

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Twelfth

Legislature

OF THE

STATE OF MAINE

VOLUME II

SECOND REGULAR SESSION

April 3 - April 16, 1986

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November 24, 1986

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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 HOUSE AMENDMENT "A" (H-639) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

In Senate Chamber
Friday
April 4, 1986

Non-concurrent Matter

Bill "An Act Relating to Use of Sulfite as a Food Preservative" (Emergency)

S.P. 908 L.D. 2275
(S "A" S-449)

Senate called to Order by the President.

In Senate, March 31, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-449).

Prayer by Reverend Ernest B. Johnson, Jr. of the Old South Congregational Church in Hallowell.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-449) AND HOUSE AMENDMENT "A" (H-640) in NON-CONCURRENCE.

REVEREND JOHNSON: Let us pray. Almighty and most merciful God, in Whom our fathers trusted, and found their faith rewarded by a constant and a tender care. Hear us, their children, as we pray. Help us, Oh God, to remember that this is a day which You have made. Let us therefore rejoice and be glad in it. Give us, we pray, the spiritual, material and whatever resources we might need. Bless us. Bless the State. Bless the Nation. In Jesus name. Amen.

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

Non-concurrent Matter

Reading of the Journal of Yesterday.

Bill "An Act to Provide Funding Through Fees and Trim Expenses of the Court Mediation Service"

S.P. 928 L.D. 2321

Off Record Remarks

In Senate, April 2, 1986, referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Comes from the House Bill INDEFINITELY POSTPONED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Non-concurrent Matter

Bill "An Act to Authorize the Treasurer of State to Temporarily Invest Excess Money Including Unspent Bond Proceeds in Tax-exempt Obligations" (Emergency)
S.P. 862 L.D. 2176

Bill "An Act Concerning Atlantic Salmon"
H.P. 1621 L.D. 2284

In Senate, March 31, 1986, PASSED TO BE ENGROSSED.

In Senate, April 1, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-642) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Improve Lobster Research and Management"

H.P. 1597 L.D. 2248
(H "A" H-606; H "B" H-616)

In Senate, April 1, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-606) AND "B" (H-616), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-606) AND "B" (H-616) AND "C" (H-641) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Remove Maximum Annual Limits on the Captured Assessed Values within Tax Increment Financing Districts" (Emergency)

H.P. 1622 L.D. 2285

In Senate, April 1, 1986, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-637) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Provide Funds for School Construction Costs to Meet the Requirements of the Education Reform Law"

H.P. 1650 L.D. 2328

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

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

Bill "An Act Relating to the Administration of Preventable Disease Programs and the Bureau of Health"

H.P. 1651 L.D. 2329

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

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

Bill "An Act to Create the Agricultural Suppliers Insurance Program" (Emergency)

H.P. 1653 L.D. 2331

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.

ORDERS OF THE DAY

On motion by Senator VIOLETTE of Aroostook, the Senate removed from the Tabled and Later Today Assigned matter:

Bill "An Act Relating to Use of Sulfite as a Food Preservative" (Emergency)

S.P. 908 L.D. 2275
(S "A" S-449)

Tabled - April 4, 1986, by Senator VIOLETTE of Aroostook.

Pending - FURTHER CONSIDERATION

(In Senate, March 31, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-449).)

(In House April 3, 1986, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-449) AND HOUSE AMENDMENT "A" (H-640) in NON-CONCURRENCE.)

COMMUNICATIONS

The Following Communication:

The Senate RECEDED and CONCURRED.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

Joint Resolution

April 3, 1986

The following Joint Resolution: H.P. 1654

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

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO INTRODUCE AND SUPPORT CERTAIN SANCTION INITIATIVES AGAINST SOUTH AFRICA

Dear Madam Secretary:

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Twelfth Legislature, now assembled in the Second Regular Session, most respectfully present and petitions the Members of the United States Congress, as follows:

The House voted today to adhere to its former action whereby the Majority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted on Bill "An Act to Require Legislative Review and Approval of Sales and Use Tax Exemptions Every 5 Years" (S.P. 748) (L.D. 1912).

Sincerely,

WHEREAS, South Africa's apartheid is unjust and immoral and an affront to humanity; and

S/Edwin H. Pert
Clerk of the House

WHEREAS, the State of Maine is outraged and affronted by the atrocities in South Africa; and

Which was READ and ORDERED PLACED ON FILE.

WHEREAS, much can be accomplished by the United States Senate and House of Representatives; now, therefore, be it

COMMITTEE REPORTS

House

Ought Not to Pass

RESOLVED: That We, your Memorialists, do hereby respectfully urge our United States Senate and House of Representatives to introduce and support sanction initiatives against South Africa, including those which may be introduced in the new Congress to limit the landing rights of South African Airways in the United States and to limit the freedom from double taxation which permits United States corporations to operate in South Africa; and be it further

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

RESOLVED: That a copy of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the United States Congress and to each Member of the Maine Congressional Delegation.

Bill "An Act to Clarify the Membership of the Maine Land Use Regulation Commission" (Emergency)
H.P. 1256 L.D. 1766

Comes from the House READ and ADOPTED.

Leave to Withdraw

Which was READ and ADOPTED, in concurrence.

