

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

TABLED - April 30, 1987 by Representative MAYO of Thomaston.

PENDING - Motion of same Representative to Reconsider acceptance of the Majority "Ought Not to Pass" Report of the Committee on Taxation.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Mayo of Thomaston that the House reconsider acceptance of the Majority "Ought Not to Pass" Report of the Committee on Taxation and specially assigned for Monday, May 4, 1987.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

BILL HELD

Bill "An Act to Create a Maine Dairy Stabilization Fund" (H.P. 1015) (L.D. 1368)

- In House, Referred to the Committee on Agriculture on April 28, 1987.

- In Senate, Referred to the Committee on Appropriations and Financial Affairs in non-concurrence on April 29, 1987.

- In House, House Receded and Concurred. HELD at the Request of Representative McGOWAN of Canaan.

On motion of Representative McGowan of Canaan, the House reconsidered its action whereby the House voted to recede and concur.

On further motion of same Representative, the House voted to Insist.

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby the House voted to adhere on RESOLVE, to Compensate Thomas P. Peters, II, Attorney-at-law, for Professional Services Rendered in the Adoption of Benjamin B., Heather B. and Lucas B. (S.P. 287) (L.D. 814) (which was Finally Passed in the House on April 29, 1987.)

(Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-47) in non-concurrence.)

On motion of the same Representative, the House voted to recede and concur.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 23)

Representative CARROLL from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1987 (Emergency) (H.P. 1054) (L.D. 1424) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 23)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1987 (H.P. 1054) (L.D. 1424)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 1 against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1987 (H.P. 1032) (L.D. 1390)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and none against and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Rydell of Brunswick, Adjourned until Monday, May 4, 1987, at ten o'clock in the morning.

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

In Senate Chamber
Friday
May 1, 1987

Senate called to Order by the President.

Prayer by the Honorable Ronald E. Usher of Cumberland.

SENATOR USHER: Let us pray. Father, in heaven, we ask for Your support and Your continued care. We know that by Your gift of free will we are responsible. We ask that we accept that responsibility and be aware of our place in history with our role responsibility and our place as elected officials. We listen to our constituents and continue to exercise our role of responsibility. While in this Chamber, it has noble special light, it has a special responsibility. Let us not close the doors to the needs of the people, nor open the doors to the wishes of those who would be a threat to the state. Give us light and courage. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter
Resolve, to Promote On-site Day Care
S.P. 445 L.D. 1359

In Senate, April 28, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

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

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Provide for State-subsidized Loans or Grants to Owners of Residential Underground Tanks"

H.P. 1034 L.D. 1392

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,300,000 for Pier Reconstruction at the Maine Maritime Academy"

H.P. 1036 L.D. 1394

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Capital Repairs and Improvements to State Facilities"

H.P. 1037 L.D. 1395

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 Authorize Department of Transportation Bond Issues in the Amount of \$26,500,000 to Match Available Federal Funds for Highway, Bridge and Airport Improvements and to Reduce Ground Water Pollution Resulting from the Storage of State and Municipally-owned Highway Materials"

H.P. 1038 L.D. 1396

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.

Pursuant to Resolves

Social Services Transportation Review Committee
The SOCIAL SERVICES TRANSPORTATION REVIEW COMMITTEE, pursuant to Resolves 1985, Chapter 46, ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Social Services Transportation Review Committee"

H.P. 1039 L.D. 1397

Be referred to the Joint Standing Committee on TRANSPORTATION for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on TRANSPORTATION and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on TRANSPORTATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
April 30, 1987

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

State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Joseph N. Williams of Waterville, for appointment to the Animal Welfare Board.

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

YEAS: Senators 3
Representatives 9

NAYS: 0
ABSENT: 1 Rep. Mahany of Easton

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Joseph N. Williams of Waterville, for appointment to the Animal Welfare Board be confirmed.

