

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME I

SECOND REGULAR SESSION

January 8 - April 2, 1986

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537) AS AMENDED BY HOUSE AMENDMENT "A" (H-569) thereto, AND HOUSE AMENDMENT "A" (H-542) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

In Senate Chamber
Thursday
March 13, 1986

House Papers

Bill "An Act to Adjust the Nonresident Commercial Fishing License Fee"

H.P. 1542 L.D. 2179

Senate called to Order by the President.

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

Which was referred to the Committee on MARINE RESOURCES and ORDERED PRINTED, in concurrence.

Prayer by Pastor Kenneth Dutille of the Calvary Bible Baptist Church in North Whitefield.

PASTOR DUTILLE: Our Heavenly Father, we thank You for this day. We pray that You will show by favor to our beloved State, to our Governor, to the President of the Senate, and the Senators, this morning. Give clear vision to all mold the thoughts of this State today. Give us grace that we may honestly improve the talents which You have committed to our trust, in the name of Jesus Christ our Saviour. Amen.

Bill "An Act to Amend the Rule-making Procedures of Certain Agencies"

H.P. 1543 L.D. 2180

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

Which was referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED, in concurrence.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify and Make Corrections in the Election Laws"

H.P. 1284 L.D. 1801
(C "A" H-537; H "A" H-542)

Bill "An Act to Require Emergency Vehicles to Stop and Proceed with Caution when Overtaking and Passing School Buses"

H.P. 1544 L.D. 2181

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

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

In House, March 3, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537) AND HOUSE AMENDMENT "A" (H-542).

In Senate, March 10, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537) AS AMENDED BY SENATE AMENDMENT "A" (S-397) thereto, AND HOUSE AMENDMENT "A" (H-542) in NON-CONCURRENCE.

COMMUNICATIONS

COMMITTEE REPORTS

The Following Communication: S.P. 865

House

Leave to Withdraw

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

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

March 3, 1986

Senator Ronald E. Usher
Representative Michael E. Michaud
Chairpersons
Joint Committee on Energy and Natural Resources
112th Legislature
Augusta, Maine 04333

Bill "An Act to Exempt Prisoners and Adult Offenders who are Performing Court-ordered Public Restitution from the Provisions of the Workers' Compensation Act"

H.P. 1433 L.D. 2024

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Kenneth C. Young, Jr. of Hallowell for appointment as Commissioner of the Department of Environmental Protection.

Pursuant to Title 38 M.R.S.A. Section 341, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on ENERGY AND NATURAL RESOURCES.

Sent down for concurrence.

Off Record Remarks

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

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Create a Cancer Presumption for Firefighters in the Workers' Compensation Law"

H.P. 665 L.D. 948

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Exempt Certain Firefighters from the 3-year Statute of Limitations in the Occupational Disease Law".

H.P. 1533 L.D. 2161

Signed:

Senators: BLACK of Cumberland
DUTREMBLE of York
TUTTLE of York

Representatives: TAMMARO of Baileyville
HALE of Sanford
WILLEY of Hampden
RUHLIN of Brewer
BEAULIEU of Portland
JOSEPH of Waterville

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

Signed:

Representatives: BEGLEY of Waldoboro
BONNEY of Falmouth
LANDER of Greenville
HEPBURN of Skowhegan

Comes from the House with the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE PASSED TO BE ENGROSSED.

Which Reports were READ.

On motion by Senator BLACK of Cumberland, the Senate ACCEPTED the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

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 Concerning Enforcement of Violations Relating to Handicapped Parking"
S.P. 780 L.D. 1964

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Extend the Provisions for Judicial Certification and Commitment Procedures to Institutions Housing Mentally Retarded Persons"
S.P. 760 L.D. 1924

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Extend the Judicial Certification Procedures to Institutions Housing Mentally Retarded Persons"
S.P. 864 L.D. 2178

Signed:

Senators: CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives: KANE of South Portland
PARADIS of Augusta
COOPER of Windham
ALLEN of Washington
PRIEST of Brunswick
DRINKWATER of Belfast

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

Signed:

Representatives: MACBRIDE of Presque Isle
LEBOWITZ of Bangor
STETSON of Damariscotta
CARRIER of Westbrook