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 Concerning the Protection of the Natural Resources on the Lower Penobscot River"
H.P. 1395 L.D. 1967

Bill "An Act to Amend the Criminal Code to Redefine Victim"

H.P. 1459 L.D. 2056

Bill "An Act Concerning Medical Malpractice Insurance"

H.P. 1476 L.D. 2078

Bill "An Act Concerning Medical Malpractice Insurance"

H.P. 1496 L.D. 2109

Bill "An Act Concerning Expungement of Certain Criminal Records"

H.P. 1498 L.D. 2111

Bill "An Act to Better Protect Adults and Abused Children Residing in Adult and Child Care Facilities"

H.P. 1527 L.D. 2156

Bill "An Act to Provide Funds for Graduate Study for the Protection, Preservation and Perpetuation of the Bee Industry in Maine"

H.P. 1568 L.D. 2218

Ought To Pass

The Committee on JUDICIARY on Bill "An Act Relating to the Passamaquoddy Indian Reservation"

H.P. 1210 L.D. 1717

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought To Pass in New Draft

The Committee on TRANSPORTATION on 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

Reported that the same Ought to Pass in New Draft under same title (Emergency).

H.P. 1644 L.D. 2318

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act Relating to Driver Education for the Handicapped and Already Licensed Individuals"

H.P. 1562 L.D. 2200

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1645 L.D. 2319

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Require Motorcycle Driver Education for First-time Operators of Motorcycles"

H.P. 1330 L.D. 1865

Reported that the same Ought to Pass in New Draft under same title.

H.P. 1643 L.D. 2316

Signed:

Senators: DOW of Kennebec ERWIN of Oxford

Representatives: MILLS of Bethel
 CALLAHAN of Mechanic Falls
 SOUCY of Kittery
 THERIAULT of Fort Kent
 POULIOT of Lewiston
 CAHILL of Woolwich
 MACOMBER of South Portland
 MCPHERSON of Eliot

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

Signed:

Senator: SHUTE of Waldo

Representatives: MOHOLLAND of Princeton
 STROUT of Corinth

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

Which Reports were READ.

Senator DOW of Kennebec moved ACCEPTANCE of the Majority OUGHT TO PASS IN NEW DRAFT Report, in concurrence.

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

Senator SHUTE: Mr. President. Ladies and Gentlemen of the Senate. This Bill which we are discussing right now, on motorcycle education, increases the registration fee of all motorcycles in the State, by \$2, regardless of whether you have had a license for 20 years or 30 years. I don't think it is right that every registration fee in the State, on motorcycles, should be increased to support this program. I think the program should be supported by those that are going to take the motorcycle exam. Another flaw in this Bill, as I see it, is that the only people that would be required to take a exam, under this Legislation, are those people under 21 years of age. So, if you're 40 years old, or 60 years old, and you don't want to take a test, you don't have to take any driving instruction. That really doesn't make much sense, because the younger people are probably the better drivers, than those that are 50 or 60.

The original bill, which we had, said it would cost about \$130,000 to run this program. Well, we had a Study Committee, and to fit the pattern to fit the cloth, I guess the estimate was lowered by \$40,000. That way, there is no cost to the State. That money can be picked up through increased registration fees. I think, right now, in the State, we have about 4 or 5 places that give motorcycle instruction courses. These courses cost about \$120 to \$150. Each person that goes to apply for a permit license on a motorcycle, it is going to cost them from \$120 to \$150 to take that motorcycle exam.

It is estimated that it will take 40 instructors throughout the State, to give these exams. If you happen to be in a rural area, and there aren't any instructors in that rural area, you can do one of two things. (1) You can drive 100 miles to where they are giving that motorcycle instruction course, or (2) You can wait until 6 people, in your immediate area, apply for a license, and then they will have an instructor come to your area, if they have time. Last year, there were 4337 people that applied for a motorcycle license exam. There were 8888 that took the motorcycle permit law test. So, no matter how you cut it, we don't have enough instructors to do this. It is putting the cost on every registration in the State. It certainly is not the way it should go. Mr. President. I would 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 in favor of ordering a Roll Call, please rise and remain standing in their places until counted.

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

The pending question before the Senate is the motion of Senator DOW of Kennebec to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT REPORT.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending the motion of Senator DOW of Kennebec to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report. (Roll Call ordered.)

Senate at Ease

Senate called to order by the President.

Senate

Ought to Pass

Senator ERWIN for the Committee on TRANSPORTATION on Resolve, Authorizing the Commissioner of Transportation to Issue Temporary Experimental Vehicle Permits on a Limited Basis under Strictly Controlled Conditions (Emergency)
 S.P. 927 L.D. 2314

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

Senate As Amended

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Bill "An Act to Enhance the Sound Use and Management of Maine's Coastal Resources"
S.P. 855 L.D. 2167
(C "A" S-456)

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

Sent down for concurrence.

Senator GILL for the Committee on HUMAN RESOURCES on Bill "An Act to Authorize Temporary Licenses to Operate Family Foster Homes"
S.P. 885 L.D. 2230

Reported that the same Ought to Pass.

