

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

INDEX

FIRST CONFIRMATION SESSION

August 29, 1985

INDEX

SECOND CONFIRMATION SESSION

October 11, 1985

INDEX

FIRST SPECIAL SESSION

November 13, 1985

INDEX

STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Tuesday
January 18, 1985
Senate called to Order by the President.

Prayer by The Honorable Zachary E. Matthews of Kennebec.

SENATOR MATTHEWS: Members of the Senate, today, I hope that we can bow our heads in prayer for those that are being held captive, the 43 still held in Beirut somewhere in that city. For those who have been freed dear Father, we pray that their minds may be cleared with the love and joy of Your son Jesus Christ and especially dear Father, for the murder of Robert Stetham, the 23 year old Navy Officer from Maryland, who died, I believe unjustifiably. I picked two verses today to read that I think touch upon this event or this unfortunate event.

The first one is from Exodus, Chapter 12. "The time that the people of Israel dwelt in Egypt was for 430 years and at the end of 430 years on that very day all the hosts of the Lord went out in the land of Egypt. It was a night of watching by the Lord to bring them out of the land of Egypt so the same night is a night of watching kept by the Lord of all the people in Israel. By strength of the hand of the Lord they brought us out of Egypt from the house of bondage."

The next reading for today is from Second Corinthians, Chapter 4, Verse 7-12. "But we have this treasure and earthen vessels to show that the transcending power belongs to God and not to us. We are afflicted in every way, but not crushed, perplexed but we are not driven to despair, persecuted but not forsaken, struck down but not destroyed, always carrying the body of the death of Jesus so that the life of Jesus may be manifested in our bodies."

Verse 16. "So we do not lose heart though outer nature is wasting away, our inner nature is being renewed and everyday. For this slight momentary affliction is preparing for us an internal weight of glory beyond all comparison because we look not to the things that are seen, but to the things that are unseen. For the things that are seen are transient, but the things that are unseen are eternal."

Dear Father we pray that you will bring Your son and Your blessing to those that are being afflicted in Beirut and lead them out of their bondage dear Father, and I pray for the strength of the President of the United States and Congress and the leaders of this country and the people of this nation that we are strong, we are strong in Your eyes dear Lord and through Your blessings and we are strong enough to persevere. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to Structures Located in Proposed Ways" (S.P. 265) (L.D. 708)

In Senate May 7, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-74).

Comes from the House with the Bill and Accompanying Papers **RECOMMENDED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

On motion by Senator **CARPENTER** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

ORDERS

Joint Resolution

On motion by Senator **TUTTLE** of York, (Cosponsors Senator **HICHENS** of York, Representative **FARNUM** of South Berwick,

Representative **MURPHY** of Berwick) the following Joint Resolution: (S.P. 640)

JOINT RESOLUTION EXPRESSING CONCERN OVER THE DECISION TO GRANT BAIL TO A PERSON CONVICTED OF THE KIDNAPPING AND RAPE OF A MINOR

WHEREAS, recently an individual was convicted of the kidnapping and rape of a 9-year-old child; and

WHEREAS, following the conviction, the presiding Superior Court Justice revoked the defendant's bail; and

WHEREAS, a Justice of the Supreme Judicial Court overturned the Superior Court decision and ordered the defendant freed on bail until his appeal is heard; and

WHEREAS, these facts constitute a substantial risk that this individual may pose a real danger to the community and the safety of residents and their children in the area; now, therefore, be it

RESOLVED: That We, the members of the Senate and House of Representatives of the 112th Legislature, express our concern in this matter and request that the Justice of the Supreme Judicial Court reconsider the decision to grant bail or impose tighter bail restrictions on the individual to help ensure public safety and that the Supreme Judicial Court expedite the appeals process in order to hear the appeal prior to the summer recess; and be it further

RESOLVED: That a suitable copy of this resolution be sent to the Supreme Judicial Court.

Which was **READ**.

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

Senator **CARPENTER:** Mr. President, Ladies and Gentlemen of the Senate. I find myself in the difficult position of having to oppose the pending motion, that being the Adoption of item 4-2, a Joint Resolution which would express to the Supreme Judicial Court concern over a particular and pending court matter. It seems to me inappropriate to use this kind of a vehicle to address another branch, another co-equal branch of our government. I can appreciate, and have discussed at some length some of the frustrations that the Senator from York, Senator Tuttle feels about this area. In particular, the area of bail was before my Committee this Session and because of its complexity and other matters, we decided to hold it over. It seems to me that we pass laws and give judges in courts certain rules within which to operate. There's been no allegation here that those rules or statutes have been violated in any way, and it seems to me that this is an inappropriate vehicle to purport to deliver a message to this highest court in the State. I don't know the facts of this particular case. On the surface of the Resolution as it appears before us it is one certainly that raises concern. But rather than have the Legislature start to get into the matter of criticizing or trying to somehow influence pending court cases, I would rather see that this resolution be defeated here today. I can almost assure the Senate that by this time next year we will have a clarification of our existing bail laws and provisions of the Maine Constitution.

Mr. President, I would ask for a Division.

THE PRESIDENT: A Division has been requested. The pending question before the Senate is the motion of Senator **TUTTLE** of York to **ADOPT** the Joint Resolution.

The Chair recognizes the Senator from York, Senator Tuttle.

Senator **TUTTLE:** Mr. President and Members of the Senate. I appreciate the concerns of the good Senator from Aroostook, Senator Carpenter. Many of you aren't aware of the case I'm talking about. I guess ever since Supreme Court Justice Carol Glassman overturned a lower court decision and granted bail to a convicted rapist in March, I've received close to 100 letters and phone calls from

residents of the community of South Berwick. Women fairly fear for their children's safety, and they feel that their lives have changed, and they fear for their families. Until this gentleman starts serving time, it is unsafe in their community.

The person was convicted by the York County Superior Court Jury, in March for kidnapping and raping a nine year old girl, along with burglarizing her mother's house. The three trials include testimony from both the victim and her mother. In April Justice Carl Bradford revoked the \$74,000 bail because of the increasing possibility that the person might harm someone again or himself, based on the reports and testimony by Mental Health professionals from around the State. But three weeks later, Justice Glassman overturned the decision, freeing the person in question on \$74,000 surety bail until the appeal was heard. With this person's presence in the community, extreme concern has caused over 50 families to voice their concern, and everyday I receive more phone calls from people asking what can be done.

I feel their concern is a valid one for the people of the area, particularly for their children. I have talked with our York County District Attorney, Jane Libby, who shares my opposition to Judge Glassman's decision. Also, since the Supreme Court will shortly begin its summer recess, no cases will be heard until next fall, at the earliest. And before arguments are presented, the 3,000-page transcript from the February trial has to be presented.

I'm not a lawyer, but I feel that sometimes the Judiciary rules are precedent in law and not always on what is just or what justice is. I feel it is our job to relay our concerns to the Court in such cases. I feel that is one. I feel the law must be the people's law, for if it isn't, there must be something drastically wrong with our legal system, and I would encourage you to support this Resolution.

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

Senator **CHALMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate, I share the concerns of everyone down there. On the other hand, we have established some laws and some procedures that we have instilled within the judiciary certain rules and regulations that they must go by. As the good Senator from Aroostook said, the Judiciary Committee is going to look into the subject of bail, but until it does, I submit that the laws have been preceded with, albeit we may think they're wrong and slow. I think there is another avenue to voice this concern, rather than a Joint Resolution of the Legislature.

I for one, would not want to have my name associated with this sentiment. I do not think the facts constitute a substantial risk. I think that the facts raise a question, but I do not know enough about the case to know that it is a substantial risk. I hope we can vote against this Resolution.

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

Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate. The Resolution itself acknowledges that restrictions or conditions may be placed on bail which might make the community more comfortable. We are not in the position, I think again as a law making body, to be sitting in judgement of our judicial system. The good Senator from York, with whom I have all the empathy in the world, has just acknowledged probably what's the fundamental difference in our opinions here and that is that he said "judiciary operates on rules and laws and not always on what is just." Think of the issues of the last few days in this chamber, think of the issues of last night, think of our differences of opinion as to what is just. Should we be the ones who are standing in judgement and deciding what is just? What is just for me may not be for the

Senator from York, Senator Dutremble or the Senator from Androscoggin, Senator Berube or the Senator from York, Senator Tuttle. The court does operate on rule of law. The rule of law is put down by us. That is the vehicle that should be used for change, not something which says we don't like what you have done even though we're not saying it is against the rule of law, we don't agree with what you have done.

I think this is an improper vehicle. I am not disagreeing with the sentiment as it is expressed, I just think this is not the vehicle with which to effect change. Thank you.

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

Senator **HICHENS:** Mr. President and Members of the Senate. I am indirectly involved in this situation having been the former Senator from South Berwick and having been well acquainted with the circumstances which took place and I have signed as a cosponsor of this Resolution not only for the welfare of the family and the youngster who was involved, but also for the man who has been accused. It has been mentioned he has gone through a sphere of suicidal attempts and I think we have to look at this from both angles.

As the good Senator from Aroostook has said, there is a rule of law, but sometimes those rules of law aren't in the best interest of families concerned and he and the other good Senator from Knox has stated that something is going to be done in another year. This case is one of those things that just can't wait for another year. We may be suffering the circumstances of what might happen and I feel by signing this Resolution, that it is in the interest of both sides of the controversial issue for the health and welfare of all.

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

Senator **MATTHEWS:** Mr. President and Members of the Senate. I would like to ask a question through the Chair to the good Senator from Aroostook and that question is: If we have a balance of power that is inherent in our system, are the courts above and beyond reproach?

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

Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate. We have three separate but equal, and I underline the word equal, branches of government under our system of law. The courts are not above reproach, they certainly are not. If I had a few minutes, I probably could go and pull any number of statutes that have been proposed and any number of changes that have in fact been Enacted by this Session of the Legislature, which in fact change or modify or redirects the rule of law because this Legislature as a Body has decided that we want the court system to go in a different direction. I think during this very Session we have seen that judges of the courts are not beyond the rule of law. I think we had a very good example of how our system works and I believe works well in terms of individual justices within the judicial system, that they and this was the court case that very clearly and very emphatically said "you as a judge are not beyond the law," no, the courts are not beyond reproach, the courts are not beyond change. The courts are not beyond the reach of this Legislature, but this is not the proper vehicle. Thank you.

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

Senator **TRAFTON:** Thank you Mr. President. I rise in support of the good Senator from Aroostook, Senator Carpenter, who opposes the Adoption of this Resolution. I think it is important to understand that our Constitution in Article 3 says that "the powers of this government shall be divided into three distinct departments, the legislative, executive and judicial" and it says that "no person belong-

ing to one of these branches shall exercise any of the powers properly belonging to either of the others." If you looked in Article IX of the Constitution it says that "the judicial power of this state shall be vested in the Supreme Judicial Court and such other courts as the Legislature shall from time to time establish."

I suggest that we are simply meddling with the judicial system by passing this Resolution. We do have a way to address this problem and the good Senator from Aroostook, Senator Carpenter, indicated that the Judiciary Committee is currently studying the bill, in fact, two bills. They are both sponsored by me and they address the question of preventative detention. A year ago, the Governor's Commission on Bail recommended a Constitutional Amendment that would allow bail to be used to detain somebody or the denial of bail would be allowed to detain somebody who would be dangerous to the community. I suggest that the situation that the good Senator from York, Senator Tuttle, is concerned about meets that particular definition. I suggest that we do not have the power in our Constitution now to use the denial of bail to detain somebody simply because they are dangerous to the community.

