

# 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

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

In Senate Chamber  
Wednesday  
April 1, 1987

Senate called to Order by the President.

Prayer by Father Christian Roy of St. Bernard's Catholic Church in Rockland.

FATHER ROY: At the beginning of this day, this session and this new month, we pause to once again recognize the eternal presence of God and of His love for those that He especially created in His own image and likeness.

We pause, also, to remember His words to us from sacred scriptures as they appear in a portion of the 145 Psalm. "The Lord is gracious and merciful, slow to anger and of great kindness. The Lord is good to all and compassionate toward all His works. The Lord is faithful in all His words and holy in all His works. The Lord lifts up all who are falling and raises up all who are bowed down."

Lord Jesus, Son of God, bless the Members of the Senate with a positive attitude towards human life, with a compassionate concern for the underprivileged, and with the ability to discern true justice in all their deliberations.

And, again, we turn to the bible this time to a portion of the 107 Psalm. "They cried to the Lord in their distress; from their straits he rescued them. He hushed the storm to a gentle breeze, and the billows of the sea were stilled. They rejoiced that they were calmed, and he brought them to their desired heaven. Let them give thanks to the Lord for his kindness."

Again Lord Jesus, we ask that You stop the rain, that You bless our land with a good harvest and that You take care of our communities in a peaceful way. For this we ask recognizant of the fact that You have asked the gift of the spirit among us, forever. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Provide Increased Penalties for Door-to-door Fraud"

S.P. 325 L.D. 953

In Senate, March 27, 1987, referred to the Committee on JUDICIARY and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

Off Record Remarks

Non-concurrent Matter

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Repeal the Authority of County Commissioners to Order the Repair of Ways Maintained by a Municipality"

H.P. 68 L.D. 71

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-32).

Minority - Ought Not to Pass.

In House, March 24, 1987, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-32).

In Senate, March 27, 1987, Minority OUGHT NOT TO PASS Report Accepted, in NON-CONCURRENCE

Comes from the House, that Body INSISTED.

Senator CLARK of Cumberland moved that the Senate INSIST.

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

Senator GOULD: Mr. President, Ladies and Gentlemen of the Senate. I move to Recede and Concur. This is a local issue, a local home rule control Bill, and I believe the Legislature, in the past, has been on the side of the home rule and I would appreciate your support to Recede and Concur.

Senator GOULD of Waldo moved to RECEDE and CONCUR.

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

Senator BALDACCII: Mr. President, I request a Division and hope you would not support the motion to Recede and Concur.

THE PRESIDENT: The pending question before the Senate is the motion of Senator GOULD of Waldo, to RECEDE and CONCUR.

A Division has been requested.

Will all those Senators in favor of the motion of Senator GOULD of Waldo, to RECEDE and CONCUR, 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.

13 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator GOULD of Waldo, to RECEDE and CONCUR, FAILED.

On motion by Senator CLARK of Cumberland, the Senate INSISTED.

House Papers

Bill "An Act Relating to the Cost-of-living Formula for Retirees under the Maine State Retirement System"

H.P. 749 L.D. 1012

Bill "An Act to Clarify and Amend the Maine State Retirement Law"

H.P. 750 L.D. 1013

Bill "An Act to Provide for the Printing of a Veterans' Directory"

H.P. 751 L.D. 1014

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

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

Bill "An Act to Increase the Appropriation to Municipal School Districts for the Purchase of School Buses"

H.P. 738 L.D. 1001

Bill "An Act to Appropriate Funds to Index Decisions of the Maine Labor Relations Board"

H.P. 740 L.D. 1003

Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife from the General Fund for Complimentary Licenses Authorized by the Legislature"

H.P. 742 L.D. 1005

Bill "An Act to Expand the State Employee Assistance Program"

H.P. 752 L.D. 1015

Bill "An Act to Develop a Pilot Community Reintegration Program for Youth Returning to their Homes from the Maine Youth Center"

H.P. 756 L.D. 1019

Resolve, Relating to Workplace Substance Abuse Education

H.P. 757 L.D. 1020

Bill "An Act to Revitalize the Nongame Endangered Species and Wildlife Program" (Emergency)

H.P. 758 L.D. 1021

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife"

H.P. 764 L.D. 1027

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

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

Bill "An Act to Change the Manner in which the State Seeks Assurance of Motorists' Financial Responsibility"

H.P. 767 L.D. 1030

Committee on TRANSPORTATION suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Require Public Rest Rooms in Certain Businesses"