Sincerely,
S/Zachary E. Matthews
Senate Chair
S/Robert J. Tardy
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Joseph N. Williams of Waterville for appointment to the Animal Welfare Board be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BALDACCI, SEWALL
No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Joseph N. Williams for appointment to the Animal Welfare Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON AGRICULTURE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
April 30, 1987

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Betty Sawyer of Jonesport, for appointment to the Animal Welfare Board.

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

YEAS: Senators 3
 Representatives 9

NAYS: 0

ABSENT: 1 Rep. Mahany of Easton

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Betty Sawyer of Jonesport, for appointment to the Animal Welfare Board be confirmed.

Sincerely,
 S/Zachary E. Matthews
 Senate Chair
 S/Robert J. Tardy
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Betty Sawyer of Jonesport for appointment to the Animal Welfare Board be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BALDACCI, SEWALL
 No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Betty Sawyer for appointment to the Animal Welfare Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 MAINE INDIAN

TRIBAL-STATE COMMISSION
 PO BOX 87
 HALLOWELL, MAINE 04347

April 29, 1987

The Honorable John L. Martin
 Speaker of the House
 Maine House of Representatives
 The Honorable Charles P. Pray
 President of the Senate
 Maine Senate

Dear Mr. Speaker and Mr. President:

In accordance with Title 30 MRSA 6205(5) and Joint Rule 36-A of the Maine Legislature, the Maine Indian Tribal-State Commission met on April 28, 1987 for the purpose of making a recommendation on LD 488. With a quorum present, a motion was made and approved by the required number of votes stating that the Maine Indian Tribal-State Commission recommends to the Maine Legislature the adoption of LD 488.

Please consider this letter as formal notice of the Commission's action.

Sincerely,
 S/John G. Melrose
 Executive Director

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Prevent Abuse of Handicapped Parking Spaces"

S.P. 458 L.D. 1402

Presented by Senator MATTHEWS of Kennebec
 Cosponsored by: Senator ANDREWS of Cumberland,
 President PRAY of Penobscot, Representative
 DIAMOND of Bangor

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

Sent down for concurrence.

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 Permit a Guilty but Mentally Ill Verdict in a Criminal Case"

H.P. 28 L.D. 25

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 Extend the System Development Charge Concept in Relation to Water Districts"

H.P. 293 L.D. 379

Bill "An Act Concerning Raising the Number of Mandatory School Days"

H.P. 457 L.D. 612

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1987 (Emergency)

H.P. 1032 L.D. 1390

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 23.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

(See Action Later Today)

Ought to Pass As Amended

The Committee on TRANSPORTATION on Bill "An Act to Amend the Laws Concerning Extension of Motor Vehicle Registration Expiration Dates"

H.P. 116 L.D. 141

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-78).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-78) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Resolve, to Name the Bridge Crossing the Sabattus River at Lisbon Village the Lisbon Veterans' Memorial Bridge

H.P. 343 L.D. 442

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-79).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-79)

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-79) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning Inspection, Registration and Abandonment of Dams"

H.P. 370 L.D. 484

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

H.P. 1022 L.D. 1376

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.

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 WHITMORE of Androscoggin, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Deny Certain State Funds to Any Person who Refused to Register Under the United States Military Selective Services Act"

H.P. 13 L.D. 11

Reported that the same Ought to Pass.

Signed:

Senator:

DILLENBACK of Cumberland

Representatives:

PERRY of Mexico

MURPHY of Berwick

STEVENSON of Unity

HARPER of Lincoln

JALBERT of Lisbon

TUPPER of Orrington

STEVENS of Sabattus

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

Signed:

Senators:

KANY of Kennebec

ESTES of York

Representatives:

PRIEST of Brunswick

PAUL of Sanford

MARTIN of Van Buren

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-83).

Which Reports were READ.

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

Senator ERWIN: Thank you Mr. President, ladies and gentlemen of the Senate. There will be some people speaking in opposition to this Bill, dedicated, conscious individuals who truly love our great state and nation. They are very capable of presenting their points of view, points of view that will hope to convince you, are wrong.