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report, was ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

The Bill in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

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

House As Amended

Bill "An Act Relating to a New Registration Plate Issue" (Emergency)
H.P. 1540 L.D. 2171
(H "A" H-568)

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

ENACTORS

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

An Act to Permit the Supreme Judicial Court to Authorize Employees of the Bureau of Taxation and of the Bureau of Employment Security to Participate in Court Proceedings
H.P. 1521 L.D. 2141

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

An Act to Reduce the Burden of Property Taxes on Persons who are Elderly

H.P. 1212 L.D. 1719
(C "A" H-557)

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

An Act to Fund the Holocaust Human Rights Center for Maine

H.P. 1364 L.D. 1928
(C "A" H-556)

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

An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education, Care and Treatment of State Agency Clients

H.P. 1425 L.D. 2014
(C "A" H-555)

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

An Act Requiring Fiscal Impact Statements Describing the Costs and Benefits Associated with Each Legislative Document and Agency Rule that Affect Political Subdivisions of the State

H.P. 1523 L.D. 2143

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

An Act to Provide Funding for Mental Health Programs

H.P. 1524 L.D. 2144

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

Under suspension of the Rules, the Senate considered the following inclusively:

Emergency

An Act to Clarify the Applicability of the Maine Tort Claims Act and to Limit the Personal Liability of Governmental Entity Employees

H.P. 1522 L.D. 2142

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1986

H.P. 1525 L.D. 2154

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1986

H.P. 1526 L.D. 2155

These being Emergency Measures and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, were PASSED TO BE ENACTED and FINALLY PASSED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

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

Off Record Remarks

On motion by Senator CLARK of Cumberland RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and specially assigned matter:

SENATE REPORTS - from the Committee on STATE GOVERNMENT on Bill "An Act to Amend the Requirement that All Part-time Law Enforcement Officers be Trained by the Maine Criminal Justice Academy"
S.P. 798 L.D. 2005

Majority - Ought Not to Pass

Minority - Ought to Pass As Amended by Committee Amendment "A" (S-410)

Tabled - March 12, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 12, 1986, Reports READ.)

Senator ANDREWS of Cumberland moved ACCEPTANCE of the Majority OUGHT NOT TO PASS Report.

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

Senator WEBSTER: Mr. President and Ladies and Gentlemen of the Senate. I would ask you to oppose the motion before you so we can adopt the Minority Ought To Pass Report. This measure I sponsored along with Legislators from my area. This issue seems to be a problem in the area that I represent. As a matter of fact, at the public hearing which was held before the State Government Committee, seven to nine Legislators came to testify, all those Legislators came from Piscataquis, Somerset, and Franklin County. It is obviously, a county kind of issue, that effects those of us in rural Maine. It is an isolated problem effected, according to the Department of Public Safety, it is going to effect the amended version, it will effect less than ten people, but to those of us who live in rural Maine and who represent rural areas of the State, it is difficult enough to keep and to find good people to work for the Sheriff's Department.

When we do have someone that is good, we feel that we want to do all we can to keep them. In 1970, I wasn't here, but many of you were, the Legislature passed a law to require that all people who worked as law enforcement officers on a full-time basis would have to go to the Criminal Justice Academy. I wholeheartedly support that idea. I think it is important that we have trained people out there in the field, doing this kind of work.

In 1970, when we passed the law, we also grandfathered anyone who was currently working. The argument then was that it was a tremendous amount of work and practically impossible to require all those people out there that were working full-time to go to school, so we would exempt them on a one time basis. We assumed that they were experienced and didn't need to go to school. I think at that time, we made a mistake by not exempting part-time people. The original bill I submitted, was not workable, so we have an amended version which I think is more reasonable.

I think this is a matter of fairness, if you can argue in 1970, as the Legislature did, that anyone who was employed full-time could be grandfathered. Then my argument now would be that anyone who was working part-time at that time, and who has worked continuously since then, should be exempted. Let me remind you that we are talking about less than ten people according to the statistics that were given, by people in the State police.