H.P. 753 L.D. 1016

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

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

Bill "An Act to Enhance Economic Development through Promotion of Film-making in Maine"

H.P. 761 L.D. 1024

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

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

Bill "An Act to Revise the Laws Relative to Reapportionment of School Administrative Districts"

H.P. 741 L.D. 1004

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

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

Resolve, to Direct a Comprehensive Examination of the Health Threat of Radon and its Derivatives upon Maine Citizens

H.P. 760 L.D. 1023

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

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

Bill "An Act to Provide for Staggered Registration of Snowmobiles and All Terrain Vehicles"

H.P. 755 L.D. 1018

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

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

Bill "An Act Concerning Municipal Water Supplies"

H.P. 737 L.D. 1000

Bill "An Act to Require that Persons Operating a Licensed Nursery School or Preschool Meet Certain Qualification Requirements"

H.P. 748 L.D. 1011

Bill "An Act to Require the Health Care Finance Commission to Use Generally Accepted Accounting Principles"

H.P. 769 L.D. 1032

Bill "An Act to Require the Maine Health Care Finance Commission to Pay the Full Cost of Bad Debts"

H.P. 770 L.D. 1033

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 Prevent the Use of Undercover Police Agents and to Regulate the Use of Undercover Police Agents in Labor Relations Matters"

H.P. 754 L.D. 1017

Bill "An Act to Require the Reporting of the Value of Political Advertising when Fairness Leads to the Giving of Equal Time"

H.P. 763 L.D. 1026

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

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

Bill "An Act Concerning the Fees Retained by Municipalities for Processing Certain Licenses"

H.P. 745 L.D. 1008

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

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

Bill "An Act to Expand the Sales Tax Refund for Agricultural and Other Equipment"

H.P. 744 L.D. 1007

Bill "An Act Concerning the Taxation of State Lottery Prizes"

H.P. 746 L.D. 1009

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

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

Bill "An Act to Establish a Moratorium on Land Leases Affecting Tree Growth Classification" (Emergency)

H.P. 743 L.D. 1006

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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

On motion by Senator CLARK of Cumberland, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

Bill "An Act Concerning the Motor Vehicle Registration Requirements for Equipment Dealers" H.P. 747 L.D. 1010

Bill "An Act to Provide Handicapped Plates for Motorcycles" H.P. 759 L.D. 1022

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

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

Bill "An Act Relating to Storage and Transportation of High-level Radioactive Waste" H.P. 718 L.D. 969

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

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

On motion by Senator CLARK of Cumberland, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Ensure that Salaries, Perquisites and Other Compensation of Executives of Regulated Utility Companies are Just and Reasonable and do not Unfairly Increase Utility Rates" H.P. 739 L.D. 1002

Bill "An Act to Encourage Customer Participation in Rate-making Proceedings of the Public Utilities Commission" H.P. 762 L.D. 1025

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

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

Joint Order

The following Joint Order: H.P. 734  
ORDERED, the Senate concurring that the Joint Standing Committee on State and Local Government shall conduct a study including, but not limited to, the following:

1. The nature and extent of air quality problems in state buildings;
2. Current practices in building construction and leasing which inhibit air quality in state buildings;
3. Current lease provisions for state buildings which relate to air quality;
4. The ability of the current health and safety laws and enforcement agencies to effectively deal with the problem;
5. Solutions and remedial measures which can be implemented to resolve the problem, including, but not limited to, the following:
  - A. Revising construction standards for state buildings;
  - B. Imposing specific lease provisions on lessors of state buildings which require compliance with minimum air quality and ventilation standards;
  - C. Enacting into state law standards for air quality and air ventilation consistent with those suggested by the American Society of Heating, Refrigeration and Air Conditioning Engineers; and
  - D. Improving the ability of current health and safety enforcement agencies and mechanisms to

effectively deal with the problem; and be it further

ORDERED, That the committee shall seek the cooperation of all agencies and departments of State Government including the acquisition of information and materials that it needs to effectively conduct its study; and be it further

ORDERED, That members of the commission shall be compensated according to procedures established for per diem compensation for Legislators; and be it further

ORDERED, That the commission shall report its findings, together with any necessary implementing legislation, to the Second Regular Session of the 113th Legislature.

Comes from the House READ and PASSED.

Which was READ.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending PASSAGE.