The bottom line is do you believe we should obey our laws or do we have the right to pick the laws that people will obey and not obey the ones that we do not approve of? Do you think the people who deliberately break the law should be rewarded? L.D. 11, "An Act to Deny Certain State Funds to Any Person who Refused to Register Under the United States Military Selective Service Act", would not prohibit any person from getting funds for his or her education as long as they do not break the law. People may speak for hours saying peace loving, dedicating, law abiding young people would be denied funds for their education, but that is not true. If they are law abiding and register for the selective service, as the law required, they would not have a problem. Some people would say that L.D. 11 would mostly effect the poor and I say to them, prove it. It has been my experience that poor students trying to work their way through college, needing and seeking all the help they can get, are not going to let some person, who perhaps may have some influence, lead them down the path to deliberately break the law. Do you think that any young person from a poor family, who knows that his mother is depriving herself and her family of some of their basic needs to help him or her go to college is going to do something that may jeopardize any badly needed funds.

This Bill is not a test on whether you and I are patriotic, it is a test of rights and responsibility. During this year, we are celebrating the bicentennial of the United States Constitution and the Bill of Rights. If the framers of the Constitution were alive today, they undoubtedly would incorporate a Bill of responsibilities as well.

All of us in this Body have sworn to uphold the Constitution and laws of our great state and nation. It is incomprehensible to me that those of us who have taken this oath can condone and encourage anyone who refuses to obey the law of the land. If you have problems with the law, then I say we should work to change that law. If you want to maintain your rights and liberties then you must shoulder your responsibilities to preserve them. Thank you.

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

Senator PEARSON: Thank you Mr. President and members of the Senate. This Bill has been before the Senate before a couple of times in different sections. It deals with the Selective Service System, and let me tell you before I start out that I am a veteran, and I am proud of it, and I would recommend it to anybody. I am also on the Selective Service Board, so, I have had some training in the Selective Service System.

A Selective Service System is nothing more or nothing less than having a ready system in case that we ever needed a draft. In order to make sure that we had the names and the addresses of those people in case we ever needed a draft, there were certain penalties that were imposed for anybody that didn't sign up for selective service. As any boy in any Maine high school could tell you the certain announcement his freshman, sophomore, junior or senior year that if you are eighteen you have to sign up for selective service. Thirty days before or thirty days after that period of time, not much is done if it is sixty days after, but it is suppose to be done within thirty days. If you don't, there are substantial penalties under the federal law for having failed to do so. Nobody in here is talking about condoning, the words from the last speaker, or encouraging those who refuse to sign up for selective service. Let's get that clear right from the beginning, because you see that is the beginning of those kinds of comments that leave one to talk about being less than wanting to adhere to the laws of this nation. When you use that phrase, condone or encourage, those who refuse to sign up for selective service, it leads to all kinds of bad rhetoric and I don't want to get into that.

The University of Maine Chancellor and all the Presidents of the University of Maine system were before the Appropriations Committee, not long ago, and I asked them the following question, "I would like to have a report from all the Presidents of the University, of anybody that has refused to sign up for selective service on your campus. And, what is the cost of imposing a system like this?" The answer came back to me, first, individually from the outgoing President of the University of Maine at Farmington, who said, "nobody had refused at Farmington." While they couldn't put a specific cost on it they had better things to do in their financial aid office then to have this added to their burden.

Then came an answer from the Chancellor who had paged all the rest of the Presidents of the University System who said, "nobody had refused to sign up for selective service." I went to the selective service people and asked them to give me their records over the last several years and down the records came and it ranked Maine by a

percentage. It said that usually there was an asterisk beside the state of Maine, because it said the figures were so close to one hundred percent that they couldn't be quite figured down. What was our ranking for most of those years? First in this nation, first. Not forty-eighth, like we are so used to hearing, but first. The current figures for the year we are in now are not complete. We don't know exactly what they are going to be, last year it was ninety-nine something percent. Why is this law before us? They told us last time I asked the different campuses and financial aid people that what was going to happen if this law was passed that they were going to have to check out the records of the different individuals and that was going to cost them money for the financial office on those different campuses. What happens if it costs money for those financial aid offices? It means that students get less money and I can tell you who applies for money for financial aid on Universities. It isn't the wealthy it is the poor, of the lower and middle classes.