The courts have time and time again said that in the State of Maine, bail can be only used for one purpose and that purpose is to assure that the defendant will appear at the next scheduled court hearing. There are limitations in our Constitution for the use of, or the denial of, bail in this type of situation. I understand the concerns of the good Senator from York, Senator Tuttle, I think the court is hamstrung with our Constitution. The Legislature currently has before it a proposal to Amend the Constitution and if we are concerned with this issue and we should be, then I suggest we work on that issue. It won't be resolved today and it won't be resolved with the immediacy that the Senator from York proposes, but I suggest we simply don't have it within our power to effect this particular decision at this point and time. So I suggest we simply recognize our Constitutional rule and discuss this issue and address it with the appropriate vehicle and that is a proposed Constitutional change in the next session.

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

Senator **TUTTLE:** Mr. President. I don't mean to belabor this issue, but in debate this morning I sort of feel like David and Goliath, although I am not a warrior, debating three members of the legal profession. I don't know if I have tried to explain my case appropriately or not, but I guess we have an immediate problem here. They say this isn't the proper vehicle. Well, I have looked at the cases, many of you probably have had cases like this before, and I guess I really question, from my perspective in trying to represent my people, what the vehicle would be? All the Resolution is asking for is to reconsider the petition to grant bail. I think probably that might be difficult, but I think the other part is something that the Supreme Court couldn't do is asking the Supreme Judicial Court to expedite the appeals process in order to hear an appeal prior to the summer recess. I don't think that is asking too much. I know if we here in the Legislature have a problem to address we are called back into Special Session.

With the amount of public concern in this case I don't think that is asking too much from another Body of government to have an emergency and to be able to deal with it in an appropriate case. That is all my Resolution is asking for. There is a division of power between government, I agree with that. I am not a lawyer but I think there are certain exceptions and I think this is the exception to the rule. I think, that in light of the Supreme Court's recess shortly before the summer and because there will probably be no further cases that will be heard until fall, I would request that

this Resolution be Adopted. I think it is the only vehicle we have at hand and particularly for the concern of the people from South Berwick I think that unless this is Adopted there may be some occurrences involved that none of us really think are appropriate. I would hope that the Resolution could be Adopted.

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

Senator **KANY:** Mr. President and Members of the Senate. I wonder if the sponsors have simply called the Chief Justice and asked if the appeal could be heard at an earlier date?

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

Senator **TUTTLE:** Mr. President. I have received a response in writing from the Chief Justice, but as far as changing any of her decisions, she didn't answer the question whether the Supreme Judicial Court could hear the case again reaching a decision before summer. I am in the process of trying to call her again and write her another letter to that aspect. That is the reason why I think this Resolution is important.

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

Senator **CHALMERS:** Has there been a request for a Division?

THE PRESIDENT: The Chair would answer in the affirmative. The request for a Division was made by the Senator from Aroostook, Senator Carpenter.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator **MATTHEWS:** Mr. President. Just to respond to a couple of things that were mentioned by the good Senator from Androscoggin and the good Senator from Aroostook. The three powers we have in our system, the Executive, Judicial and Legislative derive their powers from the will of the government and I think it is important to remember ladies and gentlemen of the Senate that on this issue, on bail reform, the public is crying out for justice.

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

Senator **CARPENTER:** Mr. President. I am not going to belabor this issue, but I would just caution Members of this Body from the tone of something that was just said here, that it might not be in the best interest of the victims or the society to be starting to make exparte contacts with the courts. That in fact could work against that which you are seeking here, some sort of redress that in fact might prejudice the case. It might cause somebody who in fact is guilty of some offense to go free, so I would be very, very careful about that sort of individual action. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **TUTTLE** of York to **ADOPT** the Joint Resolution.

A Division has been requested.

Will all those Senators in favor of the **ADoption** of the Joint Resolution, please rise in their places and remain standing until counted.

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

6 Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion of Senator **TUTTLE** of York to **ADOPT** the Joint Resolution, **FAILS**.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act to Amend Certain Provisions of the Laws Pertaining to Child Support" (S.P. 385) (L.D. 1065)

HELD BILL

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

Senator **VIOLETTE:** Mr. President, is the Senate in possession of L.D. 1628, "An Act to Authorize Aroostook County to Raise \$2,100,000 for Renovations and Additions to the Aroostook County Jail"?

THE PRESIDENT: The Chair would answer in the affirmative, the matter having held.

On motion by Senator **VIOLETTE** of Aroostook, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED:**

Bill "An Act to Authorize Aroostook County to Raise \$2,100,000 for Renovations and Additions to the Aroostook County Jail" (S.P. 617) (L.D. 1628) (H. "B" H-446)

(In Senate June 17, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-446)**, in concurrence.)

On further motion by same Senator, Senate Amendment "A" (S-304) **READ and ADOPTED.**

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON AGRICULTURE
112th LEGISLATURE**

June 18, 1985

The Honorable Charles P. Pray
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Barbara Lounsbury of Auburn, as a member of the Pesticides Control Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the Roll with the following result:

YEAS:	Senators	3
	Representatives	5

NAYS:		4
-------	--	---

ABSENT: 1 (Rep. Crouse of Caribou)

Eight members of the Committee having voted in the affirmative and four in the negative, it was the vote of the Committee that the nomination of Barbara Lounsbury of Auburn, as a member of the Pesticides Control Board be confirmed.

Sincerely,
S EDGAR E. ERWIN

Senate Chair

S JOHN M. MICHAEL

House Chair

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

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

Senator **CARPENTER:** Before we vote on the confirmation of Barbara Lounsbury to the Board of Pesticides Control, I just want to make a couple of comments. As a member of the Agriculture Committee, I respect the legislative process and I know that we sometimes find ourselves in quandaries, moral dilemmas or very frustrating positions. I had one of these situations over the last twenty-four hours and it had nothing to do with wood measurement. It had to do with the nomination that is presently before you.

On the Board of Pesticides Control there are a number of specific slots for specific interest groups: applicators, persons familiar with the

forestry business, persons familiar with agriculture and there are two public members out of seven. The law says that the two public members, and I emphasize the word public, are to be chosen from different economic, rural, geographic areas. The two public members have been Mr. William Ginn from Pownal and Ms. Delores Colburg of Machias. Clearly, different geographic areas. Now Ms. Colburg, for whatever reason, has resigned and the Governor has seen fit to nominate Barbara Lounsbury of Auburn to take her place. I am very upset about this. I am not upset at Barbara Lounsbury she is an extremely intelligent, capable, qualified individual who I believe will make a very good addition to the Board of Pesticides Control. I agonized over this and decided, in all honesty with myself, I could not vote against this person simply because of the other six people who are already on the board.

Both public members will now be, if you will, more leaning toward an environmentalist philosophy and I think that makes for a narrow definition of the word public. But, I can live with that. But, they will live within twenty miles of each other in what essentially is the southern part of the State of Maine, and I have a problem with that. Certainly there are agricultural concerns in the southern part of the State, certainly there are forestry concerns in the southern part of the State, certainly there are concerns of pesticides in the southern part of the State. But, to exclude in total the entire section of the State north of the Penobscot River is unconscionable. The Governor put this woman in a very, very uncomfortable position where in three hours she spent more time defending her geography than her philosophy.

I am mad at our Chief Executive for doing this. We have seen it time and time and time again. I was put in the position of, do I punish this obviously qualified candidate, or do I simply in effect give my vote to the Governor and get up here and criticize him? It seems to me that the latter was the lesser of the two evils although certainly the least effective. It makes me angry and I posed a hypothetical question in the committee yesterday that I think you can all relate to. I hypothesized the good Senator from Cumberland, Senator Black, had become Governor and the two public member slots on the Board of Pesticides Control had been opened and Governor Black had just posted the names of two retired farmers, one from Houlton and one from Bridgewater and such a howl we would hear. I would think that the good Senator from Cumberland, Senator Black, soon to be Governor Black, would probably not do this. I find it wrong for the Governor to do this, it happens time and time and time again and then the administration will wonder why there are bills in here year after year tagging certain slots to certain areas or certain interest groups. I have already told the Committee and I think the Committee is in almost total agreement at least that this should be done, that these public members should represent different geographic areas of the State.

I hope you will vote with me today. I will, the next time I see my Chief Executive, give him my message in person, just in case he is not listening today. I think that because of this kind of attitude and it doesn't just affect Aroostook County, it affects Washington County, it affects Franklin County, it affects anything out of the main stream of the southern part of the State of Maine. I hope that you will support Ms. Lounsbury today, I think she will be an outstanding, excellent, meaningful member of that Board and I just call on our Chief Executive, if he hears of my remarks at some point, to please deal with this issue and know that the State of Maine does not stop at Bangor. Thank you.

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

Senator **KANY:** Thank you Mr. President and Members of the Senate. I just felt the need to rise because I just find it difficult to understand what decision making or judgement has to do with geographical areas. Now, I am well aware that the legislation calls for that differentiation, but certainly a judgement does not depend upon where one comes from and I do think the question generally should never be where one comes from, but where one is going. In a way, I am sorry to hear this regional discussion, I find it a little bit inappropriate perhaps.

I do happen to know the nominee, just as an acquaintance having dealt with this woman attorney, Republican women attorney, on issues in which she had inquired a number of times regarding a variety of topics and I was just very impressed with the quality of her questions and with her communication. I just did want to rise and object to that discussion of region.

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

Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate. I have never stood on the floor of this Senate and gotten into a regional discussion, but when the statute very clearly says that the public members shall be appointed to represent different economic areas or geographic areas, it seems to me that the Legislature, when they enacted that section, was trying to deliver a message to future legislatures considering the nominations to public membership on that board and to the Chief Executive.

We went so far yesterday, in the Committee, as to have a gentleman from the A.G.'s Office come over and tell us whether or not there was a definition of economic area. By confirming this nomination today, in effect, we are saying that economic area does not mean geographic area, because clearly the two public members after today will not meet the geographic area test. It is an either/or test, so we are saying economic areas. They do represent apparently, based on our vote today, different economic areas and I personally take offense to the remarks that judgement is what counts because the implication is there that there is nobody north of the Penobscot River that could have good, unbiased, intelligent judgement and I don't think that is accurate at all. I agree that judgement is what counts and after listening to Barbara Lounsbury for some time yesterday and talking to her personally, both before and after the hearing, I came to believe that she does possess good judgement and will make a good member of the Board, otherwise I would not be voting for her. My anger was not directed at her, but it seems to me that the statute is, perhaps the letter of the statute is, being complied with, but perhaps the spirit is not being complied with and this is the latest in a fairly long series in these kinds of things. Thank you.

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

Senator **PEARSON:** Mr. President and Men and Women of the Senate. I do think, unlike Senator Carpenter who perhaps has a little bit different tack to take, anyway, I do think that geography does color our judgement to some degree. This shouldn't obviously be the overriding concern because I think it ought to be the good of the State, but I think it is a natural evolutionary thing that where you are born and raised and you live tends to make you more knowledgeable of the area you live in. I don't think that is wrong. I think it ought to be distributed geographically around the State. I see nothing wrong with that. I would submit to the gentle lady from Kennebec, Senator Kany, that where you come from does color your judgement and the intensity with which you address different issues whether it be Keyes Manufacturing or anything else.