Let me tell you that this is a problem for those of us who live in an isolated area of the State. It seems that many of you may remember several years ago, one of Senator Emerson's constituents in Heartland was shot doing his job, as a part-time law officer. He now, after doing this for twenty-five years, and these people that are going to be exempted if this law were to pass, all have experience, some as much as thirty-five years, having done law enforcement kind of work. My feeling is that experience counts, my feeling is that this is a matter of fairness, we should exempt those people who have experience, but are unable for what ever reason to go to the Academy. None of us, I think, would argue that it is important to do training, but it is not easy if you live in Jackman Maine, which I represent, you work a regular job, 8-5, and then you have been doing law enforcement work for maybe fifteen years, and all of a sudden the Legislature changes the rules, and all of a sudden, now you have to go to Waterville, or to Greenville, or where ever it might be, and take a course, when you might not get paid more than one hundred dollars a year, minimum to do what you are doing. To go and take this course, when you already have the experience, probably that is just as good, if not better than going to the Academy and it is not easy to do that. If you drive from Jackman and go to Waterville, it is going to take you two hours. If you get out of work at five o'clock, it is not practical for you to go to school for three hours every night, thirty-five nights to do this. So I think that experience counts and I would ask you to vote against the good Senator's motion, so that we could pass the Minority Report.

If you don't like the Minority Report, I am willing to amend it even further, but I feel that something should be done to address the problem that faces those of us who live in this isolated part of the State. Thank you.

Off Record Remarks

THE 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 am not going to argue this morning, the intentions of the good Senator from Franklin, Senator Webster. I think he has the very best intentions of this legislation. Good intentions don't always make good laws and I think this is a classic example. I think that the Senator from Franklin, Senator Webster, is giving new meaning to special interest legislation, when you consider a piece of legislation as he says, less than ten people, and from my count it is four people at best. The program that we are talking about and the statute that we are talking about was enacted in 1983 and it requires training or the demonstration of competence for part-time and reserve law enforcement officers. The legislature did at that time, because part-time and reserve officers have enormous power over our citizens. They have the power to arrest, the power to take peoples freedom away, the power to carry and use a very dangerous weapon, they have the power to engage in high speed chases. It is an enormous responsibility. The Legislature felt in 1983, as certainly the majority of the State Government Committee feels now, that those officers that we give that enormous responsibility over our people should be required to pass basic tests of competency and be required to understand basic elements of their jobs responsibilities.

The program that we are talking about at the police academy involves a number of key areas. Areas such as arrest powers. Officers need to understand those arrest powers in order to exercise them responsibility, they have to understand the rights of citizens when it comes to arrest. They have to understand basic law, criminal law, motor vehicle law, juvenile law, liquor law, they have to understand about fire arms and how to use a fire arm. They must demonstrate their competency to use a fire arm on the range. They must be familiar with court room procedures, they must be familiar with police patrol procedures. They must be familiar with traffic laws and regulations, and they also must be competent in basic rules in investigation. We are talking about a one hundred hour training program that we require for these officers. They can do it in a variety of ways.

When you hear from the Criminal Justice Academy, the staff there, if you listen to the great lengths that they have taken to accommodate those people who live in rural areas. I think you, like the State Government Committee, would be truly impressed. If you are an officer you have several choices. You could, for example, go to the Justice Academy and take a two week full-time course. If that is not possible, which is not possible for many, you could take a course one night a week, from September through April.

The Criminal Justice Academy has established mobile units, they have established seventy-eight part-time programs, they have traveled to thirty-four different areas of the State. Where they have seen the need, they have met that need. They have gone to great lengths to accommodate those officers. For those officers who have experience, that have training, that have understanding of these laws, yes, they recognize that they shouldn't have to sit down and take an one hundred hour course, but they require that those officers demonstrate that they have that understanding, demonstrate that they have that competency, and are required to go through a waiver procedure. They could get a full waiver, a partial waiver, but they must go through the process of applying, being accepted into that waiver program.

I should tell you, incidentally, that some of the people who testified at the State Government hearing on behalf of this Bill, were not aware of this requirement. So the State Government Committee recognizes, perhaps, that there is a lack of communication with some individuals, sent a letter to the Criminal Justice Academy where we requested the Board of Trustees, and they are in power to do this, to consider additional alternatives with respect to training part-time law enforcement officers. We also asked them to institute a direct approach of contacting any law enforcement officer who may not be aware of the flexibility of their training programs or may not be aware of their waiver provision, so that they could take advantage of them.