I can tell you that it isn't a terribly big huge amount of money, but it is some money and it is less money that will go to the students that need financial aid. Is Senator Pearson from Penobscot saying that he is in favor of people not signing up for selective service? I wouldn't be on the Selective Service Board if I felt that way. I wouldn't be a veteran if I felt that way. I think they ought to sign up for selective service. I am just telling you that it is not necessary, right now, in Maine and hasn't been with our history to have this law go into effect. If you were to go in to ask a financial aid, as I have walked several students through it in the last couple of years, and you apply for any federal aid, there is a form that you have to sign, that says that you signed it, you are a male, that you have signed up for selective service. Already you have to do that and now what are they asking for the one thing that Maine has separate, the Blaine House Scholarships, that you do it over again. Why? Why should you have to do it again when you have ninety-nine percent compliance? The figures that will come from the Selective Service Board will say something to the effect that there are two, three, four or five hundred people in the state of Maine who have not signed up for selective service. Let me tell you why those figures are there before somebody gets up and misrepresents them.

The reason they are there is because they try to figure out the male population of Maine at the age of eighteen by looking at drivers' licenses. Some people have drivers' licenses who are not required to sign up for selective service, for example, in my area there are a number of people who have drivers' licenses who are Canadians, that would account for some of the numbers. Prisoners, are not required to sign up for selective service and a number of them have drivers' licenses as they enter prison. So you are going to have an error.

I pointed out to my caucus that one of the figures that came up last year was that Maine has one hundred and one percent compliance, well how do you figure that? Well you figure that because there are a number of people that come in from out of state who are students here in the different universities, or are working here, who are signed up for selective service, but do not have Maine drivers' licenses, so the figures can be tossed around a little bit when you get up close to one hundred percent.

The main reason this bothers me about this Bill, and believe me I would rather oppose any other Bill than this, is because it is not needed. It is not

necessary, there is no cry for it. We are not fifteenth, twenty-fifth or thirtieth in this nation, we are just about at the top. For most of the time we have been on the top. It just bothers my mind to think that we are going to put a Bill in here that defies the ability of students to get money at financial aid offices around this state, because somebody wants them to comply with selective service, which they are already complying with.

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

Senator ESTES: Thank you Mr. President, ladies and gentlemen of the Senate. I sat on the Legal Affairs Committee in hearing when this Bill was presented and in work session it came to my mind that perhaps this is a classic case of a well intended, but unneeded and bad piece of legislation. While arguments of citizenship, allegations and patriotism have been raised, simple put, this law is not needed, as pointed out by the good Senator from Penobscot, Senator Pearson. Just look at the compliance rate among Maine college students, it being one of the highest in the nation with fewer than one percent of those required to register for the draft not doing so. I would add to that information that since 1979, when the selective service registration was first introduced, there has never been a federal prosecution in Maine. This is a good indication that if a problem does not exist that tax payers dollars do not have to be spent to fix it. There is also no evidence to show that this less than one percent of noncompliance even attends college or that they would be applying for financial aid. This Bill calls for a state enforcement of a federal law, which to me sets a bad precedent. Noncompliance of the law is, and should be, enforced by the selective service and the courts, not by the state of Maine.

There presently exists a criminal penalty of up to five years in jail and the former fine of up to \$10,000 has been raised to \$250,000, for those men who do not register for the draft. Will denial of state student aid be any more of a deterrent than this penalty? L.D. 11 says the state may require an applicant to submit written proof of registration prior to the award of a post secondary education grant, loan or scholarship. But this even goes further than the federal law, which requires only a statement from the student stating that he has registered or is not required to register. There will be costs associated with enforcing this Bill, which just duplicates what is already being done by the federal government.