THE PRESIDENT: The Joint Standing Committee on **AGRICULTURE** has recommended

that the nomination of **Barbara Lounsbury** of Auburn be **Confirmed**.

The pending question before the Senate is: Shall the recommendation of the Committee on **AGRICULTURE** be overridden?

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Maybury, Webster

NAYS:—Andrews, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, McBrearty, Pearson, Perkins, Sewall, Shute, Stover, Trafton, Tuttle, Twitchell, Violette, The President—Charles P. Pray

ABSENT:—Senators, Najarian, Usher

2 Senators having voted in the affirmative and 31 Senators having voted in the negative, with 2 Senators being absent, and 2 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Barbara Lounsbury** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BUSTIN** for the Committee on **BUSINESS AND COMMERCE** on Bill "An Act to Prohibit Discrimination Against Handicapped People in Insurance" (S.P. 484) (L.D. 1312)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-305).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-305) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

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

ORDERS OF THE DAY

On motion of Senator **PEARSON** of Penobscot, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE**:

An Act to Encourage A Viable Agriculture for Maine. (S.P. 489) (L.D. 1316) (S. "A" S-114 to C. "A" S-105)

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

Pending—**ENACTMENT**.

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

(In Senate May 24, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-105) **AS AMENDED BY SENATE AMENDMENT "A"** (S-114), thereto.)

On motion by Senator **PEARSON** of Penobscot, the Senate **SUSPENDED** the **RULES**.

On further motion by same Senator, the Senate **RECONSIDERED**, whereby the Bill was **PASSED TO BE ENGROSSED, as Amended**.

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

On further motion by same Senator, the Senate **RECONSIDERED**, whereby it

ADOPTED Committee Amendment "A" (S-105) as Amended by Senate Amendment "A" (S-114), thereto.

On further motion by same Senator, Senate Amendment "B" (S-303) to Committee Amendment "A" (S-105) **READ** and **ADOPTED**.

Committee Amendment "A" (S-105) as Amended by Senate Amendments "A" (S-114) and "B" (S-303), 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.

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 Clarify the Discretionary Authority of the Harness Racing Commission to License Pari-mutuel meets and Assign Racing Dates (H.P. 790) (L.D. 1120) (H "C" H-448 to C "A" H-162)

An Act to Authorize an Award System to Aid in Coyote Control (H.P. 858) (L.D. 1217) (C "A" H-424)

An Act to Protect Abused Children (H.P. 969) (L.D. 1386) (C "A" H-426)

An Act Relating to the Income Tax Checkoff for Political Parties (H.P. 1077) (L.D. 1567) (H "A" H-431; C "A" H-414)

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

An Act to Create the Twin Villages Water District (H.P. 1116) (L.D. 1626) (H "A" H-425)

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

An Act to Provide a Sales Tax, Trade-in Credit for Loaders and Chain Saws used to Harvest Lumber (H.P. 72) (L.D. 93) (C "A" H-434)

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

An Act to Exempt Lobster Feed and Medication Necessary for the Lobster Pound Business from the State Sales Tax (H.P. 206) (L.D. 240) (C "A" H-435)

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

An Act Relating to the Taxation of Trade-in Equipment (H.P. 498) (L.D. 701) (C "A" H-439)

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

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

ENACTORS

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

An Act to Amend the Maine Certificate of Need Act to Clarify the Provision to Mutually Extend the Review Period for Certificate of Need Review and to Make the Reconsideration Hearing Optional and Establish a Time Limit for Decisions After a Reconsideration Hearing (S.P. 214) (L.D. 572) (H "B" H-429 to C "A" S-270)

An Act Amending the Maine Juvenile Code to Allow for Access to Records by Criminal Justice Agencies" (S.P. 565) (L.D. 1493) (C "A" S-295)

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

An Act to Exempt Leased Farm Equipment from Use Tax (S.P. 190) (L.D. 508) (C "A" S-298)

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

Emergency

An Act to Establish an Aroostook County Budget Committee (S.P. 310) (L.D. 799) (H "B" H-440 to C "A" S-98)

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.

Emergency

An Act to Create the Maine Rainy Day Fund (H.P. 521) (L.D. 741) (H "A" H-442; C "A" H-301)

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

Emergency

An Act to Authorize Franklin County to Raise \$800,000 for Renovations and Additions to the Franklin County Court House (H.P. 1140) (L.D. 1648) (H "A" H-430 to C "A" H-416)

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

ORDERS OF THE DAY

On motion by Senator **DANTON** of York the Senate removed from the **SPECIAL HIGHWAY APPROPRIATIONS TABLE**:

An Act to Allow the Secretary of State to Issue License Plates for Former Prisoners of War (S.P. 46) (L.D. 63) (C "A" S-10)

Tabled—March 19, 1985, by Senator **DANTON** of York.

Pending—**ENACTMENT**

(In House March 14, 1985, **PASSED TO BE ENACTED**.)

(In Senate March 8, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-10).)

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

On motion by Senator **DANTON** of York, the Senate removed from the **SPECIAL HIGHWAY APPROPRIATIONS TABLE**:

An Act to Permit Beano on Sundays after Noon (S.P. 259) (L.D. 669) (H "A" H-11 to S "A" S-6)

Tabled—March 12, 1985, by Senator **DANTON** of York.

Pending—**ENACTMENT**

(In House March 8, 1985, **PASSED TO BE ENACTED**.)

(In Senate March 6, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A"** (S-6) **AS AMENDED BY HOUSE AMENDMENT "A"** (H-11), thereto in concurrence.)

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

On motion by Senator **DANTON** of York, the Senate Removed from the **SPECIAL HIGHWAY APPROPRIATIONS TABLE**:

Emergency Resolve

Resolve, to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws (S.P. 321) (L.D. 810)

Tabled—June 14, 1985, by Senator DANTON of York.

Pending—**FINAL PASSAGE**
(In House June 14, 1985, **FINALLY PASSED**.)

(In Senate June 12, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-370) AS AMENDED BY SENATE AMENDMENT "A" (S-278)**, thereto.)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 2 Senators having voted in the negative and 25 being more than two-thirds of the entire elected membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator DANTON of York, the Senate removed from the **SPECIAL HIGHWAY APPROPRIATIONS TABLE**:

Emergency

An Act to Make Supplement Allocations from the Highway Fund and Changing Certain Provision of the Law Necessary for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (H.P. 673) (L.D. 956) (C "A" H-353)

Tabled—June 11, 1985, by Senator ERWIN of Oxford.

Pending—**ENACTMENT**
(In House June 11, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 10, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353)**, in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected membership of the Senate was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator DANTON of York, the Senate removed from the **SPECIAL HIGHWAY APPROPRIATIONS TABLE**:

An Act to Permit Limited Operation of Woods Vehicles on State Highways (H.P. 800) (L.D. 1130)

Tabled—May 13, 1985, by Senator DANTON of York.

Pending—**ENACTMENT**
(In House May 10, 1985, **PASSED TO BE ENACTED**.)

(In Senate May 8, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

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

On motion by Senator DANTON of York, the Senate removed from the **SPECIAL HIGHWAY APPROPRIATIONS TABLE**:

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

Tabled—May 30, 1985 by Senator DANTON of York.

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

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

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

On motion by Senator DANTON of York, the Senate removed from the **SPECIAL HIGHWAY APPROPRIATIONS TABLE**:

An Act to Provide for Cost Sharing for

Maintenance of Railroad Grade and Highway Bridge Crossings and the Allocation and Appropriation of Funds for Transportation Purposed (H.P. 1138) (L.D. 1644) (H "A" H-418)

Tabled—June 17, 1985, by Senator DANTON of York.

Pending—**ENACTMENT**
(In House June 17, 1985, **PASSED TO BE ENACTED**.)

(In Senate June 14, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-418)**, in concurrence.)

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

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 Provide for Greater Tax Expenditure Accountability" (S.P. 579) (L.D. 1521) (C "A" S-294)

In Senate June 17, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294) AS AMENDED BY HOUSE AMENDMENT "A" (H-447)**, thereto in **NON-CONCURRENCE**.

On motion by Senator DOW of Kennebec, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

ENACTORS

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

Emergency

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (S.P. 637) (L.D. 1653)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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.

ORDERS OF THE DAY

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

Bill "An Act to Provide for Greater Tax Expenditure Accountability" (S.P. 579) (L.D. 1521) (C "A" S-294)

Tabled—June 18, 1985, by Senator DOW of Kennebec.

Pending—**FURTHER CONSIDERATION**
(In Senate June 17, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294)**.)

(In House June 18, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294) AS AMENDED BY HOUSE AMENDMENT "A" (H-447)**, thereto in **NON-CONCURRENCE**.)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews. Senator ANDREWS: I move that we Recede and Concur with the House and I would speak briefly to my motion.

Thank you Mr. President. Mr. President, men and women of the Senate. L.D. 1521 was a Bill that enjoyed bipartisan support and bipartisan sponsorship. I move that we Recede and Concur somewhat reluctantly and I simply stand on the floor of the Senate today to point this L.D. out to you and to ask that you take a look at this piece of legislation.

The Bill, as it originally was conceived and presented, was a Bill to address concerns that many of us have about specific types of tax

legislation that is a focus for a narrow special interest. That is a specific tax expenditure Bill, a specific tax break if you will, or loop hole that would benefit one or two corporations as we outlined in the Bill at least under ten corporations. It called for an analysis to be done of those proposals, not only with respect to the proposal itself, but the effect of that proposal that tax loop hole on other businesses across that State that were in competition with that industry as well as the economy as a whole. Many of us felt that would be a significant step forward. What we have before us is a Bill that has been amended that makes a significant but, small step. The amendment that we have before us calls for the Joint Standing Committee on Taxation to review tax expenditures that we have provided to corporations of this kind in the past and to review them. It lays out a process for a review.

Ladies and Gentlemen of the Senate, I will defer to the wisdom of the Joint Standing Committee on Taxation and I move to Recede and Concur, but I stand on the Senate floor today to just point out that this is an issue of great concern to me personally, I think to many of us. The whole issue of narrow special interest tax legislation. We have taken a small step with this piece of legislation as amended. I hope we will keep this issue on the front burner and perhaps when we convene again in January we might consider making some additional steps to correct what I think is a situation which has gotten out of hand. Thank you.

On motion by Senator ANDREWS of Cumberland the Senate **RECEDED and CONCURRED**.

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

On motion by Senator DOW of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to Order by the President.

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON TAXATION
112th LEGISLATURE

June 18, 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 Taxation 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	117
Unanimous reports	99
Leave to Withdraw	41
Ought to Pass	7
Ought Not to Pass	24
Ought to Pass as Amended	21
Ought to Pass in New Draft	6
Divided reports	9
Carry Over Bills (Approved by the Legislative Council)	9

Respectfully submitted,

S/ R. Donald Twitchell S/ John A. Cashman
Senate Chair House Chair
Which was **READ and ORDERED PLACED ON FILE**.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:
An Act to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers (H.P. 1087) (L.D. 1580) (C "A" H-427)
Which was **PASSED TO BE ENACTED** and

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

(See Action Later Today)

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **DIAMOND** for the Committee on **AUDIT AND PROGRAM REVIEW** on Bill "An Act to Amend Certain Provisions of the Oil Discharge Prevention and Pollution Control Act and to Establish a New Act Relating to Underground Oil Storage Facilities" (Emergency) (S.P. 641) (L.D. 1655)

Reported that the same **Ought to Pass**, pursuant to 3 M.R.S.A. Ch. 23.