ENACTORS

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

An Act to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians
H.P. 1418 L.D. 2007
(C "A" H-607)

SECOND READERS

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

An Act to Clarify the Law to Provide for Notice to the Mother When an Individual Acknowledges Paternity of a Child Born out of Wedlock
H.P. 1430 L.D. 2021
(C "A" H-611)

House

Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations"
H.P. 1507 L.D. 2121

An Act to Amend the Law Relating to Group Health Insurance
H.P. 1615 L.D. 2273

Bill "An Act to Establish the Cost of the 1986 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program" (Emergency)
H.P. 1591 L.D. 2244

An Act Concerning Access to Vital Records in Cases of Adoption
S.P. 909 L.D. 2276

Bill "An Act to Require the Workers' Compensation Commission to Study the Causes of Delay and its Effects on the Participants in the Workers' Compensation System" (Emergency)
H.P. 1636 L.D. 2309

An Act to Amend Certain Motor Vehicle Laws
S.P. 912 L.D. 2279
(H "A" H-633)

An Act to Authorize Piscataquis County to Raise Up to \$2,400,000 for Renovation and Expansion of Jail Facilities
H.P. 1629 L.D. 2302

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

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 Increase the School Bus Purchase Limit
S.P. 817 L.D. 2062

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

An Act to Amend the Maine Osteopathic Student Loan Program

H.P. 1497 L.D. 2110
(C "A" H-619)

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

An Act to Make Additional Allocations from the Alcohol Premium Fund

S.P. 910 L.D. 2277

On motion by Senator VIOLETTE of Aroostook, Tabled Unassigned, pending ENACTMENT.

An Act to Allow the State Liquor Commission to Establish One Additional Discount Liquor Store

H.P. 1619 L.D. 2281
(H "A" H-621)

Senator HICHENS of York moved to Table 1 Legislative Day, pending ENACTMENT.

On motion by Senator VIOLETTE of Aroostook, Tabled until Later in Today's Session, pending ENACTMENT.

An Act to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters

S.P. 915 L.D. 2283

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

Senator USHER: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate. I would like to take a few minutes of your time to summarize as best I can, to explain the Water Quality Reclassification Bill, which is before us, before we Enact the Bill.

This is a hold over of a bill. The original bill was L.D. 1503. This comes under a new draft of L.D. 2283. This Bill represents an important mile stone in Maine's 40 year effort to clean up its' lakes, streams and coastal waters. Many people have participated in the development of this Bill. Everyone has given some ground; yet the final product is a solid foundation for future efforts to maintain and improve the quality of our waters. Despite many difficult issues, we have achieved a remarkable degree of consensus. I'd emphasize that we have a unanimously favorable committee report here.

The most important things to understand are that this Bill will:

(1) Allow the State to meet its' obligations under the Federal Clean Water Act:

(2) Strengthen the State's hand in blocking unwanted Federal approval of projects which the State has rejected:

(3) Give industry and other economic development interests a clearer picture of the State's water quality standards:

(4) Give us the tools to manage our waters in the best interests of the people of Maine: and

(5) Retain the final authority of the Legislature to establish the classification of individual water bodies.

During the First Regular Session of the 112th Legislature, the Department of Environmental Protection submitted L.D. 1503, "An Act to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters." Owing to the complexity of the Bill and its' late submission, the Joint Standing Committee on Energy and Natural Resources voted to hold the Bill over until the Second Regular Session and to prepare a new draft during the summer interim.

Our current water quality classification and regulation system has not been comprehensively reviewed for many years. Recognizing the need for careful consideration of all Maine interests, and the value of a consensus effort, the committee established an ad-hoc working group composed of parties interested in the issue. The core working group included representative of industry, utilities, public interest environmental groups and the Department of Environmental Protection. A broader group monitored the progress of this core group.

The Committee report provides a detailed statement of intent on many of the key provisions of the Bill. Important options that were reviewed by the committee are discussed. Extensive committee files are also available to document the committee's efforts and intent.

The main reason for this, is I want these to get On the Record, because it is of great concern nationwide. Water quality is a major issue, and I feel this is a good step. I move the Enactment of this Legislation.

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 Provide a Periodic Cost-of-living Adjustment in the State Reimbursement to Boarding Care Facilities

S.P. 918 L.D. 2292

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

Resolve

Resolve, Authorizing the Exchange and Sale of Certain Public Reserved Lands

H.P. 1516 L.D. 2145
(C "A" H-615)

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

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

Emergency

An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation

S.P. 720 L.D. 1843
(H "A" H-620 to C "A" S-436)

Emergency

An Act Relating to Cancellation and Non-renewal of Property and Casualty Insurance Contracts

H.P. 1457 L.D. 2054
(C "A" H-612)

Emergency

An Act to Clarify the Authority of Municipalities to Raise and Appropriate Money for Financial Assistance to Water and Sewer Districts

S.P. 854 L.D. 2166
(C "A" S-445)

These being an Emergency Measures and having received the affirmative votes of 26 Members of the Senate, with No Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Creating a Maine Commission to Commemorate the Bicentennial of the United States Constitution

S.P. 813 L.D. 2045
(C "A" S-443)

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending FINAL PASSAGE.

Emergency Resolve

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

H.P. 1534 L.D. 2162
(H "A" H-626)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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.

Emergency Resolve

Resolve, Authorizing a Continuation of the Study of the Utilization of Vacant Buildings at Pineland

H.P. 1539 L.D. 2170

This being an Emergency Measure 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, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve, to Establish a Maine Commission to Examine Chemical Testing of Employees (Emergency)
S.P. 934

Presented by President PRAY of Penobscot
Cosponsored by: Speaker MARTIN of Eagle Lake,
Representative BEAULIEU of Portland
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26

Committee on LABOR suggested.