SENATE PAPERS

Bill "An Act to Amend the Law Concerning the Maine Milk Commission" S.P. 345 L.D. 1037

Presented by Senator DOW of Kennebec  
Cosponsored by: Representative WEYMOUTH of West Gardiner, Representative MAHANY of Easton  
Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Capital Improvements, Major Repairs, Building Purchase Capital and other Special Needs of Community-based Nonprofit, Voluntary Social Services Organizations" S.P. 346 L.D. 1038

Presented by President PRAY of Penobscot  
Cosponsored by: Senator BUSTIN of Kennebec, Representative DIAMOND of Bangor, Representative CONNOLLY of Portland

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

Sent down for concurrence.

Bill "An Act to Promote Technology Development, Product Development, Research and Innovation for Maine Industry" S.P. 353 L.D. 1045

Presented by Senator TUTTLE of York  
Cosponsored by: Senator ANDREWS of Cumberland, Senator KANY of Kennebec, Representative CROWLEY of Stockton Springs  
Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending REFERENCE.

Bill "An Act to Establish a Voluntary Statewide Building Code and Require Basic Written Contracts for Home Construction Work" S.P. 352 L.D. 1044

Presented by Senator BRANNIGAN of Cumberland  
Cosponsored by: Representative RYDELL of Brunswick

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Identify Asbestos as Hazardous Waste"

S.P. 349 L.D. 1041

Presented by Senator WEBSTER of Franklin  
 Cosponsored by: Senator USHER of Cumberland,  
 Representative DEXTER of Kingfield,  
 Representative RICHARD of Madison  
 Which was referred to the Committee on ENERGY AND  
 NATURAL RESOURCES and ORDERED PRINTED.  
 Sent down for concurrence.

Bill "An Act to Ensure Accessibility to Mental Health Services for Deaf Persons"

S.P. 351 L.D. 1043

Presented by Senator GAUVREAU of Androscoggin  
 Cosponsored by: Senator GILL of Cumberland,  
 Representative PINES of Limestone, Representative  
 CONNOLLY of Portland  
 Which was referred to the Committee on HUMAN  
 RESOURCES and ORDERED PRINTED.  
 Sent down for concurrence.

Bill "An Act to Permit Certain Nonprofit Organizations to have Game Machines on Premises when Proceeds are used for Charitable Purposes"

S.P. 350 L.D. 1042

Presented by Senator BALDACCI of Penobscot  
 Cosponsored by: Representative JACQUES of  
 Waterville, Senator TUTTLE of York,  
 Representative MCGOWAN of Canaan  
 Approved for Introduction by a Majority of the  
 Legislative Council pursuant to Joint Rule 27  
 Which was referred to the Committee on LEGAL  
 AFFAIRS and ORDERED PRINTED.  
 Sent down for concurrence.

Bill "An Act to Allow Increased Participation of State Employees in the Electoral Process"

S.P. 348 L.D. 1040

Presented by Senator TUTTLE of York  
 Cosponsored by: Representative ROTONDI of  
 Athens, Senator BUSTIN of Kennebec,  
 Representative BICKFORD of Jay  
 Which was referred to the Committee on STATE AND  
 LOCAL GOVERNMENT and ORDERED PRINTED.  
 Sent down for concurrence.

Bill "An Act to Allow Farm Wineries to Pay Taxes Twice a Month"

S.P. 347 L.D. 1039

Presented by Senator RANDALL of Washington  
 Cosponsored by: Senator PERKINS of Hancock,  
 Representative MOHOLLAND of Princeton,  
 Representative SALSBURY of Bar Harbor  
 Which was referred to the Committee on TAXATION  
 and ORDERED PRINTED.  
 Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Place in the Unclassified Service the Utility Technical Analyst, Utility Programmer Analyst and Utility Accountant II Positions at the Public Utilities Commission"

H.P. 25 L.D. 22

Bill "An Act Relating to Suitable Work Transfers Under the Workers' Compensation Act"

H.P. 351 L.D. 454

Bill "An Act to Permit Certain Young People to Obtain a High School Equivalency Certificate at a Younger Age"

H.P. 380 L.D. 501

Bill "An Act to Require Candidates to Identify Party Affiliation on all Advertisements"

H.P. 482 L.D. 649

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act in Support of Statewide Music Lending Services"

H.P. 261 L.D. 344

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.