One college administrator who testified before the Legal Affairs Committee, told us that it would cost an estimated \$4,000 a year to administer the requirement for that university alone. The majority of students receiving financial aid can get it from both the state and federal government. L.D. 11 would require financial aid recipients to fill out two different forms, with two different means of verification, which to me sounds like the typical bureaucracy. In this time of fiscal constraint, Maine does not need to duplicate an existing federal regulation. Lastly, and perhaps the Bill's most serious effect, is the question of discrimination that they bring against lower income students. Those most likely to attend our state universities and those most likely to apply for state and federal aid. Wealthier students who have no need for scholarships or state guaranteed loans would, in essence, be exempt from the law. This is not in my mind an issue of patriotism and citizenship, as I said before.

Our position to L.D. 11 does not suggest an approval or offer encouragement to young men who fail to refuse to obey the law that requires them to register. Those who do not register can already be prosecuted. Maine should not be duplicating the enforcement of an existing federal regulation. The attempts of this Bill to connect registration with state financial aid are really unfair and inappropriate. In the editorial in the "Portland Press Herald," earlier this week, I think they summed up this Bill rather nicely, "rather this Bill is an exercise in wasted effort of the state to correct a problem that does not exist to fill a need that simply hasn't been shown." I urge you to defeat this Bill. Thank you.

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

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. We had some recent figures from the national guard, from 1985 to 1986, there yielded 236 in violation, people who were drawing monies from the federal loans. Following notification, 76 of these registers signed right up, the remainder have not yet been heard from and have been terminated. I don't have any great speech presented today, but I have a few thoughts.

I have found, serving in the Legislature, that people can justify any position that they want to take. My position is a little different today. When I was a young student, probably in the third or fourth grade, we had to learn a poem, the poem was written by John McCray in 1915. It went along something like this; in the flanders field, the poppies blow between the crosses row and row, and then the sky, and so forth, the poem went on and on. That made an impression on me as a young student and I bet today they don't teach that poem in school.

Later in life as I went through tribulations, the military service and so forth, I happened to be on the Iwo Jima, and when I left the Iwo Jima there was between eight and nine thousand white crosses there. That left an impression on me, too. I am going to dedicate my vote today to my comrades who I left there. And I feel badly about that. I don't care if there is only one person who doesn't sign up for the selective service, they are not the person that I am going to support. Thank you.

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

Senator KANY: Mr. President and fellow Senators. I'm sure we could all compete on patriotism, I am sure every single member of this Body is a fine patriot. I know my only two sons, immediately on their eighteen birthday, registered for selective service and I am sure all of you find that same situation exists in your families. In fact, I know of no person who has not registered for the draft, neither did anyone else or has anyone else, upon inquiry. Thomas College is in Waterville, where I live, and Thomas College, who is headed by the distinguished former Senator, Cryil Joly, by the way, and was part of that headed by the distinguished former Senator John Thomas, who feels very strongly on this matter and hopes that we will not enact such legislation, in that Thomas College has never come across a single student that did not register for the draft.

We are always talking around here about if it isn't broken, don't fix it. Well in this case, obviously nothing is broken, and therefore, there is nothing to fix. This Bill is basically an old

chestnut that has been around in this distinguished and wise Body which has been the Body of the Legislature to determine that it was not wise to enact such legislation. I hope that we do go along with this as has been stated, the state of Maine is, generally, in ninety-nine percent compliance and the one or two percent who choose not to register for the draft, they do not have the details of if they are students at all, or if they are students, are they high school students. No one knows or has related to us at a lengthy hearing and work session that there is a single college student who would come into this category on this very specific legislation. The federal government has a very major penalty, up to five years imprisonment. And at the same time and along with the five years of imprisonment, a person can be fined for up to \$250,000 for not registering. That is the only change from two years ago, the fine used to be \$10,000. I urge you to go along with the Minority Report. Thank you.