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

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate At Ease

Senate called to Order by the President.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENACTED**:

An Act to Implement Teacher Recognition Grants and Establish a Minimum Salary for Teachers (H.P. 1087) (L.D. 1580) (C "A" H-427) (In Senate June 18, 1985, **PASSED TO BE ENACTED**, in concurrence.)

(In House June 18, 1985, **PASSED TO BE ENACTED**.)

THE PRESIDENT: The Senator has the floor. Senator **PEARSON**: My apologies Mr. President and to the Members of the Senate. I was trying to answer a couple of notes regarding why I put other things on the Appropriations Table. While, at the same time, I should have been putting this on the Table.

I would ask the Senator from Kennebec, Senator **Dow** if he would place this item on the Appropriations Table.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Amend the Inflation Incenting Provision in the Tax Laws" (H.P. 919) (L.D. 1310)

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

Signed:

Senators:

TWITCHELL of Oxford
DIAMOND of Cumberland

Representatives:

NELSON of Portland
MAYO of Thomaston
SWAZEY of Bucksport
CASHMAN of Old Town
MCCOLLISTER of Canton
DIAMOND of Bangor

The Minority of the same Committee on the same subject reports that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-452).

Signed:

Senator:

EMERSON of Penobscot

Representatives:

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

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.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Adjust the Excise Tax on Watercraft" (H.P. 615) (L.D. 885)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-454).

Signed:

Senators:

DIAMOND of Cumberland
TWITCHELL of Oxford
EMERSON of Penobscot

Representatives:

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

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

Signed:

Representatives:

CASHMAN of Old Town
MAYO of Thomaston
DIAMOND of Bangor
NELSON of Portland
SWAZEY of Bucksport
MCCOLLISTER of Canton

Comes from the House with the Majority **OUCHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-454) Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-454).

Which Reports were **READ**.

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

Committee Amendment "A" (H-454) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

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

COMMITTEE REPORTS

House

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act Relating to the Affixing of Indicia of Payment of Real Estate Transfer Tax" (H.P. 764) (L.D. 1084)

Have had the same under consideration and ask leave to report that the House **Recede** from **Passage to be Engrossed**; **Read** and **Adopt** Committee of Conference Amendment "A" (H-449) and **Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A"** (H-449) in **Non-Concurrence**

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

Signed on the part of the House:

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

Signed on the part of the Senate:

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

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-449) in **NON-CONCURRENCE**.

Which Report was **READ** and **ACCEPTED**,

in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act to Allow all Disabled Veterans and Those 62 Years of Age to Receive a \$4,000 Property Tax Exemption" (H.P. 286) (L.D. 356)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-455).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-455).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-455) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in 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:

Bill "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 339) (L.D. 456)

Bill "An Act to Increase Aid to Families with Dependent Children Benefits" (H.P. 505) (L.D. 710)

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve the Availability, Quality and Delivery of Services Provided to Children with Special Needs" (Emergency) (H.P. 1010) (L.D. 1454)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-457).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-457).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-457) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

The Committee on **TAXATION** on Bill "An Act to Establish the Costs of Forest Fire Protection" (Emergency) (H.P. 750) (L.D. 1073)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-460).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-460).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-460) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act to Allow Tax Credit Equal to 30% of the Net Cost of Operating a Child Care Facility to be Used Primarily by the Children of the Taxpayer's Employees" (H.P. 464) (L.D. 665)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-453).

Comes from the House, with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-453).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-453) **READ and ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended**, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:
PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In Senate June 4, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-192).

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-192) AS AMENDED BY HOUSE AMENDMENT "C"** (H-458), thereto in **NON-CONCURRENCE**.

The Senate **RECEDED and CONCURRED**.

Non-concurrent Matter

Bill "An Act to Amend Certain Motor Vehicle Laws" (Emergency) (S.P. 605) (L.D. 1599)

In Senate June 17, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-200) AND "C" (S-297) AND HOUSE AMENDMENT "A"** (H-379).

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "C" (S-297) AS AMENDED BY HOUSE AMENDMENT "A" (H-459)**, thereto **AND HOUSE AMENDMENT "A" (H-379) AND SENATE AMENDMENT "A" (S-200) IN NON-CONCURRENCE**.

The Senate **RECEDED and CONCURRED**.

ENACTORS

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

An Act Relating to Inspection of Catalytic Converters and Inlet Restrictors (H.P. 225) (L.D. 259) (C "A" H-242)

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

(See Action Later Today)

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

PAPERS FROM THE HOUSE**Non-concurrent matter**

Bill "An Act Relating to the Administration of Vocational Education" (S.P. 628) (L.D. 1645) (H "B" H-422)

In Senate June 17, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-422) AS AMENDED BY SENATE AMENDMENT "C" (S-302)**, thereto.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-422) AS AMENDED BY HOUSE AMENDMENT "B" (H-456)**, thereto in **NON-CONCURRENCE**.

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

Senator **BROWN:** Mr. President, I move that we **Insist and Ask** for a Committee of Conference.

THE PRESIDENT: The Senator from Washington, Senator **BROWN** moves that the Senate **INSIST AND ASK FOR A COMMITTEE OF CONFERENCE**. Is this the pleasure of the Senate?

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

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

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

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

THE PRESIDENT: A Division has been requested.

The pending question before the Senate is the motion of the Senator from Kennebec, Senator **KANY** that the Senate **RECEDE and CONCUR**.

Will those Senators in favor of the motion of Senator **KANY** of Kennebec to **RECEDE and CONCUR** please rise in their places and remain standing until counted.

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN:** Mr. President, I move we **Recede**.

THE PRESIDENT: The Senator from Washington, Senator **BROWN** moves that the Senate **RECEDE**.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator **KANY:** Mr. President, is the motion to **Concur** also in order?

THE PRESIDENT: The motion to **Concur** would be in order after the motion to **Recede** has been acted upon.

On motion by Senator **BROWN** of Washington the Senate **RECEDED**.

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

Senator **PERKINS:** Mr. President I move that we **Reconsider** our action whereby we **Receded**.

THE PRESIDENT: The Senator from Hancock, Senator **PERKINS**, moves that the Senate **RECONSIDER** its action whereby it **RECEDED**.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Hancock, Senator Perkins.

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

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

Senator **BROWN:** Mr. President and men and women of the Senate. One of the reasons that I made the motion to **Recede** is that I do have and amendment which I would like to offer. Yesterday, last evening, when we passed the amendment which we did in this body, one of the provisions that was left out was a section that provided for the commissioner to be the one who the Directors of the Vocational Technical Institutes reported to. The intent was to have the board, the new board that was being established, the board of trustees would be the entity that the Directors would report to. The amendment which I wish to offer simply makes that correction. I would ask the body to allow the motion to **Recede** to prevail so that I could offer this amendment. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **PERKINS** of Hancock to **RECONSIDER** whereby the Senate **RECEDED**.

A Division has been requested.

Will all those Senators in favor of the motion of Senator **PERKINS** of Hancock to **RECONSIDER** please rise in their places and remain

standing until counted.

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

9 Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion of Senator **PERKINS** of Hancock, to **RECONSIDER** whereby the Senate **RECEDED, FAILS**.

House Amendment "B" (H-422) **READ**.

On motion by Senator **BROWN** of Washington, Senate Amendment "D" (S-308) to House Amendment "B" (H-422) **READ**.

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

Senator **KANY:** Thank you Mr. President. Mr. President, men and women of the Senate, I would ask for a division on the pending motion and I hope that you do vote against Adoption of the amendment. I hope that occurs so that we then can **Concur** with the House. I do believe that probably every single person here in this body would want to see more focus on the VTI's and I would like to say that if we do just go along with **Receding** and **Concurring** with the other Body that we will then have provided clearly stated goals and objectives for the VTI's, we would have clearly stated policies set by the legislature for the VTI's, we would have a separate board and there seems to be no disagreement on that and I understand the Governor also agrees now that that is a very positive view so that finally we can have a Board that will focus 100% of its time and effort on our very, very important Post Secondary Vocational Technical Institutes. The VTI's deserve no less.

The amendment which was most recently offered in the House is purely and generally a technical amendment and I have no objections to the contents of it. Let us keep in mind that we had last year in 1984 students enrollment of over 3,000 full time day students, in VTI's and over 17,000 evening students. About 5,000 to 3,000 applications were denied. I urge you to **Recede** now, not to **Adopt** that amendment and then allow us to **Concur** so that we can **Enact** this legislation and that we can say that we have done something positive for the Vocational Technical Institutes here in the State of Maine.

THE PRESIDENT: The Chair is pleased to interrupt debate to recognize in the rear of the Chamber a former legislative staff and the guest of the Senator from Cumberland, Senator Gill, Chris Holden. The Chair would ask Chris to please rise and accept the greetings of the Senate.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator **BROWN:** Thank you Mr. President and men and women of the Senate. All the comments that the good Senator from Kennebec, Senator Kany has just made I concur with 100%. Especially in regard to doing something this year for the Vocational Technical Institutes. It seems kind of unfortunate that we have gotten into this kind of paradox. I suppose that we have wound up with two Committees both wanting very desperately to do something for the Vocational Technical Institutes and yet having some diversity as to which is the best way to proceed.

Let me review just briefly with you if I may about what brought us to the situation that we are currently in. As you recall we had a Bill earlier in the session that was vetoed. It would have set up a separate Department to deal with Vocational Technical schools. While that process was taking place there was a Bill from the Education Committee that was tabled in the other body. After the veto occurred that other Bill, which by the way we have been working very carefully with the Department with the Governor's Office, with everybody on that particular bill. It had some teeth in it in the sense of trying to get some things established this year which everybody wanted to get estab-

lished, then we had amendment "B" from the House which we have Adopted in this Body which was, as the good Senator just indicated, was agreed to by a number of different parties, which took a fair amount of the essence out of the bill which the Education Committee had worked on.

If you recall there are two central facts or two central areas that needed consideration to deal with the Vocational Technical schools. One was a lump sum budget so that the Board of Education and now the Board of Trustees which is established under Committee Amendment "B," which I support, a lump sum budget that they could use for the VTI system. That was one provision. Another provision was a transfer of personnel within the VTI system the four hundred and one people that exist within the system to transfer them as necessary to carry out the purposes of the Vocational Technical Institutes purpose and intent.

It is the furthest thing from my mind to do anything to add an amendment here that is going to cause any difficulty to the process that is underway. We have agreement on the Bill from the Education Committee that is also supported by the Governor which has a little bit stronger language in it and there is a fear right now that exists in some individuals minds that the Governor might veto the education bill, which he has already supported, which we have been dealing with. So the amendment that was put on was to weaken it considerably to a bill which we had already agreed to. Let me just briefly run through this amendment with you if I may. We are talking about the amendment that was just offered a moment ago, S-308. First off, there is a section on the front page. It is not very long so if you will just bear with me for a moment just let me run through the amendment, the content of it. On the first page it deals with the purpose and the intent of the Vocational Technical schools. Now, this just takes in the amendment "B" which came from the other Body, is just takes some of the flowery language which was very similar by the way to the section in the law, Title 20, Chapter 111, which deals with morality religion. It is very akin to that kind of language which is in the Committee Amendment "B" and it reestablishes the purpose and intent which is in the present law that governs the VTI's as they currently exist. That is all it does. Page 1, just reestablishes the purposes and the intent that is under the current law. I think that you will find nothing whatsoever bothersome about that section.

