

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

On motion of Representative Allen of Washington,
Adjourned until Friday, March 27, 1987, at twelve
o'clock noon.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
March 25, 1987

Senate called to Order by the President.

Prayer by the Honorable Michael E. Carpenter of
Houlton.

FORMER SENATOR CARPENTER: Let us pray. Our
Heavenly Father, we thank You for this day. For the
days that are to come and the beautiful weather. We
are ever mindful for all that we have and all that we
share because of Your Holy grace. We are ever
mindful of those who have less than we have and part
of our purpose for being assembled here is to provide
for and to care for and to love those. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Assure Access to Legal Assistance
by Residents of Rural Areas"

S.P. 294 L.D. 844

In Senate, March 20, 1987, referred to the
Committee on JUDICIARY and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Amend the Maine State Retirement
System"

H.P. 672 L.D. 905

Comes from the House referred to the Committee on
AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING,
RETIREMENT AND VETERANS and ORDERED PRINTED, in
concurrence.

Off Record Remarks

Bill "An Act to Encourage Investment in the
Development of Potato Varieties"

H.P. 678 L.D. 911

Bill "An Act Regarding the Maine Agricultural
Marketing and Bargaining Act of 1973"

H.P. 679 L.D. 912

Come from the House referred to the Committee on
AGRICULTURE and ORDERED PRINTED.

Which were referred to the Committee on
AGRICULTURE and ORDERED PRINTED, in concurrence.

Bill "An Act to Extend Maine's Bottle Bill"

H.P. 622 L.D. 895

Bill "An Act to Mandate Rustproofing Designation
of Motor Vehicles"

H.P. 668 L.D. 901

Come from the House referred to the Committee on
BUSINESS LEGISLATION and ORDERED PRINTED.

Which were referred to the Committee on BUSINESS
LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Allow Per Pupil Reimbursement to School Administrative Units for Home Instruction Pupils"

H.P. 659 L.D. 892

Bill "An Act to Amend the Tuition Computation Rate for Secondary Schools"

H.P. 673 L.D. 906

Come from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

Which were referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Insure Clean-up Capability by Persons Undertaking Movement of Hazardous Materials"

H.P. 667 L.D. 900

Bill "An Act to Clarify Definition Language under the Site Location of Development Laws"

H.P. 670 L.D. 903

Bill "An Act Relating to Allowing Local Planning Boards to Require a Subdivision Applicant to Set Aside 20% of Lots to be Sold at 25% Below Fair Market Value"

H.P. 676 L.D. 909

Come from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

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

ORDERS

Joint Resolution

On motion by Senator CLARK of Cumberland (Cosponsored by: Senator BLACK of Cumberland, Representative INGRAHAM of Houlton, Representative RUHLIN of Brewer) the following Joint Resolution:

S.P. 321

JOINT RESOLUTION IN RECOGNITION OF MAINE'S TRAVEL AND TOURISM INDUSTRY

WHEREAS, "the benefits of travel are many; the freshness it brings to the heart; the delight of beholding new cities; the meeting of unknown friends;" and

WHEREAS, with its geographical breadth and diversity, vacationland proudly offers those and countless other benefits to all who choose the great escape and pathway from the stresses of our mundane worlds; and

WHEREAS, Maine's travel and tourism industry is the State's 2nd largest industry and makes substantial contributions to the economic welfare of the State, providing nearly 1.31 billion dollars to the Maine economy in 1986; and

WHEREAS, the diversified nature of the tourism industry in Maine enhances the state economy and the well-being of the people of Maine and all who visit the State; and

WHEREAS, since the travel and tourism industry attracts more people to Maine, which in turn will yield greater revenue to the General Fund through increased tax revenues and employment for the people of Maine, promoting tourism is, in fact, an investment in Maine's future; now, therefore, be it

RESOLVED: That we, the Members of the 113th Legislature of the State of Maine, now assembled in First Regular Session, take this opportunity to acknowledge the many outstanding accomplishments of those in the State's travel and tourism industry and express to them on this particular day a full measure of our gratitude and appreciation for their

outstanding contribution to the well-being of this State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Vacation Travel Commission in honor of this special occasion.

Which was READ and ADOPTED.