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

Which was, under suspension of the Rules, READ TWICE.

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

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

Senator SEWALL: Thank you, Mr. President. Would someone in the Senate, please explain to me what this Resolve, to Establish a Maine Commission to Examine Chemical Testing of Employees does, and how it would affect Bath Iron Works?

On motion by Senator PEARSON of Penobscot RECESSED until the sound of the bell.

Senate at Ease

After Recess

Senate called to order by the President.

Senate called to order by the President.

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

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

SENATE PAPERS

Bill "An Act to Maintain Unemployment Offices"
S.P. 935

Senator SEWALL: Thank you, Mr. President. After the nice discussion with you, I understand that this Bill has been agreed upon, at least for inference by Bath Iron Works, as well as other employers, like Cianbro, so I am satisfied to let it go along.

Presented by Senator TUTTLE of York
Cosponsored by: Senator VIOLETTE of Aroostook,
Representative MCHENRY of Madawaska,
Representative HALE of Sanford
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27

Which was PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED.

Which was referred to the Committee on LABOR and ORDERED PRINTED.

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

Sent down for concurrence.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on LEGAL AFFAIRS on Bill "An Act to Create the Maine Liquor Liability Act"

H.P. 1478 L.D. 2080

Report - Ought to Pass as Amended by Committee Amendment "A" (H-635).

Tabled - April 3, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE of the Report

(In Senate, April 3, 1986, Report READ.)

(In House, April 2, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-635).)

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-635) READ.

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-452) to Committee Amendment "A" (H-635) READ.

The Chair recognizes that same Senator.

Senator USHER: Mr. President and Members of the Senate. I am proposing a very limited amendment, to L.D. 2080. I think the Legal Affairs Committee did a great job and they worked many hours on this legislation.

It is a very important piece of legislation. However, there is one portion that I can not support, and that is a cap on recovery for lost wages, property damage and other recovery. As I understand the proposal before us, a server would be liable, only when they serve a visible intoxicated individual, or a minor. A server would not be liable for an accident, which a patron has, unless that server has consciously disregarded a risk, that serving liquor will cause physical harm to the drinker or to others. I am concerned that the cap on this bill, lets the person, who consciously disregards their responsibility, as a liquor server, and as a result, there is an accident, is off the hook. With the cap that is proposed, a car accident, which involves 6 working people, would limit recovery for lost wages, of all 6 people, to \$250,000. If it is a serious accident, with serious injuries, and an injured person with permanent disabilities, then \$250,000 split 6 ways, will not go very far.

The number of incidents that we are talking about are far and few in between, but I can not support the possibility that a bar owner, who is irresponsible, would not be made responsible to my neighbors and friends, for their portion of the full loses. My proposed amendment would take the cap off the medical and rehabilitation costs, lost wages and property damages.

It would continue a cap of \$250,000, per claim on other recovery. I urge you to support this amendment, unless you feel comfortable looking at your injured neighbor, or injured co-worker in the eye and saying "We know you won't recover your lost wages, but we thought it was the right thing to do."

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

Senator TRAFTON: I would move that the Senate Indefinitely Postpone Senate Amendment "A" (S-452) to Committee Amendment "A" (H-635). I would like to address the points that have been raised by the good Senator from Cumberland, Senator Usher. This Bill, that we are now discussing, is the replacement to the Maine Dram Shop Act. The Dram Shop Act is a piece of legislation that has existed for over 100 years. However, recent developments in insurance availability and in the courts, have led to the discovery of certain problems, in regards to this particular law. What this Bill, which is a result of an unanimous report from the Committee on Legal Affairs, does is that it attempts to do part of the Tort reform that has been proposed in the State of Maine, and in other States, and also in Congress.

This Bill attempts to reduce liquor related accidents, by putting the liability for those accidents on the server. In other words, a server would be responsible for damages, resulting from improper service of alcohol. But, the Bill goes into great detail, and great length as to when that server is responsible, and what must be shown, in order for a person to recover against a server.

Interestingly, the Bill also provides a section for an encouragement for servers to train their waiters, waitresses, bar tenders, in the proper service of alcohol, recognizing that it is one thing to go to court and recover damages for a liquor related accident, but it is a much better approach to encourage responsible serving.

This Bill, which is a result of a years study, and several drafts, hopefully presents a positive step in court reform in this particular area. The original bill that this Legislature had in its' first session, presented a \$250,000, across the board cap, for all types of claims. The Committee rejected that approach because of, in these days of high medical and rehabilitation costs, a person who is injured, through the improper service of alcohol, would be unable to recover the full medical costs, that he or she may have incurred.

This cap, which is a delicate compromise, among the various members of the Legal Affairs Committee, exempts medical costs from the cap. In other words, a person who was damaged through a liquor related accident, when a server improperly served that alcohol, could recover all of his medical costs, rehabilitation costs, and the like, that arose from that accident.

There are not caps on medical costs at all. There is a cap, however, as well explained by Senator Usher of Cumberland, on all other types of damages, pain and suffering, lost earnings of \$250,000 per occurrence. That is the cap that was designed to promote the availability of insurance.