Page 2 it sets up the Vocational Technical Institute system. That has not been established. There have been the Vocational Technical Institutes as individual entities, this sets up a system to deal with personnel and budget items especially. Item #6 on page 2 deals with the Vocational Technical Institutes fund. That is the fund that deals with all the monies and provides a flexibility that is necessary for them to be able to function. Number 5, "Entered Contracts and Agreement." Nothing bothersome there anyway. Number 6, "Acquired Property by Purchase, Lease or Rent." Nothing bothersome there. Number 7, "Sell and Dispose of Property." Nothing more than the University System currently performs. Number 8, "Undertake Construction Renovation," which the Board of Education currently is involved in. Number 7 and 8 deals with collecting of fees. This year we have already passed in this legislature a bill which allows a Vocational Technical Institute to be able to rent out part of a facility, for instance the gym or some other portion of the facility and collect a fee from that and keep the fee to pay for the janitor. We have already passed that law this year. This is simply reestablishing that in the current law, something that you have already agreed to.

On page 4 it puts a layering into the administrative structure and says that "the board

is responsible for the directors of the VTI and serves at their pleasure" and it says that "the assistant director and other personnel in the VTI serve at the pleasure of the VTI director." That is all that does. Section 9 on Page 4 is adopting approved personnel policies. Section 10, 11, allows VTI's to be able to contract with the private sector to offer the work that the good Senator from Cumberland, Senator Andrews was very concerned about with the private section to gear up quickly to meet those needs. Over on the next page, Page 5 number 12 is to allocate and transfer personnel as necessary. That is one of the key provisions. The next page deals with the part that establishes that the Director is responsible for the day to day operation of the facility and not the Commissioner, but the Director is. It finishes up on page 7 which deals with the fact that the Director will be responsible for evaluating staff and then page 8 says that a non-lapsing fund will be established which will be called this Vocational Technical Institute fund and that is a very necessary and key provision.

I can't believe there is anything in this particular amendment that is being offered which is bothersome to anyone. It is one that was supported, all the provisions were supported by the Governor's Office when we worked downstairs in the Education Committee. Don't be bothered by the fact that a fear exists because of what has transpired previously with the other bill that was vetoed. The Governor has been supportive of this right along, so lets pass this along, and get it on down to him. I thank you for your attention in listening. Thank you.

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

Senator KANY: Thank you Mr. President, Members of the Senate. I just urge you not to adopt this amendment because it would put us further in non-concurrence. There really isn't any major difference between what was adopted down there and what we are talking about here. Why don't we just get on about our business so we can Enact this and not take more time on it. We are at the very end of the session, here is no need for us to have minor perhaps some might even call them petty differences. Let's just get on with our business and Recede and then Concur and then we can Enact this good legislation so that we can do something for the VTI's.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. I would urge you today to stand with the good Senator from Washington, Senator Brown and adopt Senate Amendment "D." I know it is late in the session and probably many of you have tired hearing this on-going debate regarding the VTI's, but I must share with you my perplexity on the nature of this debate.

Last week when we were debating the State Government draft which would have set up a separate Department of State charged with administering affairs of the VTI's, there was some concern. Some of us said maybe we ought to wait just a second and see if we can't deal with the legitimate problems which have been raised in the VTI's, but deal with it in a moderate fashion. Set up a separate Board within or under the Department of Education to deal with the problems of the VTI's.

The State Government draft and the proponents headed by the good Senator from Kennebec, Senator Kany urges us to be forthright to take a major step forward and adopt a whole new Department of State and portrayed the Education Committee as being the conservatives even the reactionaries indicating that all the Education Committee people wanted to do is simply put the matter into further study.

How ironic it is that today the roles have been reversed completely. That in fact, if we do go on to Recede and Concur with the action of the other Body, we will have been taking a step backward because the problems which have been so well articulated by the good Senator from Washington, Senator Brown, dealing with the lack of flexibility in the VTI's; the inability to transfer funds; and the inability to transfer personnel between the Vocational Technical Institutes. All these problems will remain unless we adopt Senate Amendment "D."

This grasps into the Bill's statutory language, specifically conferring on the VTI's the authority to do these very things we are talking about. What the other Body has done today was to strip the language from the VTI Bill and ironically, put the matter out to study so we have come full circle in this whole debate. I suggest to you that we are better off adopting Senate Amendment "D" which is in act a bold and affirmative measure which will, as the Senate from Washington has said, put teeth in to the VTI measure. This is a Bill which has been reviewed carefully with the Governor's staff, which the Governor's support and which we'll consider a major step toward dealing with the problems of the VTI's. For these reasons, I would urge you to adopt Senate Amendment "D." Thank you.

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

Senator KANY: I request a Division.

THE PRESIDENT: A Division has been requested.

The pending question before the Senate is the motion of Senator BROWN of Washington to ADOPT Senate Amendment "D" (S-308) to House Amendment "B" (H-422).

Will all those Senators in favor of the ADOPTION of Senate Amendment "D" (S-308), please rise in their places and remain standing until counted.

The Chair recognizes the Senator from Washington, Senator BROWN.

Senator BROWN: Mr. President, I request a Roll Call.

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

Will all those Senators in favor of ordering a Roll Call, please rise in their places 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 Senator BROWN of Washington to ADOPT Senate Amendment "D" (S-308) to House Amendment "B" (H-422).

A Yes vote will be in favor of ADOPTION.

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, Clark, Danton, Diamond, Dutremble, Gauvreau, Matthews, Pearson, Twitchell, Usher, Violette

NAYS:—Senators, Andrews, Black, Chalmers, Dow, Emerson, Erwin, Gill, Hichens, Kany, Maybury, McBreairty, Perkins, Sewall, Shute, Stover, Tuttle, Webster, The President—Charles P. Pray

ABSENT:—Senators, Najarian, Trafton
The President changed his vote from Yea to Nay.

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator BROWN of Washington to ADOPT Senate Amendment "D" (S-308) to House Amendment "B" (H-422), FAILS.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President, I move we Concur.

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

Senator CHALMERS: Mr. President. Having voted on the prevailing side, I would move Reconsideration of Failing to Adopt Senate Amendment "D" (S-308).

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

Senator WEBSTER: I request a Division.

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

Senator BROWN: Mr. President I request a Roll Call and would like to speak to the motion.

Mr. President, men and women of the Senate. Just for a few moments, if I can, to be sure that people are aware of where we are on this particular issue. There was some concern a while ago with this person in knowing where we were in terms of the motion that was before us. Presently the motion is the motion to Reconsider whereby this amendment failed to Pass. I have gone over the proposed amendment as clearly as I can with you and I would ask anyone in this Chamber who can find some points wrong with that to please state them.

I would urge that you reconsider whereby we did not adopt this Amendment and, give us the opportunity to sent it along to the other body. Thank you Mr. President.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Maine Senate. I would just like to refresh your recollection if I could as to the current status we are in on this on-going debate on the VTI's. It feels a bit like a *deja'vu*. We were just at this point two hours ago. But what has transpired in the last week is truly a remarkable occurrence. Last week the proponents of the State Government draft, which would have set up a separate and distinct Department of Vocational training in the State, chastised those who supported the Education Committee Report which is now before us, on the grounds that we were being too cautious, taking a conservative approach, that the Education Bill would not deal with the core issues which were retarding the normal development of the VTI's in the State; specifically, we were chastised for encouraging or asking for a study of the VTI problems. In fact, I think people on both sides of the debate recognized the key problems confronting the VTI's today. The Vocational Technical Institutes are not able to transfer funds between institutes, are not able to transfer personnel between various VTI's throughout the state. This tremendously hampers their flexibility.

There are two approaches which we may take. We can take the approach adopted by the Education Committee which is to engraft in statute clear authority for the VTI's so that without question the VTI's will have the authority, for the new Board of Vocational Technical Institute to allow the Board to have the flexibility needed to tailor their programs, their voices to the current needs of Maine's industrial community. The other approach is truly a very conservative approach. It says lets study the matter and lets come back and propose legislation to the Second Regular Session.

I submit to you that if we are truly committed to reorganizing the VTI's in this state and to effecting a major change in the way those VTI's operate we will not lose momentum which has been generated over the last few days, we will make certain that we put into our statutes our clear charge, clear authority for the VTI's to deal with these problems. We will not hesitate and wait and hope that appropriate legislation will be forthcoming six months hence. That is what we are being asked to do if we Recede and Concur with the other Body and that is what struck me as so odd or

as Alice said in Alice in Wonderland "it gets curiuser and curiuser." What were last week's liberals are today's conservatives and last week's reported conservators are today's progressives.

It strikes me that the way to go is to adopt proposed Senate Amendment "D." If there are problems in working out the language in that amendment we have plenty of time to deal with it. The VTI Board will not become effective until July of 1986, but I think that if we put into our statutes that clear authority for the VTI Board we will be in an infinitely better position than if we do nothing and hope for legislation to come forth six months from now.

For these reasons, I would urge the body to adopt Senate Amendment "D." Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate. A very reluctant issue with the good Senator from Washington here tonight as we work very close together on the Committee on Education and of course I have the unique position of being on the Committee on State Government also where both of these Bills have originated from. Last week we refused to go against the Governor and his veto was sustained and then the Education Bill came before us. Last night we had an amendment, Senate Amendment "C" which was accepted. A lot of us hadn't had a chance to look at it very much so we let it go through. The other Body, very strongly opposed with that amendment, stripped it off and sent the Bill back to us today with a House Amendment to Committee Amendment "B." We were suddenly confronted with another amendment, Senate Amendment "D" this afternoon or early evening and I spoke to the Senator about it afterwards and he said one word. It is the same amendment except for one word. If we vote to send this amendment back to the other Body we know just what the results are going to be. I am very much afraid that the Vocational Institutes are going to be the ones to suffer if we keep fooling around with this.

I hope you will vote against Reconsideration.

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

Senator KANY: Mr. President and Members of the Senate. I rise to agree with the Senator from York, Senator Hichens. We appreciate and acknowledge the sentiment of the Senate in voting to sustain the Governor's veto and neither proposal before you would call for a separate agency. We acknowledge that sentiment and at the same time we realize that there was a strong sentiment in this Body for doing something for the VTI's, for getting them out from under that rock way, within the Department of Education.

Both proposals call for a separate Board, a separate Board to be able to focus entirely on the needs of the VTI's. We acknowledge that identical purpose if we end up voting against the amendment that is up for Reconsideration now, and if we do vote to Concur, we would have clearly stated purposes and goals for the VTI's. We would have created a separate Board, we would have made a determination that certain legislation would be before us next February calling for a lump sum appropriation for the VTI's, calling for authority and procedures governing personnel and labor relations and if we end up Receding and Concurring and Enacting that version we will assure ourselves that we have done something very positive for the VTI's. Why spend the next three days, tomorrow supposedly is our final day, why spend three days arguing small points and perhaps putting some progress for the VTI's in jeopardy.