Since this program has been instituted, one thousand, six hundred and forty part-time officers have completed successfully this program. Eight hundred and ten of those officers have completely the program since we passed the law in 1983. Eight programs are going on right now, two hundred and thirty four students are in attendance in those programs. On February 24, we asked for the most updated information on those who might be affected by this Bill. Ninety four officers were reported not to be certified under the law and be in violation of the statute. Forty-six of those ninety-four are now enrolled in the program. Twenty-six are still in the first year of their employment as part-time officers and so they will have that year to complete that course. Twenty-two are in violation of the statute. Of the twenty-two nine would be grandfathered by this Bill. Of the nine, three have been terminated as officers and given limited powers, three are seeking full-time powers, two are in the process of completing the course, and one will be terminated because he cannot attend the course. One.

I am completely sympathetic, and the Committee was completely sympathetic, but the practical problems presented by the good Senator from Franklin, Senator Webster, and those who testified before the Committee of the problems that rural officers may have in getting this training, but the Criminal Justice Academy has, I think, indisputably bent over backwards to provide a full range of training alternatives for these individuals. Police Officers testified to us, including a veteran of twenty-six years on the local force, not to change this law.

It was an important law, it works, and they were satisfied with the law and felt confident working with officers who have been trained, or who have demonstrated competency. The Maine Chief of Police Association took a vote on this issue and they were strongly opposed to this legislation. They believe in this program. One officer was concerned about the message that we might be sending out to the community about the need for training and competent officers and some argued that this could be a slap in the face, in terms of the fairness argument, to the 1,640 part-time officers who have taken that course, and the 810 officers who have taken the course since we made it a matter of law.

Upon further questioning of the Academy we learned that one of the people who could be effected by this Bill and grandfathered was when on the firing range and the score that you needed to get to pass the test was a 70, I believe, this officer who would be grandfathered by this Bill, scored a 35. I have sympathy with the argument that experience is valuable, and I agree that experience is valuable, and you learn many lessons out there in the field, but I don't care if you have 20, 30, 40 years of experience, if you score a 35 on a fire arm exam on the range, I don't want you carrying a fire arm to protect our people. It is as simple as that. This Bill has bipartisan opposition, Ladies and Gentlemen, it is a fairly clear-cut issue, we are sympathetic, but as I say, good intentions do not make good law and this is a bad bill. I urge you to support the Majority Ought Not To Pass Report.

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

Senator WEBSTER: Mr. President and Ladies and Gentlemen of the Senate. Just a couple of brief points, the statistics that have been given today by the good Senator from Cumberland, Senator Andrews, are statistics and that is just what they are. I understand there have been courses held over the State, none of us argue that. There have been numerous attempts to address this problem, but it is a problem or I wouldn't be here today. It is definitely a problem for the area that I said, those of us who live in Somerset, Franklin, and Piscataquis County. If there wasn't a problem I wouldn't be standing here arguing that we need to do something about the law.

I sat through the hearing on this issue, I went to work session, two of them, because I have very strong feelings about this matter. The statistics were brought up, somebody some where got a 35 on the firing range, and I guess I still feel, that I wonder if we required everybody back in 1970, well let's pass the law and we talked about this in Committee and it is not the appropriate time, but I wonder if we passed a law saying anyone that was exempted. The Legislature and its wisdom in 1970 exempted and we say that again, exempted. Everybody that was working full-time, I wonder how many of those people, there may be one isolated case out of that number what ever it is, now it is only around one hundred, of those one hundred maybe they all might get a 35 too.

It is not fair to look at the people that we are talking about, the people in my district and the neighboring districts in my area who have had 25 years of experience, you are slapping them in the face and saying experience doesn't count. I don't agree with that. I have a master license to work on heating equipment, I went to vocational school and I went for two years and in six months working out in the field, I knew more than I did in the two years I was in school. I think that is fair in most professions. Schooling is one thing, but practical on-hand experience is worth something.