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

Bill "An Act to Extend the Freshwater Fishing Season for Nongame Fish in Southern Maine"

H.P. 660 L.D. 893

Bill "An Act to Ban Waterskiing on Certain Parts of the Saco River"

H.P. 669 L.D. 902

Come from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which were referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

Bill "An Act to Require Notice of the Smoking Policy in Restaurants"

H.P. 664 L.D. 897

Resolve, Reestablishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons

H.P. 677 L.D. 910

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

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

Bill "An Act to Lengthen the Period of Probation for Persons Convicted of Sex Offenses"

H.P. 658 L.D. 891

Bill "An Act Relating to the Relocation of the Southern Division of the 10th District Court"

H.P. 665 L.D. 898

Bill "An Act to Limit Personal Liability of Volunteer Firemen and Volunteer Ambulance Drivers" (Emergency)

H.P. 674 L.D. 907

Bill "An Act to Regulate the Removal of Children of Divorced or Separated Families from the State"

H.P. 675 L.D. 908

Come from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Clarify the Discrimination Provision of the Workers' Compensation Act so that Injured Workers may Pursue their Rights without Fear of Punishment by their Employers"

H.P. 666 L.D. 899

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

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

Bill "An Act Concerning Prizes Awarded by Charitable Organizations"

H.P. 663 L.D. 896

Bill "An Act to Regulate Political Advertising in Public Right-of-way Areas"

H.P. 671 L.D. 904

Come from the House referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

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Which were referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning Hand Fishing for Scallops"

H.P. 661 L.D. 894

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.

Bill "An Act to Require the Use of Seat Belts in Driver Education Programs"

H.P. 657 L.D. 890

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.

Off Record Remarks

SENATE PAPERS

Resolve, to Support Dioxin Research by the Bureau of Health

S.P. 316 L.D. 918

Presented by Senator KANY of Kennebec
Cosponsored by: Representative MURPHY of Berwick, Senator DILLENBACK of Cumberland, Representative JALBERT of Lisbon

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

Sent down for concurrence.

Resolve, to Require the Finance Authority of Maine in Conjunction with the Department of Environmental Protection to Devise a Plan to Financially Assist Small Filling Station Operators and Owners to Modernize their Fuel Storage Facilities

S.P. 318 L.D. 920

Presented by Senator THERIAULT of Aroostook
Cosponsored by: Senator BLACK of Cumberland, Representative MARTIN of Van Buren, Representative INGRAHAM of Houlton

Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Establish the Maine Business Opportunity and Job Development Program"

S.P. 313 L.D. 915

Presented by Senator ANDREWS of Cumberland
Cosponsored by: Representative CARTER of Winslow, Senator COLLINS of Aroostook, Representative STANLEY of Cumberland
Foreide Committee on ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending REFERENCE.

Bill "An Act Relating to the Issuance of Bonds or Notes for Union Schools"

S.P. 317 L.D. 919

Presented by Senator PERKINS of Hancock
Cosponsored by: Representative RICE of Stonington, Senator TWITCHELL of Oxford, Representative O'GARA of Westbrook

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

Sent down for concurrence.

Bill "An Act to Permit the Maine Health Care Finance Commission to Consider the Special Needs and Circumstances of Hospitals which Serve Special Population Groups and to Permit Establishment of Community Pools for Free Care"

S.P. 312 L.D. 914

Presented by President PRAY of Penobscot
Cosponsored by: Representative FOSTER of Ellsworth, Representative ROLDE of York, Senator GILL of Cumberland

Bill "An Act Relating to the Administration of the Maine Children's Trust Fund"

S.P. 315 L.D. 917

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative CARROLL of Gray, Representative DIAMOND of Bangor, Representative MURPHY of Kennebunk

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Extend the Freeze on Maximum Weekly Benefits Under the Workers' Compensation Act"

S.P. 314 L.D. 916

Presented by Senator EMERSON of Penobscot
Cosponsored by: Senator TWITCHELL of Oxford
Which was referred to the Committee on LABOR and ORDERED PRINTED.

Sent down for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

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

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

After Recess

Senate called to order by the President.

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Make Maine State Retirement System Membership Optional for Employees in Participating Local Districts that Establish an Alternative Pension System"

H.P. 281 L.D. 364

Ought to Pass As Amended

The Committee on TRANSPORTATION on Bill "An Act Regarding Motor Vehicle Accident Reports"

H.P. 49 L.D. 52

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-36).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-36)

Which Report was READ.