I urge you to vote against the motion to Reconsider so we can Concur with the other Body and Enact this legislation.

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

Senator BROWN: Thank you Mr. President, men and women of the Senate. Several things I would like to respond to that the good Senator from Kennebec, Senator Kany has just described to you. First I would like to comment on the remarks of the good Senator from York, Senator Hichens in that we have had a close relationship on the Committee this year. He had brought up the fact that there is one word change between Senate Amendment "C" and Senate Amendment "D" and that is correct, there is a one word change as he indicated. That is one page 4 of the amendment, line 9. A mistake was made where the Commissioner was inadvertently placed as the person that the VTI Directors would report to. That was supposed to have been this new board that the good Senator from Kennebec, Senator Kany has said is an element of both Bills. That is the only change between Senate Amendment "C" and Senate Amendment "D."

You know, there is another issue that has focused here on this particular thing which has been a bothersome thing for me and that is the element of trust and the lack of trust. It has been brought up by several people that there is a desire on some people's part in this Chamber and elsewhere to do what can be done to jeopardize this Bill. That is absolutely and completely false. This afternoon I was speaking to a person that was telling me, that for instance, what happened to Senate Amendment "A" and Senate Amendment "B" which was never adopted or presented for adoption in this Body. If you would look at those, neither of them were pertinent after we had gone ahead and adopted the amendment from the other Body.

In the study that was done last June, reported to the legislature, to the Commissioner, on the status of education in Maine in June of '84, the title was "Maine's Most Important Investment," and I would like to quote if I may from page 35 of that document. This is the section that has recommendation number 16 that deals with the Vocational Technical schools. "We recommend that the Commissioner of the D.E.C.S. and the State Board of Education develop and implement a management strategy for the VTI's which includes a clear, statement of goals, a clear delineation of responsibilities, and a clear method of periodic review programs. We recommend that the Commissioner and the Board report to the Governor on their progress by June 1st 1985." The proposed amendment, Senate Amendment "D" attempts to address the concerns that are expressed in that recommendation, nothing more, nothing less. The Senate Amendment "D" that you have before you is one that contains not a single new element, not a single new element from the proposal that the Committee on Education had worked on downstairs. Not one new element and that one did have the support of the administration.

I would ask that you adopt this amendment this evening, Senate Amendment "D," and put the necessary elements in place to do something meaningful this year with the Vocational Technical schools. Thank you Mr. President.

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. I will try not to belabor this debate. Just to add my two cents to what has been already contributed by the good Senator from York, Senator Hichens and the good Senator from Kennebec, Senator Kany as to why we believe we should not be considering the decision we reached earlier this evening and I respond to one point that you have just heard. Namely, that the Committee on Education Reform that did its work last year, on which we based our educational reform package last year, did indicate that the goals and objectives of Vocational Education should be reviewed,

should be reconsidered and perhaps refocused. Ladies and Gentlemen of the Senate that is just exactly what we have done during this Session of the Legislature, that is exactly what State Government did in a prolonged number of sessions discussing VTI's and discussing the importance of VTI's and economic development in the State.

The conclusions that we came to and the goals and objectives that we have laid out in statute would be eliminated by the amendment that you are being asked to Reconsider right now. So I would suggest that we have in fact looked at the recommendations of that Committee and we have in fact acted on those recommendations and we have that language in place and that is one of the reasons why we should not Reconsider our actions because if we do Reconsider and if we do adopt this amendment and the language, those goals and objectives will have been eliminated. The other point that I'd like to address that came up in the debate was the sentiments of the good Senator from Androscoggin and my good friend Senator Gauvreau when he mentioned his bafflement at the change in this debate between the two sides and making a reference to Alice in Wonderland. Well, I am not sure what side of the looking glass the good Senator from Androscoggin, Senator Gauvreau is on, but I am sure it is not the side I am looking at this. I just want to make it clear to people that the amendment that we are hoping the Senate will Recede and Concur with is an amendment that embodies in it the hard work that the State Government Committee and others have put into reforming and strengthening our VTI system. There are very concrete and very specific elements to that amendment that would accomplish that. Obviously, if we were backing off to just a study, if we were backing off to do nothing, we would be in a very embarrassing position. I would agree, but in fact we are not doing that. We are accomplishing a great deal, we are making some concrete, specific steps and yes, we are keeping the door open to some of the other elements of controversy, some of the other elements of the package that need further discussion, but putting VTI's on their in establishing that separate Board, establishing that separate direction and linking that direction with economic development of this State is there.

I would ask that you concur with the Senator from Kennebec, Senator Kany and myself and the Senator from York, Senator Hichens that we do not Reconsider our action and that we go on to Recede and Concur with the action of the House and lets start building and rebuilding a first class Vocational Educational system in this state.

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

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

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

The pending question before the Senate is the motion of Senator CHALMERS of Knox to **RECONSIDER** whereby the Senate **FAILED** to **ADOPT** Senate Amendment "D" (S-308) to House Amendment "B" (H-422).

A Yes vote will in favor of **RECONSIDERATION**.

A No vote will be opposed.

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

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

ROLL CALL

YEAS:—Senators, Baldacci, Brown, Bustin,

Carpenter, Clark, Danton, Diamond, Dutremble, Gauvreau, Pearson, Trafton, Violette, The President—Charles P. Pray

NAYS:—Senators, Andrews, Berube, Black, Dow, Emerson, Erwin, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Perkins, Sewall, Shute, Stover, Tuttle, Twitchell, Usher, Webster

ABSENT:—Senators None

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with No Senators being absent and 2 Senators having Paired their votes, the motion of Senator CHALMERS of Knox to **RECONSIDER** whereby the Senate **FAILED** to **ADOPT** Senate Amendment "D" (S-308) to House Amendment "B" (H-422), **FAILS**.

On motion by Senator KANY of Kennebec the Senate **CONCURRED**.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AUDIT AND PROGRAM REVIEW 112th LEGISLATURE

June 18, 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 Audit and Program Review 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	6
Unanimous reports	6
Leave to Withdraw	1
Ought to Pass	2
Ought Not to Pass	1
Ought to Pass as Amended	0
Ought to Pass in New Draft	1
Divided reports	0
Carry Over Bills (Approved by the Legislative Council)	1

Respectfully submitted,

S/ G. WILLIAM DIAMOND S/ NEIL ROLDE
Senate Chair House Chair

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

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

COMMITTEE REPORTS

Senate

Ought to Pass as Amended

Senator PEARSON for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund Community Response Programs to Reduce Spouse Abuse in Maine Communities" (S.P. 487) (L.D. 1315)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-306)**.

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

Committee Amendment "A" (S-306) was **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

Senator DOW for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve the State of Maine's Safety Programs for Maine State Employees" (S.P. 408) (L.D. 1137)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-307)**.

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

Committee Amendment "A" (S-307) was

READ and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON STATE GOVERNMENT 112th LEGISLATURE

June 18, 1985

The Honorable Charles P. Pray
President of the Senate of Maine

State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A.; Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Rose-Marie Joseph of Winslow, as a member of the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators	3
Representatives	10

NAYS:	0
ABSENT:	0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Rose-Marie Joseph of Winslow, as a member of the Finance Authority of Maine be confirmed.

Sincerely,

S/ JUDY C. KANY

Senate Chair

S/ DAN A. GWADOSKY

House Chair

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

THE PRESIDENT: The Joint Standing Committee on **STATE GOVERNMENT** has recommended that the nomination of Rose-Marie Joseph of Winslow be **Confirmed**.

The pending question before the Senate is: "Shall the recommendation of the Committee on **STATE GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators None

NAYS:—Senators, Andrews, Baldacci, Berube, Black, Brown, Bustin, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBreairty, Pearson, Perkins, Sewall, Shute, Stover, Trafton, Tuttle, Twitchell, Usher, Violette, Webster, The President—Charles P. Pray

ABSENT:—Senators, Carpenter, Chalmers, Najarian

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and

the nomination of **Rose-Marie Joseph** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON STATE GOVERNMENT
112th LEGISLATURE

June 18, 1985

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 112th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Wanda P. Calder of Turner, as a member of the Finance Authority of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators	3
Representatives	10
NAYS:	0
ABSENT:	0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Wanda P. Calder of Turner, as a member of the Finance Authority of Maine be confirmed.

Sincerely,
S/ JUDY C. KANY
Senate Chair
S/ DAN A. GWADOSKY
House Chair

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

THE PRESIDENT: The Joint Standing Committee on **STATE GOVERNMENT** has requested that the nomination of Wanda P. Calder of Turner be **Confirmed**.

The pending question before the Senate is: "Shall the recommendation of the Committee on **STATE GOVERNMENT** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 112th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEAS:—Senators None

NAYS:—Senators, Andrews, Baldacci, Berube, Black, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gauvreau, Gill, Hichens, Kany, Matthews, Maybury, McBrearty, Pearson, Perkins, Sewall, Shute, Stover, Trafot, Tuttle, Twitchell, Usher, Violette, Webster, The President—Charles P. Pray

ABSENT:—Senator Najarian

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Wanda P. Turner** was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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 to Make Appropriations for Needed Repairs to Historic Buildings" (H.P. 418) (L.D. 598)

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Support the Growth and Development of Community Child Abuse and Neglect Councils" (H.P. 662) (L.D. 945)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-461)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-461)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-461) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Prevent Developmental Disabilities in Maine" (H.P. 964) (L.D. 1385)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-462)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-462)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-462) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide for Crisis Intervention and Continued Treatment and Support in Cases of Child Abuse and Neglect" (H.P. 968) (L.D. 1403)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-463)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-463)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-463) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Relating to Increased Financial Support for the University of Maine" (H.P. 1002) (L.D. 1444)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-466)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-466) **READ**.

On motion by Senator **PERKINS** of Hancock, Senate Amendment "A" (S-311) to Committee Amendment "A" (H-466) **READ**.

THE PRESIDENT: The Chair recognizes Senator Perkins of Hancock.

Senator **PERKINS:** Mr. President and Ladies and Gentlemen of the Senate. This amendment under filing number S-311 requires that an independent audit of the University system be conducted prior to any monies appropriated be spent on the University system. Many of us feel that we have a very creditable University system, there have been certain allegations within the media and within our system of the University that require us to have some questions. Unless these questions are cleared up, I think that we as taxpayers and our constituents as taxpayers will still have some lingering questions.

This amendment provides that an independent audit be done prior to the monies being expended, so I would ask you to join with me in adoption of this amendment so that perhaps these matters could be clarified.

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

Senator **PEARSON:** Mr. President, men and women of the Senate. First I would like to move the Indefinite Postponement of this Amendment and I would like to explain to you why, and give a little background on the Bill.

This is a the so call part II request of the University of Maine. The original request was \$22 million which of course was not possible under any circumstances. The Bill is reported out by the Committee on Appropriations and Financial Affairs for \$1 million. It is a small amount of money for the University. Senator Perkins, from Hancock, has suggested that before that money be given to the University, an independent audit should be done on the University. An independent audit in done on the University every year by an accounting firm. If it is a financial audit that he is interested in, it doesn't indicate in the amendment whether it is a financial audit or if it is a audit similar to those that we are familiar with in reference to the Committee on Performance Audit.