It is interesting that 75% of the restaurants, inns, hotels, in the State of Maine, right now, are unable to obtain any form of liquor liability insurance. Because, it is often not available to them, and when it is available to them, it is too expensive. At the public hearing, the Restaurant Association, the Innkeepers Association, testified that they can't get insurance, and to please help them. One of the ways that the Legislature can help in providing better availability of insurance, is to limit the exposure that servers have for claims along this line. A cap is one method of doing that. Obviously, in dealing with a cap, you must balance the victims rights against the public policies of "Shall we provide insurance, or the availability of insurance to those industries in our State?" We feel that the cap that is presented in this Bill, does present a fair balance, still protecting the victim of such an accident, and yet promoting the availability of liquor liability insurance.

You ask me for proof of that? Well, it is difficult to say that this Bill will provide for liquor liability insurance availability in the State, however, the actions taken so far, have prompted the beginning steps for a marketing assistance program for liquor liability insurance in the State of Maine.

As of March 26, 1986, a hot line was established, in the State of Maine. You have on your desk, recently distributed, a press announcement of that hot line. That to me, is an important step, as a result of the steps that have been taken in regards to this piece of legislation, to increase the availability of insurance to all servers of alcohol, in the State of Maine.

This Bill does not say that a server is relieved from any liability resulting from improper service. In fact, a server who improperly serves, can still be found responsible, and pay the damages for that person who is injured, for a liquor related accident.

It does attempt to provide an environment that is more suitable for the insurance industry to provide this kind of insurance. So, I would encourage you vote against Senator Ushers amendment, because I think this would upset the balance that was so carefully struck in the Committee, and discourage insurance availability in the State. I think it would be irresponsible for the State of Maine to take no action in trying to protect our industries, within the restaurant, innkeeper and hotel businesses, that is so important to this part of the tourist State.

So, I encourage you to vote against the amendments. Support the carefully struck compromise from the Committee on Legal Affairs, and give the carefully crafted compromise a chance to prove itself.

There is a section of the Bill that requires the Bureau of Insurance to provide additional statistics to the Joint Standing Committee on Legal Affairs, to review the nature of the claims, the amounts of the claims, to see if this cap is working, and whether it is effective. This review will be made within the next couple of years, and I think that is the time to alter the cap if it is at all necessary. I think it would be irresponsible to alter it at this point in time. So again, I would urge you to vote against the proposed Senate Amendment "A".

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

Senator CHALMERS: Thank you, Mr. President. I would speak against the good Senator from Androscoggin, Senator Trafton's motion for Indefinite Postponement of Senate Amendment "A" (S-452). It seems to me, that I do not want to be irresponsible, and I certainly don't want to do anything in terms of the people out there, who need this kind of insurance protection. It seems to me, and I would say that the cap only serves to penalize the innocent victims in helpless situations. We're talking about a cap, in the bill, that is \$250,000, for the whole occurrence, and in the amendment, it is \$250,000 per individual. I would ask, we in the Judiciary Committee have looked into some of the problems of liability insurance, as have other committees, and I have had occasion to speak with other Senators from other States, who are also dealing with the problem of liability insurance. Each time I have asked, has a cap or anything which we have done, done anything to get a word from the insurance companies, that there is going to be an increased coverage, or that the coverage is going to lowered?

Each time I am answered "No, we can't tell, we don't know, but we feel that we have to do it." I seems to me that the difference between the cap that is for \$250,000 for the whole incident, that is if there are 4 kids in the car, and 4 people are injured, \$250,000 doesn't spread as much, whereas if you go with Senator Usher's amendment, it is \$250,000 per person. It seems to me that is fair. I would only ask the question, if I may, Mr. President, if taking off this amendment is going to increase the availability of this insurance, or lower the cost? I suspect the answer is that nobody knows. Thank you.

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

Senator TRAFTON: In response to the good Senator from Knox, Senator Chalmers' question. I think this Bill is already improved the situation with the availability of insurance, as I indicated with the establishment of the hot line, which is the first step of a marketing assistance program, in this area.

Insurance companies can not guarantee the availability of insurance, because, as we all know, there are many factors that relate to that availability. But, I think it is important to note, that the \$250,000 cap, that this Bill imposes, is a cap for the server. It does not impose a cap on the total recoveries for that person that has been injured. That person that has been injured, may have been injured as a result of an automobile accident, the automobile causing the accident may have been driven by a person who was intoxicated, due to improper service, at one serving establishment, or maybe more than one bar. In the cases that were presented to our Committee, it usually was a multiple stop at various drinking establishments, before an accident occurred.

The \$250,000 cap would apply only to each server. It would not apply to the intoxicated driver of the vehicle. So, it is wrong to assume that the people who are injured, if there are more than one person, as a result of this type of accident, it is wrong to assume that the \$250,000 is all a person may recover. Think of it in another way. If we are exempting medical costs, how many people have lost earnings that exceed \$250,000? Let say, using the example that Senator Usher from Cumberland suggests, where 6 people were injured. Think of the number of doctors, lawyers or other professionals that would have to be in that car, to reach the \$250,000 cap for lost earnings. I think that you will see, that it would be a rare case, and he admitted that. I do think the important thing to understand is, the cap only applies to each individual server, not to the damages that a person can recover in total. I appreciate Mr. President's clarification, that I ask you to support my motion for Indefinite Postponement of Senate Amendment "A". If you wish to support my position, and I hope you do, I wish that you would vote Yes. and I would ask for a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TRAFTON of Androscoggin to INDEFINITELY POSTPONE Senate Amendment "A" (S-452) to Committee Amendment "A" (H-635).

A Division has been requested.