The Committee on JUDICIARY on Bill "An Act to Amend the Divorce Laws Regarding Custody to the Department of Human Services"

H.P. 347 L.D. 446

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 As Amended

The Committee on TRANSPORTATION on Bill "An Act to Amend the Law Concerning Handicapped Motor Vehicle Registrations"

H.P. 135 L.D. 176

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-42).  
 Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-42)  
 Which Report was READ and ACCEPTED, in concurrence.  
 The Bill READ ONCE.  
 Committee Amendment "A" (H-42) READ and ADOPTED, in concurrence.  
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Eliminate Voter Registration on Election Day"

H.P. 191 L.D. 235

Reported that the same Ought Not to Pass.

Signed:

Senators:

KANY of Kennebec

ESTES of York

Representatives:

PRIEST of Brunswick

PERRY of Mexico

PAUL of Sanford

MARTIN of Van Buren

JALBERT of Lisbon

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

Signed:

Senator:

DILLENBACK of Cumberland

Representatives:

MURPHY of Berwick

STEVENSON of Unity

HARPER of Lincoln

STEVENS of Sabattus

TUPPER of Orrington

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

Senator KANY of Kennebec, moved that the Senate ACCEPT of the Majority OUGHT NOT TO PASS Report.

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

Senator DILLENBACK: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate. It is always a pleasure to speak to the Senate when you have a Bill that you know is not going to pass. However, I feel that this has to be defended. We had a Bill previous to this, for seven days prior to election, in Legal Affairs that we did not pass. We thought that it would be an impossibility. On this Bill, it is only one day. If you have spoken to your town clerks or registrar of voters, you will find that they would be delighted to have this Bill.

There really isn't a great problem during normal elections, but when we have a referendum or an election where there is a great deal of controversy. You are apt to have bus loads arrive on the day of election. Then there are special elections and they cause problems. It just seems to me that the average person should have enough discipline to be able to register at least one day before an election. It doesn't seem to make sense.

The University students and speciality groups all rush in on the day of the election. I don't think it is right. That is the only position I have to take on this. This, as you see, is a partisan vote and I respect your decision. Thank you.

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

Senator PEARSON: Mr. President. Men and Women of the Senate. This particular Bill has been around for a long time. It always intrigues me as to why anybody would want to put any obstacle, except for the legitimate residency requirement and this type of thing, and age requirements, any obstacle in the path of a voter. Why is it so wrong to allow somebody to register and vote at the last minute? That is better than not doing it at all.

I know that the town clerks, city clerks, registrars of voters are inconvenienced by people who come in at the last minute. But, that is their job. If there is a little inconvenience that they have to put up with in order to further the ends for democracy, then I would say they will just have to put up with it. I have never understood the argument that says they don't want people to register on election day, or the day before, or the day before that. I expect, and I haven't read this Bill, but I would expect there is an exception for the person who has a birthday on that day, there usually is on those kinds of Bills.

You know, we have a deadline that takes place today, on people who want to keep their license plate. I was talking to one of the members of the other body, yesterday and he said there was a long, long line of people down here at the Augusta Motor Vehicles Department, at least a half hour long, to do

that. It is human nature for many of us to put things off until the last day. But, that doesn't mean that it makes it any worse.

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

Senator SEWALL: Thank you, Mr. President and Members of the Senate. I stand to support my colleague, Senator Dillenback, this morning and to explain to Senator Pearson why, exactly I am doing that and why I would want to put an obstacle in the registration to vote that day. Back several terms ago, Bath was in my district and I campaigned door to door and knew the area pretty well. I carried Bath, I think, by three votes as part of my district. After the election, I went and looked at the new registrations, those people who had registered on voting day. I noticed there were a lot of people living at a particular address, that registered on voting day. There were twenty plus new registrations at one home address. It was out by Hyde School, so I assumed, of course, that these people were connected with the school in some way. Perhaps teachers or something of that sort. But, that was not the case. I went and I found the house where these twenty plus people registered. It was a one bedroom residence with one person living in it. I was dismayed by this. I figured that these people had all voted, and I knew they had all registered and they had voted. So, I went back to the clerk and asked if they had checked with these people, and was told that yes, they had all given this one residence in this one bedroom, small house, twenty plus people.

I went back and checked and there was no record of these people. On election day, it was too late to do anything about it. They had registered, the clerk didn't have a chance to check where these people were, where they came from and where they actually lived. The election could have been changed by that. A lot of things could have happened. People could have won and lost elections, and I do not think that is in the best interest of the public and that is why I am supporting Senator Dillenback this morning.