Our Committee on Performance Audit will be doing a study of the University, as I understand it, next year and I think it is about time that they do that at that time because of continuing questions that appear from time to time. Many of which have no merit, some that do and I am sure they will look into that job as thoroughly as they have in all the jobs they have done in the past.

Consequently, I see no need from a financial standpoint, nor from a performance standpoint, to adopt this amendment.

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

Senator **PERKINS:** Mr. President I would ask for a division and the good Senator from Penobscot has raised some questions and I think, myself, would be perfectly satisfied with the financial audit and that is what is intended by the amendment. I here state so it will be on the record.

I am pleased that our Committee on Audit and Program Review is indeed going to do this next year which will be, if my amendment is not accepted, a million dollars later. I call your attention to the fact that if we are going to give them this million dollars and if things are satisfactory then there will be no problem and

we certainly hope they are because this is not intended as an impediment on the University system in anyway, but a matter of clarification to all of us.

I, therefore, would hope that you would not support the motion to Indefinitely Postpone, but support this amendment so we indeed may proceed, have the financial audit done and then proceed and have the University system receive the monies.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-311) to Committee Amendment "A" (H-466).

A Division has been requested.

Will all those in favor of the motion of Senator PEARSON of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-311) to Committee Amendment "A" (H-466), please rise in their places and remain standing until counted.

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

20 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-311) to Committee Amendment "A" (H-466), **PREVAILS**.

Committee Amendment "A" (H-466) **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

Committee of Conference

The **Committee of Conference** on the disagreeing action between the two branches of the Legislature, on Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates" (H.P. 1063) (L.D. 1542)

Have had the same under consideration and ask leave to report that they are unable to agree.

Signed on the part of the House:
Representative DUFFY of Bangor
Representative SWAZEY of Bucksport
Representative CAHILL of Woolwich

Signed on the part of the Senate:
Senator PRAY of Penobscot
Senator VIOLETTE of Aroostook
Senator DANTON of York

Comes from the House with the Report **READ** and **ACCEPTED**.

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the amount of \$2,500,000 for the Restoration and Preservation of Historic Buildings" (S.P. 417) (L.D. 1147)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-309)**.

Signed:

Senators:

PEARSON of Penobscot
DOW of Kennebec
McBREAIRTY of Aroostook

Representatives:

CARTER of Winslow
McGOWAN of Canann
LISNIK of Presque Isle
HIGGINS of Scarborough
CONNOLLY of Portland
BELL of Paris
FOSTER of Ellsworth
CHONKO of Topsham
NADEAU of Lewiston

The Minority of the same Committee on the

same subject reported that the same **Ought Not to Pass**.

Signed:

Representative:

SMITH of Mars Hill

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-309) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Correct and Error and an Omission in the Workers' Compensation Law" (Emergency) (S.P. 642) (Presented by Senator DUTREMEBLE of York) (Cosponsored by: Senator CARPENTER of Aroostook, Representative WILLEY of Hampden, Representative BEAULIEU of Portland) (Approved for Introduction by a Majority of the Legislative Council Pursuant to Joint Rule 27)

Committee on **LABOR** suggested.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Relating to the Certification of Local Law Enforcement Officers" (S.P. 643) (Presented by Senator TRAFTON of Androscoggin) (Cosponsored by: Representative MOHOLLAND of Princeton, Representative REEVES of Pittston, Representative CASHMAN of Old Town) (Approved for Introduction by a Majority of the Legislative Council Pursuant to Joint Rule 27)

Committee on **LEGAL AFFAIRS** suggested.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**.

Sent down for concurrence.

HELD BILL

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

Senator SHUTE: Mr. President. Is the Senate in possession of L.D. 259?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been Held.

An Act Relating to Inspection of Catalytic Converters and Inlet Restrictors (H.P. 225) (L.D. 259) (C "A" H-242)

(In Senate June 18, 1985, **PASSED TO BE ENACTED**, in concurrence.)

(In House June 18, 1985, **PASSED TO BE ENACTED**.)

Senator SHUTE: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate. This Bill has gone through the Senate without a word of explanation. Originally when the Bill was in the Transportation Committee it came out, or started out, as a near Ought Not to Pass Report, and then was changed around to an Unanimous Ought to Pass Report.

The reason for the Bill being in the Transportation Committee, and I think it should be on the Record, and what the Committee felt would be the proper course of action on this Bill.

The Bill, as I understood it, was submitted because the Department of Conservation was running either five or seven pick-up trucks in Northern Maine, and had removed the nozzles on the gas tank filler, along with the catalytic converters, so they could run regular gasoline, rather than the no-lead gasoline.

The Federal Government brought action against the State, and through this action, the

State was going to be fined ten thousand dollars for each wrong-doing, as far as filling the automobiles with regular gasoline. As I remember it from the Hearings, I think there were one hundred and seventy some counts, and it would come to 1.5 or 1.7 million dollar fine against the State.

So, this Bill is not in here because the people of the State have not been using catalytic converters on their automobiles, or have been removing the filler pipes from their automobiles. This Bill is in here because the State got caught with their hands in the cookie jar.

In order for the Federal Government to forgive the fine against the State, we have to pass this Legislation, and that way we can save the State one and one half million, or 1.7 million dollars in fines.

So, at first I rather disturbed me that the State wouldn't allow an exemption for booming in the Penobscot Bay, but here the State is doing much worse than we could ever do in Penobscot Bay.

I would also like to say On the Record, that it is not the intention of the Committee that little, small inspection stations, have to purchase very, very expensive gas analyzers for inspections of automobiles. As I understood it, from the agreement, that all we would have to do is see that the catalytic converter was on the automobile, and there would not have to be any purchase by every inspection station in the State of two to four thousand dollar gas analyzers.

With those remarks, Mr. President, Ladies and Gentlemen of the Senate, I will not move Reconsideration, but will let my remarks stand on the Record.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age" (H.P. 1131) (L.D. 1638)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-469)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-469)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-469) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (H.P. 453) (L.D. 654)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-464)**.

Signed:

Senators:

PEARSON of Penobscot
DOW of Kennebec

McBREAIRTY of Aroostook
Representatives:

McGOWAN of Canann
CHONKO of Topsham
LISNIK of Presque Isle
NADEAU of Lewiston
CARTER of Winslow
CONNOLLY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-465)**

Signed:

Representatives:

SMITH of Mars Hill
BELL of Paris
HIGGINS of Scarborough
FOSTER of Ellsworth

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)** Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)** AS **AMENDED BY HOUSE AMENDMENT "A" (H-467)**, thereto.

Which Reports were **READ**.

THE PRESIDENT: Is it now the pleasure of the Senate to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)** Report?

Due to technical difficulties the following Senator's debate could not be transcribed:

Senator **WEBSTER** of Franklin
Senator **PEARSON** of Penobscot

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-464) **READ and ADOPTED**.

On motion by Senator **CARPENTER** of Aroostook, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-464).

On motion by Senator **TUTTLE** of York, Senate Amendment "A" (S-313) to Committee Amendment "A" (H-464) **READ**.

Due to technical difficulties, Senator **TUTTLE'S** remarks can not be transcribed.

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

Senator **VIOLETTE:** Mr. President, I move the Indefinite Postponement of this Senate Amendment and would like to speak to my motion.

To the control that this section provides and I would suggest to the Members of the Senate that it is not the intention once again of members of the Council to usurp anyone's authority or their ability to be involved in this process, but it is in fact the responsibility of the Legislative Council, as mandated to it by the statute, to administer the offices that are involved here those of Assistances, Research, Library, Finance, and Information. It is in fact in that vein that this proposal has in fact been made and is before us to allow the Council, if in fact it deems it appropriate to make change within the structure.

I would hope that you would join me this evening in supporting my motion in voting yes to Indefinitely Postpone this amendment. Thank you.

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

Senator **TRAFTON:** Thank you Mr. President. Mr. President and Members of the Senate. I certainly don't begrudge Leadership in their attempt to adequately and fairly administer the day to day affairs of this Legislature, that is their responsibility, that is why we have Leadership offices. I have to concur with Leadership, this is a step in the right direction in terms of centralizing, making more efficient legislative services available to us all. I don't think any of us begrudge Leadership that responsibility and that power. What I do begrudge though is the fact that it is now 10:35

p.m. a day before we are scheduled to close this session and we see this issue surface for the first time as a tack-on amendment to the Part II Budget.

Is that the vehicle? Is that the appropriate vehicle for this type of change which effects our day to day lives at the legislature? I suggest that it isn't. These statutes that are being changed have the effect of a gate preventing the Legislative Council from making sweeping organizational changes to the day to day services that are provided to us here on the third floor. If we allow these changes to go on, if we do not support the good Senator from York, Senator **Tuttle** we are in fact opening that gate giving unbridled freedom to Leadership to propose and implement a plan of their own. As I say, I have no problem with the fact that they have the responsibility of reorganization and developing a plan, but I suggest we all have the responsibility, as the good Senator from York, Senator **Tuttle** suggested, to look out for our interests and our constituent's interests in having the legislative services that can best fill our responsibilities as Legislators.

The Senator from Aroostook, Senator **Violette** says, "we have no plan." If they have no plan are these changes needed now? Why do we open the gate and stand at the gateway, as it were, and say, the cows aren't going to leave. I suggest it is more appropriate to have a plan presented by Leadership, allow some input from the rank and file Members of this Body, allow some communication. As we all know that type of interchange develops a better end product. Let us see the ideas that Leadership has, we know they have the power and we respect that power, that is why we elected them. But we also are the people who did elect them and we expect to have some input in their decision making process.

By adopting Part B in this Part II Budget lines 1-13, we are simply removing our ability to have that interchange that will produce a better product in the long run. I urge you to oppose the good Senator from Aroostook, Senator **Violette's** motion for Indefinite Postponement and to support the amendment proposed by the good Senator from York, Senator **Tuttle**.

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

Senator **Perkins** 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.

THE PRESIDENT: The Chair calls the Senate's attention to Supplement #27. The pending question before the Senate is the motion of the Senator from Aroostook, Senator **VIOLETTE** that Senate Amendment "A" to Committee Amendment "A" be **INDEFINITELY POSTPONED**.

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

Senator **TUTTLE:** Mr. President I request a Division.

THE PRESIDENT: The Senator from York, Senator **Tuttle** requests a Division. Will all those Senators in favor of the motion of the Senator from Aroostook, Senator **VIOLETTE** to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-313) to Committee Amendment "A" (H-464) please rise in their places and remain standing until counted.

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

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

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

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for

the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The pending question before the Senate is the motion of Senator **VIOLETTE** of Aroostook to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-313) to Committee Amendment "A" (H-464).

A Yes vote will be in favor of **INDEFINITE POSTPONEMENT**.

A No vote will be opposed.

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

ROLL CALL

YEAS:—Senators, **Berube, Brown, Bustin, Carpenter, Chalmers, Clark, Danton, Dow, Dutremble, Erwin, Gill, Kany, McBreairty, Pearson, Twitchell, Usher, Violette, The President—Charles P. Pray**

NAYS:—Senators, **Andrews, Baldacci, Black, Diamond, Emerson, Gauvreau, Hichens, Matthews, Maybury, Perkins, Sewall, Shute, Stover, Trafton, Tuttle, Webster**

ABSENT:—Senator **Najarian**

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **VIOLETTE** of Aroostook to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-313) to Committee Amendment "A" (H-464) **PREVAILS**.