Will all those Senators in favor of the motion of Senator TRAFTON of Androscoggin to INDEFINITELY POSTPONE Senate Amendment "A" (S-452) to Committee Amendment "A" (H-635), please rise in their places and remain standing until counted.

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

21 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator TRAFTON of Androscoggin to INDEFINITELY POSTPONE Senate Amendment "A" (S-452) to Committee Amendment "A" (H-635), PREVAILS.

Committee Amendment "A" (H-635) ADOPTED, in concurrence.

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

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

HOUSE REPORT - from the Committee on STATE GOVERNMENT on Bill "An Act Providing for the 1986 Amendments to the Finance Authority of Maine Act" H.P. 1489 L.D. 2105

Report - Ought to Pass as Amended by Committee Amendment "A" (H-613)

Tabled - April 3, 1986, by Senator VIOLETTE of Aroostook.

Pending - ACCEPTANCE of the Report

(In Senate, April 3, 1986, Report READ.)

(In House, April 3, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613) AS AMENDED BY HOUSE AMENDMENT "A" (H-638), thereto.)

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-613) READ.

House Amendment "A" (H-638) to Committee Amendment "A" (H-613) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-613) as Amended by House Amendment "A" (H-638), thereto ADOPTED, in concurrence.

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

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

An Act to Improve the Management of Maine's Forest Recreation Resource H.P. 1559 L.D. 2198

Tabled - April 3, 1986, by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT

(In House, April 2, 1986, PASSED TO BE ENACTED.)

(In Senate, April 1, 1986, RECONSIDERED PASSAGE TO BE ENACTED.)

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

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

Bill "An Act to Amend the Workers' Compensation Act to Require Prepayment for Medical Aids and to Make Corrections Relating to Foreign Employees"
H.P. 1618 L.D. 2274
(H "A" H-625)

Tabled - April 3, 1986, by Senator VIOLETTE of Aroostook.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, April 1, 1986, READ A SECOND TIME.)

(In House March 31, 1986, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-625).)

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

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 ENERGY AND NATURAL RESOURCES on Bill "An Act Regarding High-level Radioactive Waste"

S.P. 894 L.D. 2249

Reported that the same Ought Not to Pass.

Signed:

Senators: USHER of Cumberland
EMERSON of Penobscot

Representatives: JACQUES of Waterville
RIDLEY of Shapleigh
HOGLUND of Portland
BROWN of Livermore Falls
DEXTER of Kingfield
HOLLOWAY of Edgecomb
LAW of Dover-Foxcroft
MICHAUD of Medway

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-457).

Signed:

Senator: KANY of Kennebec

(Representative MITCHELL of Freeport Abstained)
(Representative COLES of Harpswell Abstained)

Which Reports were READ.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT.

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Bill "An Act Limiting the Agricultural Cooperative Producer-dealer Exemption from the Maine Milk Pool"

S.P. 878 L.D. 2215

Ought to Pass

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Provide for Development of a State Low-level Radioactive Waste Facility if Necessary" (Emergency)
S.P. 892 L.D. 2242

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today assigned matter:

HOUSE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Require Motorcycle Driver Education for First-time Operators of Motorcycles"

H.P. 1330 L.D. 1865

Majority Report - Ought to Pass in New Draft under same title.

H.P. 1643 L.D. 2316

Minority Report - Ought Not to Pass.

Tabled - April 4, 1986, by Senator VIOLETTE of Aroostook.

Pending - Motion of Senator DOW of Kennebec to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report. (Roll Call ordered)

(In Senate, April 4, 1986, Reports READ.)

(In House, April 3, 1986, the Bill in NEW DRAFT PASSED TO BE ENGROSSED.)

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

Senator DOW: Mr. President. So long ago, this was tabled, I am not sure as I know exactly where to start, but I will try to give you some of the things which this Bill does. The biking organization was the one that was in testifying in favor of this Bill. They have testified for it because of safety reasons. As an insurance man, I know that this Bill will help. This is so much better than the testing and the training that we had for bikers of any age. The original bill did call for everyone to have an examination, regardless of age, before they were licensed. That is why the original bill costs so much more money than this one. We, in the Committee worked the bill down to give 8 hours of training, 4 hours of classroom, and 4 hours of hands-on. We did increase the fee by \$2, to pay for the instruction, and to pay for a couple of bikes so they could have training on the road.

As of now, there isn't any courses that require any hands-on training. I think that the Committee did a good job in coming up with a compromise bill. I hope that you will vote in favor of the passage. Thank you very much.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate if the motion of Senator DOW of Kennebec to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report.

A vote of Yes will be in favor of the motion to Accept the Majority Ought to Pass in New Draft Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator VIOLETTE of Aroostook who would have voted Yea requested and received permission to pair his vote with Senator PEARSON of Penobscot who would have voted Nay.

