannot be ignored in any way, shape or manner.

During a television debate in which I was a participant a few weeks ago, the President of the Maine Lesbian Association stated that homosexuals are a minority group such as blacks, hispanics and others. This is not true. Blacks have no choice as to their color, as you and I have no choice as to our nationalities, alcoholics are not born alcoholics, drug abusers are not born drug addicts and homosexuals are not born homosexual.

Therefore, Members of the Senate, homosexuals should not be accepted into society and given the rights such as others, male, female, black or white, are entitled to. The homosexual community has become militant in it's quest for the ultimate goal, acceptance of homosexual acts as a normal variant of human behavior and homosexuality as an alternate lifestyle.

I believe this afternoon that if we go along with the motion to Recede and Concur that we are doing what our constituents want us to do.

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

Senator **CHALMERS:** Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll be very brief.

I stand to make merely a statement of conscience. It seem to me that what we're talking about is the Maine Human Rights Act. And, this is an Act which declares that policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of each of the practices so that the corrective measures, when possible, may be promptly recommended and implemented to prevent discrimination.

It seem to me the issue is very simple. I believe in one God and the brotherhood of man and that means that I can discriminate against

no person and it is as simple as that.

I ask you to vote for human rights.

Senate At Ease

Senate called to Order by the President

Off Record Remarks

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

Senator **STOVER:** Thank you, Mr. President. Mr. President and fellow Senators. To rebut one of the statements made by Senator Carpenter who said he restricts this to five apartment and over, I've told you many times that I have managed an apartment complex for fifteen or twenty years, 238 apartments. We rented to all classes of people, including gays, and certainly, in my area no one of that persuasion that is not housed and I don't know of anyone that's been denied housing because of that.

I may be unique to the Bath area, I don't know. But, I want to read you Article 1, Section 6-A of the Constitution of the State of Maine state's "No person shall be deprived of life, liberty, or property without due process of the law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof."

I'm reminded of a story about the young man that was walking his girl out in the park one night, it was a full moon and he got rather emotional and he said to her, "If I had a thousand arms, I would hug you with every one of them, and she said, "But John, you aren't using the two you have already." I feel that we have laws enough on the books and we don't need any more.

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

Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate. Very briefly, there are many things that I could say or would like to say on this issue but I will simply rebut a couple of things that the good Senator from York, Senator Hichens, has eluded to.

That is, one, the morality of this whole issue. Who gives us the right to make those judgments. If you read history, if you study history, you'll see that homosexual lifestyles have been with us as a world for years and years and thousands of years. It's not going to go away simply by ignoring it. The Senator from York, Senator Hichens, has said that you cannot divorce the morality from any of the other issues and I think that's clearly not so. I think that is clearly not so. I just really wonder who we are to be standing here making those judgments.

You know, there's been a great deal said on this issue, both this term, while this Bill has been pending before my Committee and other terms and there have been wild allegations, as I mentioned earlier, irrational statements made. I don't really think that any of us subscribe to those.

You know, I think back to the history of this Bill and when the Bill first came before the Legislature during my tenure here. It used to talk about sexual preference and that has now changed because I think it's now been recognized that this is not a preference issue. And, if you believe that it is a preference issue then you and I, who are straight, believe that we could switch and become gay tomorrow. If you subscribe to the preference issue that you must believe that, must you not? So it has nothing to do with that.

It seems to me that the evidence has been presented to this, to my Committee in particular, but to the Legislature through the mailings that you've received, pretty well indicate that this is an issue that's decided, and we're not quite sure how it's decided or why it's

decided or what part of our body, be it physical or mental, that makes the decision for us, but the decision is decided at a very young age. The decision is there at a very young age.

I can't, I suppose, get out of the morality, most of the letters that I've received have come in, I found one interesting the other day that I received. It was a number of names on a petition opposing L.D. 1249 in any form so that the people who signed the petition would not be deprived of their religious liberty. I don't know what religious liberty has to do with this Bill.

So, what I'm saying is that I went home last weekend after I had made my decision on what I was going to do on this Bill and I started my little weekly radio show like I do every Saturday night for eleven years since I've been in the Legislature. It's a call-in show and the young man who runs the show with me said, "I wish we'd get some phone calls." and I said to him, "Mike, if we don't get any phone calls tonight, that means only one thing, it means there ain't nobody listening out there." We didn't get any phone calls. Maybe there really is nobody listening out there.