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

Senator KANY: Mr. President and Members of the Senate. Of course, fraud is a crime and that is the way it is, and very few, if any people have ever been convicted in this State for election fraud. I thought it was kind of important to remind people of that. We do have a State where we have people take great pride in voting and in their voting integrity. We do have a grand tradition in this State of trying not to disenfranchise anyone who may have, either moved before or people are often dropped off voting lists for various reasons, whether they have moved within a municipality or whatever.

I think it would be a shame if that person who was dropped off of a voting list, went to vote on an election day, if they could not re-register. I entirely agree with the Senator from Penobscot, Senator Pearson, and I, too, believe very strongly that we make our laws not for the convenience of the government workers at any level, but for our citizens. I encourage you to go along with the motion before you, which is the Majority Ought Not to Pass position of the Committee.

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

Senator DILLENBACK: I am glad the Senator from Kennebec, Senator Kany, brought up fraud because there has been instances where this has happened. Do you think the volunteer who goes to you small town and counts votes, is going to go to court, that the person they gave the ballot to was a person that they

are claiming is creating the fraud. This has happened. The people say "No way, I couldn't be sure it was the same person, a thousand people went by me and I couldn't prove that they created fraud or not." Thank you.

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

Senator MATTHEWS: Mr. President, fellow Members of the Senate. I will be very brief, but there are times that as a State Senator, I find myself shaking my head about the issues that we seem to deliberate on in this Legislature. I did a little checking and I really wish I didn't have to say this, but I feel it is important enough to mention on the floor of this Senate. I did a little checking about the report out of the Committee. It seems that all of the Democrats are against this Bill and the distinguished members of the other party wanted to deprive people the right to vote on election day. There is an issue here, ladies and gentlemen, and that is the Constitution. The very corner stone of that Constitution is the right for citizens to vote. Putting obstacles and denying people that right, denies them the very liberty of citizenship in this Country.

This should not be a Democrat issue and it shouldn't be a Republican issue. It has been in my tenure in this Legislature, over and over again. The countries that wish to deny their citizens the right to vote and participate are all countries we all know very well. Countries who do not believe in the rights of democracy as we do. I have traveled throughout my district in three elections, have gone door to door in all three, and I can tell you that I have met many citizens that for the first time, want to find out what the procedure is in voting.

Yes, there are citizens out there that are not as enlightened as some Members of this Body, that wish to participate and have been motivated to do so on election day. What is wrong with that?

I would just like to read a little quote here, and it taken from Lyndon Johnson. It dealt with another issue of the right to vote. In 1965, a speech on the Voting Rights Act. All of you people in this Body, I am sure are acquainted with the Voting Rights Act. "Many of the issues of civil rights are very complex and most difficult, but above this there can and should be no argument. Every American citizen must have the equal right to vote, there is no reason we can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to insure that right." That is the issue here today, insuring the right of the citizens to vote in this this great nation of ours. I will be voting against this Bill very, very strongly to insure that right. Thank you.

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

Senator CLARK: Thank you Mr. President, Men and Women of the Senate. The pending motion is to Accept the Ought Not to Pass Report from the Joint Standing Committee on Legal Affairs. Many of us who have served here, in the years past, have been around this before. Those of you who are new with us this year, could have heard the same words you are hearing this morning in earlier debates. As a matter of fact, last evening I spent some time going through some files to research the editorials in Maine's papers and found one, the latest being March 17, 1987, from the Gannett Press that is entitled, "Voting, Keep it Simple". They would suggest that there is no good reason why Maine's law allowing voters to register right up and including election day should be repealed. The majority of the

Committee on Legal Affairs concurs. I think it is particularly unfortunate that the signers of a Committee Report come down on either side of the political aisle. That is how it has been in the past, and that is probably how it will be in the future.

This side of the aisle, has voted consistently to retain voter registration privileges for Maine citizens on election day. There is no documented, wide-spread abuse of the system and those of us who serve in public office have an inherent right to pursue any allegations that would support abuse of this privilege of voter registration. Whether or not one is a volunteer or not, and I would submit that there are no volunteers who register voters on election day.

There are election wardens, town clerks, registrars of voters and or people whose names have been submitted by both political parties and who have been called to the polls to work the polls. They earn the might sum of a minimum wage that day, they are not volunteers and they have a job to do and there are times in some communities in our State that I acknowledge that it may be inconvenient as people line up to register to vote.