Senator SEWALL of Lincoln who would have voted Nay requested and received permission to pair her vote with Senator GAUVREAU of Androscoggin who would have voted Yea.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, ANDREWS, BALDACCI, BERUBE, BROWN, BUSTIN, CHALMERS, CLARK, DOW, ERWIN, GILL, HICHENS, KANY, KERRY, MAYBURY, NAJARIAN, TRAFTON, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, BLACK, EMERSON, PERKINS, SHUTE, STOVER, WEBSTER

ABSENT: Senators, CARPENTER, DIAMOND, MATTHEWS, MCBREAIRTY

EXCUSED: Senator DUTREMBLE

20 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 4 Senators having paired their votes and 4 Senators being absent, and 1 Senator being excused, the motion by Senator DOW of Kennebec to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, in concurrence PREVAILS.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

The Chair laid before the Tabled and Later Today assigned matter:

An Act to Allow the State Liquor Commission to Establish One Additional Discount Liquor Store
H.P. 1619 L.D. 2281
(H "A" H-621)

Tabled - April 4, 1986 by Senator VIOLETTE of Aroostook.

Pending - ENACTMENT.

(In House, April 3, 1986, PASSED TO BE ENACTED.)

(In Senate, April 1, 1986, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

THE PRESIDENT: The Chair recognizes that same Senator.

Senator HICHENS: Thank you, Mr. President. If anyone in the Chamber have any doubts as to how I feel about this Bill, I suggest they have some good reading over the weekend, and take home the Legislative Register for the last 10 Sessions. They will find out how I feel about this Bill, and how I have felt about liberalization of the liquor laws, in the State, in these last 20 years. This afternoon, I am going to be a man of few words. Just relating the story which was told of former President Calvin Coolidge. When returning home from a sermon one Sunday, and his wife asked him what the minister preached about, and he said "Sin." Then she said "Well, what did he have to say?" He said "I'm a'gin it." This afternoon, I am a'gin this Bill, and I am asking you for a Roll Call when the vote taken.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. If this Bill, which is before us today, were so clear, and so black and white, as the good Senator from York, Senator Hichens suggests, it would be easy to vote. But, I am afraid it is not that simple. This Bill, in its' amended form, calls for the ability, or to provide the ability for the Liquor Commission to establish 1 additional discount liquor store in the area of the existing liquor store. This is not an attempt to create a large number of State liquor stores. As you will recall, this same Legislature, last spring, recommended and Enacted a bill which called for the addition of 6 discount liquor stores. That Bill was rejected by the Governor. This is the same bill that is back before you, calling for the addition of just 1 store.

In fact, it is unlikely there will be 2 discount liquor stores. There is great concern in the State of Maine as to the location of the existing store in Kittery. There is, as you know, 1 discount liquor store in Kittery. It is located at a relatively inaccessible place. The rent is scheduled to go up, substantially, on that store. The Liquor Commission would like flexibility to explore the cost, the projected rental expenses, for a new store in a different location. It looks as if, in order to do that properly, and in order to achieve the best type of cost structure available, it may mean the construction of an additional store, while the existing store is still open. It is the intent of the Liquor Commission to have only 1 super store, along Rte. 95, that would serve both Northbound and Southbound traffic, on Rte. 95.

They do not want to have 2 separate liquor stores in that area. This is a competition measure. As you know, it is a proven fact that the State of Maine loses over \$10 million of liquor sales, per year, to only 6 border stores in New Hampshire. If the numbers could be applied to all of the border stores in New Hampshire, that \$10 million figure would be substantially higher. If we are going to keep the sale of liquor to Maine residents, in Maine, rather than encourage them to cross the border and buy their liquor in the State of New Hampshire, I suggest we have a good accessible, convenient discount liquor store in the York County area. That is all this Bill does.

This Bill has a safeguard in it that requires the Liquor Commission, if it decides to proceed on this basis, to come back before the Joint Standing Committee on Legal Affairs, to review the timing and location of this store, so there will be legislative input in this decision.

This Bill does not, as the good Senator from York, Senator Hichens suggests, call for increased numbers of stores, except in that there may be 2 stores operating for some period of time, until the existing store could be phased out.

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

Senator SHUTE: Mr. President. I would like to pose a question through the Chair, to someone on the Legal Affairs Committee. The Statement of Fact indicates that the new store will be located on the Southbound lane of Interstate 95, or the Maine Turnpike at York. Could somebody tell me the purpose of locating the store on the Southbound lane? As I understand it, the purpose of the store was to catch the non-residents going back home, and to sell liquor to them as they were going back home. If the only purpose of this Bill is to give the out-of-state people a break in the liquor prices, and stick it to the people in the State of Maine, I don't think much of this Bill. It seems as though everything we do in this State, is for the non-residents or the summer people. Personally, I would go along with Senator Hichens' motion and not accept the report.

THE PRESIDENT: The Senator from Waldo, Senator Shute has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. To respond to the Senator from Waldo, Senator Shute. There has been no location chosen for this new store. The Bill calls for a store located within 10 miles of the existing store. There are several locations that have been explored. It has not been decided, at this point in time, that the location would be on the Southbound lane.

The Committees' Report and recommendation to the floor, and its' communication to the Liquor Commission, was that we want 1 store that will serve both Northbound and Southbound traffic. The current store does not do that. The intent of this Report, is to encourage Maine residents to purchase their liquor in Maine, rather than in New Hampshire. As I said, there are many people along the Maine border, and even well within the State, who consciously disregard laws as to importing liquor from other States, in large quantities, because the prices are so much more attractive in New Hampshire than they are in Maine.

If we have 1 convenient store to both Northbound and Southbound traffic, then we hope to stem the flow of money from the State of Maine, to our sister State of New Hampshire. So quickly, there is no chosen location. The intent is to find a location that would serve both lanes conveniently, so we can serve all those residents in the State of Maine.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENACTED.