My point is, people did talk to me about this issue last weekend and they were concerned, by in large and not exclusively but by in large, the people that I talked to when I sat down and rationally told them how the Committee had separated the economic issues from the other issues, they said, "Well, that doesn't make much sense, it doesn't seem very rational to discriminate in the credit and the public accommodations and the other areas, it really doesn't make much sense." I don't really think that once this Bill is explained to them that your constituency is going to find it all that offensive. Therefore, I would hope that you would oppose the pending motion.

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

Senator **MATTHEWS:** Mr. President and Members of the Senate, I'll be very brief.

I want to go on Record as supporting this Bill today, and, I guess I really do so for one primary reason. As a member of that other Body that I'm not supposed to talk about on the Floor of the Senate, I voted against this Bill, and, after that vote, I took it upon myself to find out the facts. So I talked with the members of the Human Rights Commission and I can assure you that there are hundreds of cases of discrimination in house, in employment, in education, all across the gambit.

As a member of a free and democratic society in this Country, I am going to support this Bill because it is equal opportunity. That is why I am supporting it. I have the same concerns on a moral and religious ground that were articulated by the good Senator from Aroostook, but as a member of this Country and a free society and one who is against discrimination in whatever form against anyone that is doing no one else any harm, I must oppose.

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

Senator **TWITCHELL** of Oxford who would have voted Yea requested and received permission to pair his vote with Senator **ANDREWS** of Cumberland who would have voted Nay.

Senator **DANTON** of York who would have voted Yea requested and received permission to pair his vote with Senator **BROWN** of Washington who would have voted Nay.

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

Senator **USHER** of Cumberland who would have voted Nay requested and received permission to pair his vote with Senator **DUTREMBLE** of York who would have voted Yea.

Senator **DANTON:** Just an inquiry, Mr. President. I want to support the Gay Rights Bill and I want to be recorded in favor of the Gay Rights Bill. Am I so registered in this pairing motion that I have made?

THE PRESIDENT: The Chair would advise the Senator that he is not.

Senate At Ease

Senate called to Order by the President.

Senator **DANTON** of York requested and received Leave of the Senate to withdraw his motion to pair his vote with Senator **BROWN** of Washington.

Senator **TUTTLE** of York who would have voted Yea requested and received permission to pair his vote with Senator **BROWN** of Washington who would have voted Nay.

Off Record Remarks

The pending question is the motion of the Senator from York, Senator Hichens, that the Senate **Recede and Concur.**

A Yes vote will be in favor of the motion to **Recede and Concur.**

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, Gill, Hichens, Maybury, Pearson, Perkins, Shute, Webster

NAYS:—Senators, Baldacci, Berube, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Gauvreau, Kany, Matthews, McBreairty, Trafton, Violette, The President — Charles P. Pray

ABSENT:—Senator Sewall

10 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 8 Senators having Paired their votes, and 1 Senator being absent, the motion of the Senator from York, Senator HICHENS, to **RECEDE AND CONCUR, FAILS.**

On motion of Senator **CARPENTER** of Aroostook, the Senate **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE, in NON-CONCURRENCE.**

Sent down for concurrence.

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

Bill "An Act Concerning the Courtroom Use of Videotaped Testimony of Juveniles" (H.P. 528) (L.D. 748)

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act Relating to a Grievance Procedure Concerning Discrimination on the Basis of Handicap" (Emergency) (H.P. 925) (L.D. 1327)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-354).

Comes from the House, with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-354) **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:

ENACTORS

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

An Act to Amend the Laws Relating to Absentee Voting (S.P. 32) (L.D. 33) (H "B" H-322; S "A" S-144 to C "A" S-129)

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 Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance (S.P. 485) (L.D. 1313) (H "A" H-337)

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

Emergency

An Act to Provide Expanded Markets for Products and Services from Rehabilitation Facilities and Work Centers (H.P. 1075) (L.D. 1564) (C "A" H-327)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the 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, Authorizing the Somerset County Commissioner to Expend \$130,000 from the General Fund for the Purpose of Making Modifications to the Somerset County Jail to Increase the Jails Rated Capacity (H.P. 1103) (L.D. 1611) (H "A" H-312)

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

ADJOURNED until 9 o'clock Monday morning.