I think we should recognize that, I agree we are only talking about 10 people, but if those 10 people lived in your district and you represented a rural area, you would be fighting for them too. I think it is fair, as a matter of fairness, if you can say in 1970 that if you are working full-time you are exempted. I think if you can also say that if you have still been working since 1970 and you are still doing this kind of work that you have the same right to be exempted as those people did. Thank you.

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

Senator KANY: Mr. President and Members of the Senate. This is an important issue, after all we are talking about having officers qualified to carry out the enforcement of the law. We are talking only about those law enforcement officers who have both the authority to carry a gun and have arrest powers, not other law enforcement officers. We require Beauticians and Realtors to have training before they can practice, even our law now for part-time law enforcement officers does not require any training at all for the first six months. I would hope that we would not take a step backwards and allow these people, totally, to get off from any training or the equivalent. I think that it would be just a terrible mistake. We have been working for years to try to improve the quality of our law enforcement and their knowledge and I certainly hope that we do not go along with the good Senator from Franklin County's suggestion today. It really would be a shame.

I would like to mention that the Criminal Justice Academy has gone way out of its way to offer courses throughout the State, they don't just offer them at the Academy, they have offered them in Belfast, Calais, Caribou, East Orrington, Ellsworth, Franklin County, Hampton and so on.

Sixty-seven programs have been held since September 1979, plus the ones that have been held now. If it is a problem basically in Somerset County and I believe it is, and I am quite familiar with most of those towns having represented them before reapportionment, at least a number of them, and I know how important law enforcement is up there. Something they talk about a great deal and take great pride in their new or redone jails. The biggest event I ever went to when I represented Somerset County was the opening of their new jail.

They talk about law enforcement all the time, and unfortunately the judge up there, Judge Benoit, has a reputation among attorneys and those involved in law enforcement as not always knowing the law. Perhaps partiality, because of that I would certainly hope that we would require the law enforcement officers to be versed in the law, to know what the law is, to understand rules of evidence, and so on. So, I would hope desperately that we not exempt these few people basically in Somerset County, from some training requirements. I know the Criminal Justice Academy would be delighted to offer a course in Skowhegan or some other place that would be helpful to those particular law enforcement officers.

There is a question of liability for these municipalities, or for the county. I don't think it is anybody's best interest not to go along with better training, earlier training, and I urge you to go along with the Majority Report from the State Government Committee and oppose this Bill, and to go along with the good Senator from Cumberland, Senator Andrews.

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

Senator MATTHEWS: Mr. President and Members of the Senate. First let me kind of disagree with my good colleague from Kennebec about Justice Benoit. I think he is responding to the public sentiment that we begin to meet out the kinds of sentences that merit the cases of transgressions against the law, so I kind of disagree with that.

I do want to comment about this Bill, because it effects my Senate district also, in Somerset County and Kennebec County, but I went to the Committee to hear that Bill and was really undecided at the time, because I understand that when we do pass a law, here in the Maine Legislature, sometimes in the practical terms of everyday working that law out to its legislative intent, it sometimes is not so easy. I did go and I listened to Members of the Committee and I listened to the good Senator from Franklin when he raised his concerns, as others did, and I think those concerns are legitimate, but I want to share with you my feelings today, about the Bill and I guess one reason that I will be supporting the Majority Report to continue the training of part-time law enforcement officials. In the Committee assignment that I have been given, working with the Audit Committee and specifically working on the issue of child, physical and sexual, abuse and that kind of very traumatic issue for the State and the Country today.

The issue was raised in the Committee that we need to work as a citizen rate on the local level as well as State and National level to deal with the problem of child abuse and sexual abuse. One of the ways in dealing with that issue is to get the kind of training that local law enforcement officials, part-time and full-time, will need to carry out their duties in protecting citizens and especially protecting our young people.

When the issue of the good Senator came and with his good concerns, I went to that Committee and listened to that debate and had just come out of my own Committee on child sexual abuse and it seems to me that what we should be trying to do is to find ways for the Criminal Justice Academy in Waterville to continue to do the job that they are doing and the services and expand the training into rural areas, as the good Senator mentioned up in Jackman and elsewhere in Somerset County and around the State, but I don't think what we want to do today, given the direction of the Legislature, both Republicans and Democrats, concerned about child abuse. I don't think what we should be doing is stepping back with the kind of training that local law enforcement people are going to need in dealing with this problem. I will be supporting the Majority Report and I fully understand the good Senator from Franklin's concerns, and I think his intent was the highest caliber. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator ANDREWS of Cumberland, to ACCEPT the Majority OUGHT NOT TO PASS Report.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator ANDREWS of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report, 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 11 Senators having voted in the negative, the motion by Senator ANDREWS of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILS.