Senator THERIAULT of Aroostook moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

Subsequently, Senator THERIAULT of Aroostook requested and received leave of the Senate to withdraw his motion to INDEFINITELY POSTPONE.

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-36) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass in New Draft under New Title

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act to Remove the Age Limitation for Apprenticeship Programs in the Maine Human Rights Act"

S.P. 56 L.D. 123

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Require Age Limitations Used in Apprenticeship Programs to be Reasonably Related to Legitimate Job Criteria"

S.P. 319 L.D. 945

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

Senator KANY for the Committee on LEGAL AFFAIRS on Bill "An Act to Allow Financial Solicitation by State Troopers"

S.P. 159 L.D. 463

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide Funds for the Maine State Police Publication and Continuing Education"

S.P. 320 L.D. 949

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

Off Record Remarks

Divided Report

The Majority of the Committee on MARINE RESOURCES on Bill "An Act Relating to Taking of Shad in Addison and Columbia Falls" (Emergency)

S.P. 155 L.D. 452

Reported that the same Ought Not to Pass.

Signed:

Senators:

CAHILL of Sagadahoc
ESTES of York
MATTHEWS of Kennebec

Representatives:

KETOVER of Portland
RICE of Stonington
MITCHELL of Freeport
SALSURY of Bar Harbor
RUHLIN of Brewer

SCARPINO of St. George

HOLT of Bath

COLES of Harpswell

CROWLEY of Stockton Springs

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

Signed:

Representative:

LOOK of Jonesboro

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report was ACCEPTED.

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act to Extend Certain Privileges to Disabled American Veterans"

H.P. 367 L.D. 481

Bill "An Act to Clarify the Benefits under State Group Life Insurance"

H.P. 465 L.D. 632

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

House As Amended

Bill "An Act to Recodify the Liquor Laws"

H.P. 129 L.D. 155

(C "A" H-23; H "A"

H-35)

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

Bill "An Act to Permit the Disclosure of Information on a Real Estate Transfer Tax Declaration of Value Form"

H.P. 553 L.D. 740

(H "B" H-26)

Which was READ A SECOND TIME.

On motion by Senator RANDALL of Washington, Senate Amendment "A" (S-14) READ.

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

Senator RANDALL: Thank you Mr. President, Men and Women of the Senate. This morning, I bring to your attention this amendment. I do so because of a recent action on this and a very, very close discussion, in fact a tie discussion recently. I am not an expert on taxation nor have I ever been involved with the Taxation Committee. It was one of my aspirations when I came to Augusta thinking of what choice of Committee would be to want to focus on the the taxation issues, but I have been involved in other committees and have found them to be very exciting and stimulating.

This morning, however, I would like to address this motion. The amendment allows local governments to decide where the Declaration of Value form shall be disclosed. This does not, in any way, affect the purpose of the initial Bill.

It simply would allow a local municipality to choose if they want to offer this information through their local tax assessors or if they would prefer that the information be available at the County Registry of Deeds office. So, this is allowing an option to municipalities. I think that this particular piece of legislation comes with very solid support from the Committee where it was heard.

As I say, it was just recently brought to my attention through other discussions and, today, I would like to have it at least brought to the attention of the Members of this Body, that there is an opportunity here to allow local communities to decide if they should like to keep these records at the local municipal level, or if they would prefer to send them over to the County Registry office. That is simply all this amendment deals with.

I know you will hear much discussion of a variety of things, as this issue is discussed, but the purpose of this amendment, if I may just reiterate it one more time, and if you look at the Statement of Fact for just a brief minute. It allows a local government to decide where the Declaration of Value form shall be disclosed. Now, as a Senator from Washington County, I represent almost 40 communities. Some of those communities are large and some are small. Assessors are often times just part time positions in the smaller communities with a minimal reimbursement. They now have this record on file. What we are simply doing is allowing the municipality to say "Well, I would prefer that you check out this information at the County Registry of Deeds office rather than my having to tell this to you here locally." So, it is allowing the municipality to decide and not to second guess how this legislation is to be interpreted, but I guess that many larger municipalities would be more than willing to have this available right at the local assessors office. But, for some of the smaller communities, it might, indeed, be more accessible, if it were in an office that were opened on regular business hours rather than trying to catch a part time assessor and have that information there.