Senator KANY of Kennebec moved to ACCEPT the Minority OUGHT NOT TO PASS Report.

Off Record Remarks

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

Senator ERWIN: Thank you Mr. President, I thought I was watching and listening very closely to the words of the President, when he first said something about moving the Minority Ought Not to Pass Report, did you or did you not say something to that effect. That is why I spoke first, I would have rather had moved the question so that I would have been in position to rebut some of the other speakers.

THE PRESIDENT: In response to the inquiry by the Senator from Oxford, Senator Erwin. The Chair, to move along the issues that we have on the calendar, the Chair understands various Senators make motions, but until an actual motion is made, or if an individual stands up and makes a motion contrary to the one the Chair presupposes, that motion would be the one that carries precedence. Traditionally, and normally, the Chair moves various reports and the Chair understands that various Chairs or members move that the Secretary dispense with the reading of the Report. On one previous occasion, the Chair made that motion and the Senator from Kennebec, Senator Matthews, then stood up and moved that the Secretary read the Resolution, the motion that was made from the floor was the motion that prevailed and not the one the Chair had assumed that a particular Senator would make.

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

A vote of Yes will be in favor of ACCEPTANCE.

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.

Senator RANDALL of Washington who would have voted Yea requested and received Leave of the Senate to pair his vote with Senator SEWALL of Lincoln who would have voted Nay.

ROLL CALL

YEAS: Senators ANDREWS, BRANNIGAN, BUSTIN, CLARK, DOW, ESTES, GAUVREAU, KANY, KERRY, PEARSON, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BERUBE, BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK,

DUTREMBLE, EMERSON, ERWIN, GILL, GOULD, LUDWIG, MATTHEWS, MAYBURY, PERKINS, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE

ABSENT: Senator BALDACCI

PAIRED: Senators RANDALL, SEWALL

11 Senator having voted in the affirmative and 21 Senator having voted in the negative, with 1 Senator being absent, and 2 Senators having paired their votes, the motion of Senator KANY of Kennebec, to ACCEPT the Minority OUGHT NOT TO PASS Report, FAILED.

The Majority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

House Amendment "A" (H-83) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME.

On motion by Senator PEARSON of Penobscot, Senate Amendment "A" (S-49) READ.

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

Senator PEARSON: Thank you Mr. President, this Amendment says everything the Bill says, except it says that the Bill will become effective once the selectives to the compliance for the Selective Service in the State of Maine slips below 90%.

Senator WEBSTER of Franklin moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-49).

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. Compliance with the Selective Service system on a nationwide basis was 85%. This calls Maine to a higher standard and allows for that variable in the percentages that account for prisons that hold drivers' licenses, Canadians and whatever statistical errors there may be with a little bit of a cushion.

It would still acquire us to be one of the very top in the nation and the spinoff of it, and the good part of it is I think, first, it allows everybody to say that they passed something. Number two, it allows people to get money for student aid as they are currently getting it, unless compliance slips below that level.

In other words, you won't be affecting the poor students in the state of \$4,000 that the one university said it took to comply, unless it is necessary to do that, that is when this Bill takes effect.

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

Senator ERWIN: Thank you Mr. President, ladies and gentlemen of the Senate. I urge you to defeat this amendment by voting for the motion to Indefinitely Postpone. Thank you.

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

Senator PEARSON: I would like to pose a question through the Chair to the Senator from Oxford, Senator Erwin, as to why he moved to Indefinitely Postpone this Amendment.

Senator PEARSON of Penobscot requested a Division on the motion to Indefinitely Postpone Senate Amendment "A" (S-49).

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

The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Mr. President, ladies and gentlemen of the Senate. I don't believe I made the motion, however, my objections to it is there is more than one way of killing a Bill. This amendment would have a decided effect upon the Bill. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin to INDEFINITELY POSTPONE Senate Amendment "A" (S-49).

Will all those Senators in favor of the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE Senate Amendment "A" (S-49), please rise in their places and remain standing until counted.