House Amendment "A" (H-467) to Committee Amendment "A" (H-464) **READ and ADOPTED**, in concurrence.

Committee Amendment "A" (H-464) as Amended by House Amendment "A" (H-467), thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended**, in concurrence.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act Providing for Administrative Changes in Maine Tax Law" (H.P. 861) (L.D. 1220)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-470)**.

Comes from the House, with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-470)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-470) **READ and ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended**, in concurrence.

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 for Acquisition and Development of State Parks, Historic and River Access Sites" (S.P. 425) (L.D. 1182)

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

(S-312).

Signed:
Senators:
DOW of Kennebec
PEARSON of Penobscot
McBREAIRTY of Aroostook

Representatives:
CARTER of Winslow
McGOWAN of Canann
SMITH of Mars Hill
LISNIK of Presque Isle
HIGGINS of Scarborough
CONNOLLY of Portland
CHONKO of Topham
NADEAU of Lewiston

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

Signed:
Representatives:
BELL of Paris
FOSTER of Ellsworth
Which Reports were **READ**.
The Majority **UGHT TO PASS AS AMENDED** Report was **ACCEPTED**.
The Bill **READ ONCE**.
Committee Amendment "A" (S-312) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**.
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
Ought to Pass**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,200,000 for Equipment and Land Purchase for Vocational-Technical Institutes" (H.P. 1151) (L.D. 1658)

Reported that the same **Ought to Pass**, pursuant to Joint Order H.P. 1139.

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

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

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

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

Ought to Pass As Amended

The Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the York Sewer District" (H.P. 504) (L.D. 707)

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-471).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-471)**.

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

The Bill **READ ONCE**.
Committee Amendment "A" (H-471) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1152
ORDERED, the Senate concurring, that the following specified matters be held over to the

next special or regular session of the 112th Legislature:

COMMITTEE
Aging, Retirement and Veterans

Aging, Retirement and Veterans

Agriculture

State Government

Judiciary

Business and Commerce

Business and Commerce

Business and Commerce

Business and Commerce

Education

Energy and Natural Resources

Energy and Natural Resources

Energy and Natural Resources

Fisheries and Wildlife

Fisheries and Wildlife

Human Resources

Human Resources

S.P. 443, L.D. 1246 —

AN ACT to Recodify the Maine State Retirement System Laws.

S.P. 524, L.D. 1419 — AN ACT to Make Survivors Benefits Mandatory for any Member of the Maine State Retirement System.

H.P. 145, L.D. 179 — AN ACT to Improve the Quality of Milk.

S.P. 143, L.D. 410 — AN ACT to Encourage Industrial Product Development in the State.

S.P. 244, L.D. 770 — AN ACT to Adopt a State Uniform Fraudulent Transfer Act.

S.P. 792, L.D. 1122 — AN ACT to Establish a Competitive State Workers' Compensation Insurance Fund.

S.P. 560, L.D. 1489 — AN ACT Authorizing Mutual Financial Institutions to Reorganize into Mutual Holding Companies.

S.P. 1057, L.D. 1537 — AN ACT to Limit the Grounds for Termination of an Insurance Agency Appointment.

H.P. 1144, L.D. 1651 — AN ACT Relating to Shares of Stock of Asti-Kim Corporation.

H.P. 375, L.D. 516 — AN ACT to Increase the Daily Compensation of Substitute Teachers.

S.P. 273, L.D. 731 — AN ACT to Impose Liability for Interference with Ground Water Use.

H.P. 872, L.D. 1229 — AN ACT to Bring into Conformity Municipal and State Subdivision Laws.

S.P. 557, L.D. 1503 — AN ACT to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters.

H.P. 455, L.D. 656 — AN ACT to Close Ragged Stream to Caribou Lake to the Taking of Smelts.

H.P. 456, L.D. 657 — AN ACT to Close Moosehead Lake to Ice Fishing Within 300 Feet of Shore.

S.P. 199, L.D. 533 — AN ACT to Establish a Downeast Emergency Medical Services Regional Office to Serve Hancock and Washington Counties.

S.P. 301, L.D. 790 — AN ACT Making Mandatory Certain Discretionary Powers of the Commissioner of Corrections.

Judiciary

Human Resources

Human Resources

Audit and Program Review

Judiciary

Judiciary

Judiciary

Judiciary

Judiciary

Judiciary

State Government

Labor

Labor

Labor

Legal Affairs

Judiciary

Judiciary

H.P. 859, L.D. 1218 — AN ACT to Amend the Medical Examiner Act and Related Provisions.
H.P. 876, L.D. 1233 — AN ACT Relating to Retesting of Emergency Medical Technicians.
H.P. 877, L.D. 1234 — AN ACT Concerning Courses for License Renewal of Emergency Medical Personnel.
S.P. 621, L.D. 1633 — AN ACT Concerning Child Abuse.
H.P. 34, L.D. 36 — AN ACT Concerning Computer Access and Computer-related Crimes.
S.P. 284, L.D. 773 — AN ACT to Permit Denial of Bail in Certain Cases to Assure the Safety of Other Persons.
H.P. 637, L.D. 905 — RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for an Expressed Statement of the Right to Bail and Authorizing the Denial of Bail in Certain Cases.
S.P. 447, L.D. 1250 — AN ACT to Transfer Probate Jurisdiction to the Superior and District Courts.
S.P. 492, L.D. 1329 — AN ACT to Facilitate the Collection of Child Support.
H.P. 971, L.D. 1404 — AN ACT to Make Public the Proceedings of the Board of Overseers of the Bar.
S.P. 564, L.D. 1504 — AN ACT to Establish the Maine Court Facilities Authority.
H.P. 665, L.D. 948 — AN ACT to Create a Cancer Presumption for Firefighters in the Workers' Compensation Law.
S.P. 537, L.D. 1438 — AN ACT to Establish a Job Development Training Fund for Maine's Shoe Industry.
S.P. 595, L.D. 1561 — AN ACT to Clarify the Definition of Wage Within the Maine Wage Assurance Fund.
H.P. 636, L.D. 904 — AN ACT to Amend the Motor Vehicle Laws with Reference to Operating Under the Influence to Decriminalize Proceedings under the Traffic Infraction Laws.
S.P. 373, L.D. 1007 — RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Clear Right to Bail with a Possible Denial of Bail in Certain Cases.
S.P. 464, L.D. 1267 — AN ACT Concerning Computer Fraud and

Local and County Government	Abuse. S.P. 311, L.D. 800 — AN ACT Relating to Burial Preparations for Indigent Persons.	Taxation	ble Television Services. H.P. 688, L.D. 974 — AN ACT to Establish a Meals and Lodging Tax for the Purposes of Stablizing the Property Tax and Promoting Tourism.	Pending— ENACTMENT (In House June 18, 1985, PASSED TO BE ENACTED.) (In Senate June 17, 1985, PASSED TO BE ENGROSSED AS AMENDED , in concurrence.)
Local and County Government	H.P. 837, L.D. 1181 — AN ACT to Strengthen State-local Cooperation through Regional Councils.	Taxation	H.P. 951, L.D. 1370 — AN ACT to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs.	On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending PASSAGE TO BE ENACTED.
Marine Resources	H.P. 513, L.D. 718 — AN ACT to Raise the Minimum Legal Size of Lobsters.	Transportation	H.P. 229, L.D. 263 — AN ACT Relating to a New Registration Plate Issue.	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 17, 1985, by Senator USHER of Cumberland.
Marine Resources	H.P. 855, L.D. 1211 — AN ACT Providing for the Regional Management of Marine Fisheries Within the Territorial Water of the Atlantic States.	Transportation	H.P. 949, L.D. 1358 — AN ACT Relating to the Maine State Ferry Service.	Pending—Motion of Senator KANY of Kennebec to RECEDE AND CONCUR (Roll Call Requested) (In House June 4, 1985, PASSED TO BE ENACTED.) (In Senate June 17, 1985, FAILED TO RECEDE AND CONCUR. FAILED TO INSIST. FAILED TO ADHERE.)
State Government	H.P. 368, L.D. 488 — AN ACT to Divest State Money from Businesses Investing in South Africa and Namibia.	Utilities	H.P. 738, L.D. 1047 — AN ACT Establishing a Statewide Emergency 9-1-1 Telephone System.	THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter. Senator CARPENTER: A parliamentary inquiry, Mr. President.
State Government	H.P. 446, L.D. 628 — RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that Local Units of Government be Reimbursed for the Costs Incurred in Executing State-mandated Programs.	Utilities	S.P. 542, L.D. 1451 — RESOLVE, Encouraging State Policy of Independence from Foreign Sources of Energy for Electric Utilities.	THE PRESIDENT: The Senator may state his inquiry. Senator CARPENTER: Is the motion to Recede and Concur properly before the Body?
State Government	H.P. 494, L.D. 697 — RESOLUTION, Proposing Amendments to the Constitution of Maine to Change the Reapportionment Procedures to Reflect Changes in Legislative Procedures and to Specify how the Reapportionment Commission should Operate.	Joint Select Committee on Alcoholism	S.P. 505, L.D. 1365 — AN ACT to Make Additional Allocations from the Alcohol Premium Fund.	Senate at Ease Senate called to Order by the President.
State Government	S.P. 586, L.D. 1539 — RESOLVE, Concerning the Ownership of Little Jewell Island.		Comes from the House, READ and PASSED. Which was READ and PASSED , in concurrence.	THE PRESIDENT: The Chair will restate the previous question. Item 1 on the Tabled and Specially Assigned matters, An Act to Amend the Wood Measurement Laws, an inquiry has been requested from the Senator from Aroostook, Senator Carpenter. The Chair will move that this matter be Tabled , pending A RULING OF THE CHAIR.
Taxation	H.P. 204, L.D. 238 — AN ACT Relating to an Increase in Cigarette Excise Tax.		Out of order and under suspension of the Rules, the Senate considered the following: COMMITTEE REPORTS House Ought to Pass As Amended The Committee on TAXATION on Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1985-86" (Emergency) (H.P. 672) (L.D. 955) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-475) Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-475). Which Report was READ and ACCEPTED , in concurrence. The Bill READ ONCE. Committee Amendment "A" (H-475) READ and ADOPTED , in concurrence. Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended , in concurrence. Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.	Senator CARPENTER was granted unanimous consent to address the Senate off the Record. Senate at Ease Senate called to Order by the President.
Energy and Natural Resources	H.P. 245, L.D. 286 — AN ACT to Create the Northern and Eastern Maine Emergency Forestry District.			Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.
Taxation	H.P. 284, L.D. 354 — AN ACT to Phase Out the Sales and Use Tax on Energy Used in Manufacturing.			On motion by Senator CLARK of Cumberland, ADJOURNED until 11 o'clock tomorrow morning.
Taxation	H.P. 335, L.D. 450 — AN ACT to Impose a Sales Tax on Certain Services.			
Taxation	H.P. 428, L.D. 608 — AN ACT to Revise the Franchise Tax on Financial Institutions.			
Taxation	H.P. 496, L.D. 699 — AN ACT to Realign the Tax Laws of the State as they Relate to Telecommunications.			
Taxation	H.P. 499, L.D. 702 — AN ACT to Remove the Sales Tax Exemption on the Purchase of Magazines and Other Periodicals.			
Taxation	H.P. 614, L.D. 884 — AN ACT Relating to the Sales of Extended Ca-			