A vote of Yes will be in favor of Enactment.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CHALMERS, CLARK, DOW, EMERSON, ERWIN, GILL, KANY, KERRY, NAJARIAN, PERKINS, TRAFTON, TUTTLE, TWITCHELL, USHER

NAYS: Senators, HICHENS, MAYBURY, SEWALL, SHUTE, STOVER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, CARPENTER, DIAMOND, GAUVREAU, MATTHEWS, MCBREAIRTY, PEARSON

EXCUSED: Senator DUTREMBLE

20 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 6 Senators being absent, and 1 Senator being excused, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, to Establish a Maine Commission to Examine Chemical Testing of Employees (Emergency)
S.P. 934

Committee on LABOR suggested.

In Senate, April 4, 1986, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED.

Comes from the House referred to the Committee on LABOR and ORDERED PRINTED in NON-CONCURRENCE.

The Chair moved that the Senate ADHERE.

Senator PERKINS of Hancock moved that the Senate RECEDE and CONCUR.

The Chair ordered a Division.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate. I think, we see today, one of the things that once in a while happen through an oversight, which comes back to haunt us. While, no matter how well meaning, and how well intended a piece of legislation is, without a thorough explanation to we, here in the Body, and also without a thorough explanation to the public, an effort to hurry a piece of legislation through, without giving it its' full hearing. I think this is an example here today.

I realize that we're close to the end of the Session. I realize that there are few days remaining before we should adjourn. But, I don't think there is that degree of urgency that we must, at this time, hurry this Bill through, without giving its proper place within a committee.

The committee, indeed, has time to hear this Bill. It is a study. It is well meaning, it does well, it holds well and bodes well for the employees of the State of Maine. But, I think the people of the State, as well as the Legislature, deserves to have it fully aired. I, therefore, see no real reason it should not go to the Committee on Labor.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. I do not necessarily take issue with everything that the good Senator from Hancock, Senator Perkins has said. But, the Bill is simply a Study Commission, which we routinely pass, and create many commissions, without ever referring them to Committee. This Bill creates a Commission composed of 10 members, representing labor and management. They will examine the issues in detail, focusing on the questions of civil liberties, or place safety, impact of alcohol and substance abuse, on the physical, mental and emotional health of employees.

The impact of substance abuse on productivity. The accuracy and effectiveness of urinalysis blood samples and various methods, in establishing appropriate standards to determine impairment on the job. This commission has received the endorsement of both major manufacturers, commercial sectors of the economy, as well as labor. A study commission is important.

The legislative process, especially when dealing with issues as complex as this one. All that this is, is a 10 member, public sector commission. This legislation will have to go and sit on the Appropriations Table, once it passes the legislative process. I see no reason why, and I think the gentlemen from Hancock, Senator Perkins, is over doing his argument, and see no reason why the Senate just shouldn't sent the matter back to the House.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate. I still do not demean the legislation. I only demean the process by which it is hurrying through. One or two questions come to mind. We have 10 members. Are they to be paid a per diem? Are they to be paid mileage? You and I, and everybody, has seen the method with which the Appropriations Table is cleared, and those bills passed at the end of the Session.

Are you comfortable with the airing that it will receive at that point? I don't think so. I see no reason why we can't schedule a hearing on this Bill, and have it heard. All of these people who are indeed in favor of it. I think it would serve to strengthen it. So let us strengthen it. Let's make it a whole hearted support of the thing. Let's give it the airing it deserves. Let's give it the hearing. Let the Committee come out with a unanimous report, then comes through here with a rare touch of interference. I see no reason why this would not get a unanimous report. If it did not, then maybe our feelings would be justified. But, I only ask that it be referred to the committee in the normal process, and that we give it the normal treatment, even in these last days of the Session.

Off Record Remarks

On motion by Senator GILL of Cumberland
ADJOURNED until Monday, April 7, 1986, at 8:30 in
the morning.

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

Senator KANY: Mr. President and Members of the Senate. I rise to support the Senator from Hancock, Senator Perkins, in a bipartisan manner. Perhaps the Bill is on my desk, but if it is, I don't see it. I do intend to support the Bill, from the sounds of it. It sounds very good, but I certainly would like to at least have a copy on my desk. I would support the Senator's motion, Senator Perkins.

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

Senator BALDACCI: Mr. President and Members of the Senate. There are 8 days left in the Session. The Bill is being acted upon, to be Engrossed, or to be Adhered to by the Senate. It is a study bill. There are some questions surrounding it. But, to submit to this Body, that this particular piece of legislation requires a public hearing, I think is probably stretching the facts.

If we are stretching the facts, maybe the good Senator from Hancock, Senator Perkins, would be willing at the time, to not permit on April 16th, to vote with other Members of the Senate, to extend the work that we have to do here in the Senate, in terms of listening, debating thoroughly, and examining issues in a very, very deliberate manner. Now, if the good Senator from Hancock, and other Members of this Body are willing to extend the dead line that we do have to act, by statute, then I don't have a particular problem. But, in the face of that dead line, and knowing of the other concerns that we do have to hear in front of this Body, and knowing that this is a study, I have no particular problem with enacting this, or adhering and sending this matter to the House. Thank you, Mr. President.

On motion by Senator VIOLETTE of Aroostook, Tabled 1 Legislative Day, pending the motion of Senator PERKINS of Hancock, to RECEDE and CONCUR.