So, basically what this amendment allows is the option of local choice. Many times, as we are here in Augusta, we come under the influence of our lobby groups. I tend to do that myself. I tend to hear from the individuals in the halls and this is the way people think. I think if we remember all of those people that we talk with as we campaign around our districts, we would remember that there is some concern out there for having local control and having the option for local control. I think this is just one small instance where we can provide that option for local control without a great deal of expense and without a great deal of confusion and still not detract from the legislation in any fashion. Thank you.

Senator TWITCHELL of Oxford moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-14).

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

Senator THERIAULT: Thank you Mr. President and Members of the Senate. I wish to say that I hate the original Bill with a passion, and I hope I have an opportunity to vote against it. I equally dislike this amendment. I feel that if this information is available at all, it should be available to all. Thank you.

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

Senator RANDALL: Thank you Mr. President, I request a Division.

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

Senator TWITCHELL: I would like to give you some reasons why I oppose this amendment. When a person goes to the Registry of Deeds office, he brings two forms with him. You have a form that is called a Declaration of Value form. One form is filled out and sent to the Bureau of Taxation and one form is sent back to your local town assessors. The Registry

of Deeds office has no sales information whatsoever as to the price that is on this form. Therefore, over my way, I live out in a rural area and you have to travel hundreds of miles, sometimes, to the County building to find out all of this information. Sometimes you even have to hire a lawyer to find out this information, it is costly. Almost everybody at the hearing was for this Bill. It does speed up the process and I hope you will go with my motion to Indefinitely Postpone this amendment.

THE PRESIDENT: The pending question before the Senate is the motion by Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE Senate Amendment "A" (S-14).

A Division has been requested.

Will all those Senators in favor of the motion by Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE Senate Amendment "A" (S-14), please rise in their places and remain standing until counted.

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

27 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE Senate Amendment "A" (S-14), PREVAILS.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Mr. President and Members of the Senate. I would hope that there would be just a little bit of discussion on this particular issue before we pass this Bill to be engrossed. It is my understanding that, as the law stands now, if I bought a house, that transaction would be recorded at the Registry of Deeds and that information would be sent to the local town assessor for the purposes of assessing taxes. The way this Bill is drafted, it would allow that information at the assessors office to be made public.

I recently bought a house, last May. I feel that information of that particular sale is a matter between the buyer and the seller, between the attorney and the assessor. I was reading the Bangor Daily News this morning, and I noticed there is a big page here called Real Estate Transfers. On that page of transfers, it talks about everybody that has changed property conveyed to so and so, and on what particular date. There wouldn't be too much of a problem to put the sales price of that house next to it. That bothers me because I do not think it is more than a gossip column because right next to it they have the court news. Then right next to that they have the police beat. I don't think that it is anybody's business what the people that are involved in making those big purchases of how much it was. Now, if there are requirements that are on the books at the federal level or at the state level that make it necessary that they have this particular information to do a proper job of appraising them, I stand to be corrected. The fact of the matter is, I think the system that is in place now is good. I don't see any problem with it and I would hate to see this law become in effect in the State of Maine. Mr. President, I request a Division. Thank you.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED.

A Division has been requested.

Will all those Senators in favor of PASSAGE TO BE ENGROSSED AS AMENDED, please rise in their places and remain standing until counted.

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

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, the Bill was PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate

Bill "An Act to Dissolve the Madawaska Hospital District"

S.P. 57 L.D. 124

Bill "An Act to Require Greater Specificity in the Annual Reports of the Maine Health Care Finance Commission"

S.P. 145 L.D. 399

Bill "An Act to Provide a Base-year Budget Correction Adjustment for Hospital Financial Requirements" (Emergency)

S.P. 311 L.D. 913

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

Sent down for concurrence.

Senate As Amended

Bill "An Act Relating to Passing Stopped School Buses"

S.P. 50 L.D. 99
(C "A" S-13)

Which was READ A SECOND TIME.

Senator THERIAULT of Aroostook moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator THERIAULT: Thank you Mr. President, Members of the Senate. First, I wish to apologize for the confusion that I caused yesterday. What happened was that I signed the wrong jacket so it was my error. What I have done for the last two days indicates that we can inadvertently make some errors and this is what happens, quite often, when someone passes a school bus. There are a number of reasons which exists why someone could pass a school bus. The first, and probably the most important, reason is that the school bus driver does not proper alert the traveling public of their intentions to stop. Another reason is the weather conditions much be such that it is impossible for you to stop or even visibility could be so limited that you are not aware of a school bus ahead of you.