Maine ranked first among the states, and I quote from the editorial on March 17, 1987, "in terms of the percentage of the voting age population, which turned out for the 1984 presidential election, it is entirely probable that the election day registration law contributed to that record. The Maine system works, in short, by making it as easy as possible for citizens to qualify to vote." While the system, as we acknowledge, may sometimes cause headaches for our town clerks, registrars of voters and other local election officials, the problems are still not overwhelming. The bottom line is that election day registration ought to be framed and is currently framed to encourage the widest possible participation. Maine's current election day registration law does just that. It is as simple as that and we, this Body, this morning, would be wise to preserve it. Join with the Majority Report and Accept the pending motion of Ought Not to Pass. Thank you Mr. President.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate. I think I, like the good Senator from Cumberland, have heard this song before. At each time it has been, I guess, the ogres of my party who have been blamed for disenfranchising or whatever happened to be the case at each point. I am not sure that is the case and I would have to differ a little bit from some of the excerpts that have been used by my good friends today. Because when one becomes disenfranchised there are many methods to approach that. If my vote is nullified by someone's vote who is ineligible, I am disenfranchised. If the count is added or deleted by someone whose vote is ineligible, they are disenfranchised. I think that is the approach that the Minority Report is taking here today.

Each of us got and retained our seats here by the elective process. So we were interested in getting as many votes as were our opponents. So, therefore, each of us are interested in getting votes and we are not interested in turning any of them away. The wars have been fought the laws have been made and whether you reject to a court ruling and you appeal it, or whether you reject to a school ruling or a tax assessment, there is a time frame within which you must act. The Senator from Cumberland referred to this as being a discipline and it probably is. I,



for one, am in an area where there are many people who for one reason or another have crops and are transient, I have enjoyed the plurality in that district and of course hopeful that those who transients would perhaps support me.

I can't tell, but if they are transient and they are registered in another municipality and find themselves on election day there, I will make every effort to do that under the existing laws. In my area, many of the clerks have expressed the exact concern the Senator from Cumberland expressed here today. I find it a little difficult to accept the abuse or, perhaps, the charge that we are not as tolerant or not as interested in votes as the other. I just ask you to consider that to be disenfranchised works many ways. If yours is nullified by someone's whose isn't, then that is just as bad a disenfranchisement as the one who is turned away because he wasn't there in a timely manner to register.

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

Senator CLARK: Mr. President, when the vote is taken, 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 the Members present and voting.

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

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

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

A vote of Yes will be in favor of the motion of Senator KANY of Kennebec, to ACCEPT the Majority OUGHT NOT TO PASS Report.

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, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, THERIAULT, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BLACK, BRAWN, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, WHITMORE

ABSENT: Senators CAHILL, TUTTLE, WEBSTER  
19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator KANY of Kennebec, to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILED, in concurrence.

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

SENATE PAPERS

Bill "An Act to Amend the Approval Deadlines for the Androscoggin and Aroostook County Budgets" (Emergency)

S.P. 355 L.D. 1072

Presented by Senator GAUVREAU of Androscoggin Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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

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

Off Record Remarks

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Provide for an Alternative Motor Vehicle License Plate for Citizens of Maine who wish to have an Undecorated License Plate"

H.P. 44 L.D. 47

Reported that the same Ought Not to Pass.

Signed:

Senator:

THERIAULT of Aroostook

Representatives:

MOHOLLAND of Princeton  
MACOMBER of South Portland  
POULIOT of Lewiston  
SOUCY of Kittery  
MILLS of Bethel  
REEVES of Pittston  
MCPHERSON of Eliot  
SALSBURY of Bar Harbor

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-41).

Signed:

Senators:

DOW of Kennebec  
CAHILL of Sagadahoc

Representatives:

STROUT of Corinth  
CALLAHAN of Mechanic Falls

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

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

SECOND READERS

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

House  
Bill "An Act to Amend the Law Concerning Frequency of Local Option Question Elections" (Emergency)

H.P. 704 L.D. 946

Bill "An Act Relating to Drinking on Public Beaches"

H.P. 706 L.D. 948

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

House As Amended

Bill "An Act to Exempt Municipal Combination Snowplows and Dump Trucks from the Weight Limitations Imposed on Other Highway Vehicles"

H.P. 69 L.D. 72  
(C "A" H-39)

Bill "An Act to Prohibit the Movement of Mobile Homes without Reasonable Assurance that all Drain and Sewer Assessments have been Paid"

H.P. 70 L.D. 73

Bill "An Act Defining Terms in the Manufactured Housing Zoning Laws" (C "A" H-40)

H.P. 187 L.D. 231

(C "A" H-38)

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

Senate As Amended

Bill "An Act Concerning Notice of Evictions for Cause in Mobile Home Parks"

S.P. 59 L.D. 126

(C "A" S-15)

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

Sent down for concurrence.