Sent down for concurrence.

Out of order and under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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

Off Record Remarks

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate Off the Record.

Senate at Ease

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication: S.P. 866

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

March 13, 1986

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate Off the Record.

Senator Larry M. Brown
Representative Ada K. Brown
Chairpersons
Joint Committee on Education
112th Legislature
Augusta, Maine 04333

On motion by Senator BERUBE of Androscoggin RECESSED until 4 o'clock.

After Recess

Dear Chairs:

Senate called to order by the President.

Please be advised that Governor Joseph E. Brennan has nominated Teresa A. Moore of Westbrook for appointment to the University of Maine, Board of Trustees.

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

Pursuant to Title 20, M.R.S.A Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Sincerely,

Bill "An Act to Promote Intensive Spruce-fir Management"
H.P. 1468 L.D. 2070

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

In House, February 27, 1986, PASSED TO BE ENGROSSED.

Which was READ and referred to the Committee on EDUCATION.

In Senate, March 6, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-392) in NON-CONCURRENCE.

Sent down for concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-571) in NON-CONCURRENCE.

The Following Communication: S.P. 867

The Senate RECEDED and CONCURRED.

STATE OF MAINE
112th LEGISLATURE
AUGUSTA, MAINE 04333

March 13, 1986

Senator Richard L. Trafton
Representative Polly Reeves
Chairpersons
Joint Committee on Legal Affairs
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated James Gibbons of South Portland for reappointment to the Maine State Liquor Commission.

Pursuant to Title 3, M.R.S.A Section 151-A, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on LEGAL AFFAIRS.

Sent down for concurrence.

The Following Communication:

STATE OF MAINE
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
STATE HOUSE STATION 45
AUGUSTA, MAINE 04333

March 13, 1986

President Charles Pray
Senate
Station #3, State House
Augusta, Maine 04333

Dear President Pray:

In accordance with the provisions of Title 26 MRSA, Section 1724 the following Report is respectfully submitted for your review and consideration.

This report contains information on the experience of the Bureau of Labor Standards under the Chemical Substance Identification Law.

Sincerely,

S/P. Daniel Coyne,
Director
Bureau of Labor Standards

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

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 Relating to the Acceptance of Public Easements by Municipalities"

H.P. 1285 L.D. 1802

Senate

Ought to Pass

Senator ANDREWS for the Committee on UTILITIES on Bill "An Act to Protect the Confidentiality of Certain Utility Employee Records" S.P. 784 L.D. 1969

Reported that the same Ought to Pass.

Which Report was READ.

Senate at Ease

Senate called to order by the President.

Which Report was ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act to Exempt Certain Firefighters from the 3-year Statute of Limitations in the Occupational Disease Law"

H.P. 1533 L.D. 2161

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

Senate

Bill "An Act to Extend the Judicial Certification Procedures to Institutions Housing Mentally Retarded Persons"

S.P. 864 L.D. 2178

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act Providing for Financial Assistance to Owners of Underground Oil Storage Tanks"

S.P. 869

Presented by Senator DIAMOND of Cumberland
Cosponsored by: Representative ROLDE of York,
Representative GWADOSKY of Fairfield,
Representative FOSTER of Ellsworth
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

THE PRESIDENT: The Chair would like to extend the appreciation on behalf of all the Senators for the work that Dennis Daley has done during the week as a page. Though he will be missed, we expect the liability insurance of the Senate to go down when he does leave. The Chair on several occasions was curious to how he survived the big step off the podium, when he would take off and see anybody's hand up. On behalf of all the Senators, Dennis I would like to express my appreciation for you ringing the bell and carrying the meaningful messages that the Senators had to pass to one another during the debates.

On motion by Senator CLARK of Cumberland
ADJOURNED until Friday, March 14, 1986, at 12 noon.