Probably the most common reason why someone would pass a stopped school bus is because they are probably day dreaming, and I am quite familiar with that, personally, because I travel around three hundred miles one way every time I come to the capital. There are many times that I am wondering why I haven't gone through Ashland yet and the reason is that I have already been through Ashland. This happens, I'm sure, to all drivers at some point in time. I am sure that does not, in itself, make a criminal nor does it make anyone who inadvertently passes a school bus a criminal. I don't think our laws should treat that as though the offender is a criminal. We would be criminals to do so.

I think that the present law on the books is sufficient to alert us that it is not proper to pass a stopped school bus. In addition to that, the judge has certain discretion in assigning a penalty or fine. Presently, the judge can fine you from anywhere to \$50 to \$500. In addition to that, the Secretary of State has the authority to suspend your license for whatever reason they might have such as repeat offense or whatever. I am quite sure that most people that pass a stopped school bus do not do it intentionally. To illustrate, I know of at least

two incidents where the people that are most concerned with the enforcement of these laws and most concerned with setting the proper example, like State Troopers, have passed a stopped school bus. One happened quite recently another one happened a few years ago in the St. John Valley, and that one was a fatality. It does happen and it is not because it is intentional. Consequently, I think that the penalty should be such that for those individuals that inadvertently without malice or without intent pass a stopped school bus should be handled more gently than those who do it intentionally. Thank you.

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

Senator CAHILL: Thank you Mr. President, Men and Women of the Senate. The reason a school bus is yellow is a warning and it is a warning for all drivers that might not be as attentive as they should be. It is a warning sign, a sign to wake up, to realize, to expect that maybe the unexpected will happen. That is why a school bus is bright yellow. Very briefly, this Bill would make the penalty reflect the severity of the crime or the traffic infraction. The State Police testified that next to OUI, they feel this is the most severe of traffic infractions.

On motion by Senator CAHILL of Sagadahoc, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is the motion of Senator THERIAULT of Aroostook, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

At this time, the Chair noted the absence of the Senator from Androscoggin, Senator GAUVREAU and further excused the same Senator from today's Roll Call votes.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, KANY, PEARSON, THERIAULT, USHER, THE PRESIDENT - CHARLES P. PRAY
NAYS: Senators BERUBE, BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, KERRY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, SEWALL, TUTTLE, TWITCHELL, WEBSTER, WHITMORE
ABSENT: Senator ANDREWS
EXCUSED: Senator GAUVREAU

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent and 1 Senator having been excused, the motion of Senator THERIAULT of Aroostook, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

ENACTORS

LEGISLATIVE RECORD - SENATE, MARCH 25, 1987

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

An Act to Make Lien Fees Consistent for Sewer Assessments and Real Property Taxes

H.P. 138 L.D. 179

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

Emergency

An Act Concerning the Provision of Legal Services by Eligible Law Students

H.P. 148 L.D. 189

(C "A" H-19)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Extend the Sunset Date for Certain Statutes Regarding Harbor Masters

H.P. 246 L.D. 316

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 707
JOINT RESOLUTION IN HONOR OF KEVIN W. CONCANNON
FORMER COMMISSIONER OF MENTAL HEALTH
AND MENTAL RETARDATION

WHEREAS, the State of Maine has made enormous advances over the past decade in the field of mental health; and

WHEREAS, these gains may in a large part be attributed to the commitment of one man, Kevin W. Concannon of Portland, who became the State's first Commissioner of Mental Health and Mental Retardation in 1980; and

WHEREAS, under his outstanding leadership children and adults with mental illness, mental retardation or other developmental disabilities have been given new hope through his sound effective and humane policies; and

WHEREAS, Commissioner Kevin W. Concannon of Portland has earned the respect and esteem of countless numbers across this State and nation and will long be acclaimed for his achievements in mental health; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine, now assembled in First Regular Session, join at this time to honor former Commissioner Kevin W. Concannon for his years of outstanding public service and to express our appreciation of his professional skills, friendship and courteous manner while administering this State in the field of mental health; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and presented to Kevin as a tangible token of the esteem in which he is held.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator BUSTIN of Kennebec, ADJOURNED until Friday, March 27, 1987 at 12:00 in the afternoon.