Bill "An Act to Measure Mileage Payments to Jurors"

S.P. 144 L.D. 398

(C "A" S-16)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

ENACTORS

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

An Act to Recodify the Liquor Laws

H.P. 129 L.D. 155

(C "A" H-23; H "A" H-35)

An Act Regarding Motor Vehicle Accident Reports

H.P. 49 L.D. 52

(C "A" H-36)

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

Emergency

An Act to Validate Certain Proceedings of the Town of Trenton

S.P. 306 L.D. 885

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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 Limit the Party Size to 12 Persons for all Groups Operating with a Guide on Inland Waters

H.P. 599 L.D. 812

(S "A" S-7)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 1 Senator having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Resolve, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve Elementary and Secondary Curriculum to Better Prepare Maine Students for the World of Work (Emergency)

H.P. 726 L.D. 977

Tabled - March 31, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE

(In House, March 27, 1987, Report, pursuant to Resolves of 1985, Chapter 45 and 53, READ and ACCEPTED and the Accompanying Resolve, referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED.)

(In Senate, March 31, 1987, Report READ and ACCEPTED.)

Which was referred to the Committee on ECONOMIC DEVELOPMENT and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

Senator PEARSON: Thank you Mr. President, Men and Women of the Senate. Yesterday, at the Augusta Civic Center, three different Committees heard three different Bills dealing with millions of dollars of concerns. One of them was to increase revenue sharing to local municipalities from 5.1% of all the sales tax and income tax that we now have added into our formula to 7% because of the municipalities losing money and heavy reliance on the property tax.

Another Bill was increased aid to education, chaired by Senator Estes, of York and another Bill was on an increase in circuit breaker on property tax for elderly people in the State. All of those Bills were very important Bills. All of them carried a heavy price tag. People came from all over the State, elderly people, town managers, members of town council, superintendents of schools for those three hearings.

Today's newspaper, the two major newspapers in the State, carry articles on the following: The biggest articles are on the lobster plate, the other biggest article that I have seen in the papers this year, while we have been in legislative session, is on the so-called "Cat Bill". When I go home, people say to me, "Don't you have anything better to do down there than..." and then they will say this and that. As though that were the only thing we were doing here. Now, I notice in the Chamber there is one member of the press, a very able person, as a matter of fact, I think we are blessed with a lot of able people. If not the reporter it is the editorial policy of the papers that bother me.

They are getting the information from these people who are assigned here, but they choose to put on the front page of the paper the lobster plate all the time in my area. The other day the Cat Bill, as though we have not done anything else and are not considering anything else. People back home really think that we are not doing anything else down here except addressing those kinds of Bills. I don't mean to say those kinds of Bills are not important, because they are, but in perspective there are a lot

of other Bills that ought to have some play in the paper too. Bills that have far reaching consequences that they have chosen not to put on the paper. I think while their criticism of us and that we could do a better job is well taken, I think that they could do a better job too. Thank you.

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

SENATE PAPERS

Bill "An Act to Extend the Deadline for Reservation of License Plate Numbers" (Emergency)  
S.P. 354 L.D. 1071

Presented by President PRAY of Penobscot  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27  
Committee on TRANSPORTATION suggested and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE, without reference to a Committee.

On motion by Senator DOW of Kennebec, Senate Amendment "A" (S-17) READ and ADOPTED.

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

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

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

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

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

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Extend the Deadline for Reservation of License Plate Numbers

S.P. 354 L.D. 1071

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency

An Act to Amend the Approval Deadlines for the Androscoggin and Aroostook County Budgets

S.P. 355 L.D. 1072

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

and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator BALDACCI of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease  
Senate called to order by the President.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

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

Off Record Remarks

THE PRESIDENT: At this time, the Chair would like to appoint Senator PEARSON of Penobscot, to serve as President Pro Tem for the Session on April 2, 1987.

On motion by Senator BALDACCI of Penobscot, ADJOURNED until Thursday, April 2, 1987, at 9:00 in the morning.