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

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator WEBSTER of Franklin to INDEFINITELY POSTPONE Senate Amendment "A" (S-49), PREVAILED.

Which was PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1987 (Emergency)

H.P. 1054 L.D. 1424

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 23.

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

Which Report was READ and ACCEPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

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

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Provide Unemployment Compensation During Employer Initiated Lockouts, Unfair Labor Practice Strikes and to Displaced Economic Strikers"

H.P. 483 L.D. 650

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide Unemployment Compensation During Employer-initiated Lockouts"

H.P. 1008 L.D. 1355

Signed:

Senators:

DUTREMBLE of York
ANDREWS of Cumberland

Representatives:

JOSEPH of Waterville
MCHENRY of Madawaska
TAMMARO of Baileyville
RAND of Portland
HALE of Sanford
RUHLIN of Brewer
HEPBURN of Skowhegan

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

Signed:

Senator:

COLLINS of Aroostook

Representatives:

WILLEY of Hampden
ZIRNKILTON of Mount Desert
BEGLEY of Waldoboro

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

Which Reports were READ.

Senator DUTREMBLE of York moved the Senate ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

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

Senator COLLINS: Mr. President and members of the Senate. I think that this Bill deserves a bit of an explanation and I would like to tell you how the unemployment tax works, because this is the vehicle by which this suggested payment would be funded. In the first place, the unemployment tax is paid by all employers in the State of Maine, and only by employers. It is used to create a fund that is used to pay people who are looking for work, a weekly payment, which is equivalent to about 52% of their gross average earnings. The law was created especially for that purpose. The unemployment tax is funded not with tax dollars from the general public, not from employee contributions, but entirely from employers. It wasn't intended to fund people who are not working as a result of a labor dispute. Those of you who have been around awhile may recall that in the 1970's, that fund in the State of Maine reached a very low level. As a matter of fact, it was necessary for the state of Maine to borrow federal funds at that time in order to pay the unemployment benefits under the law.

Fortunately, in the recent two or three good years that we have had in this State, that fund has increased in size. Nevertheless, it still should be guarded zealously, and it ought not to be used to fund labor disputes.

I would like also to call your attention, that labor disputes where a lockout may occur are in 3 or 4 or 5 plants of the larger size, in the State of Maine. Employers pay on a sliding scale from 1.9 to 6% of their payroll into the State fund. The reason for that variance between the 1.9 and the 6% is based upon an experience rating that that particular employer has. My great concern here are two things. It looks to me like small employers, fishermen, farmers and people who have relatively small payrolls, will be, in effect, subsidizing the system whereby employees, who are on a strike, or in this case, in a lockout situation, will be funded in part from that other part of the contributors who are not necessarily concerned with the lockout.

The Department of Labor has indicated to us, under certain hypothetical situations, that this could cost the fund, if it were enacted, 3.4 million dollars per year. I think that we ought not to pass this. The fund was never intended for that purpose. We ought to remember that it is an entirely a contribution from employers. I would urge you to defeat the pending motion. Thank you.

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

Senator DUTREMBLE: Thank you, Mr. President and members of the Senate. I just want to point out, very quickly, that the only time that these people collect under this law is when the employer locks them out.

The unemployment system, I always thought, was created to allow those people who want to work, but cannot because of lack of work in their areas, the opportunity to survive during those periods. What we're saying with this Bill is if the employer locks out an employee, then an employee wants to work, that is not really the employees fault. That is the employer denying the job opportunity to that individual. We know it is a labor dispute. In this case, when we're talking about a lockout, where the employer refuses to let the employee to come in and

work, obviously that is just a method to try to starve these people out while trying to get their way in a labor dispute.

Fine, if that is what they want to use as a tool, let them do that. I don't agree with it but, my goodness, if these people want to work and cannot, then I think the employer should be responsible, under the Unemployment Compensation System. I would hope that you would vote along with me on this issue. Thank you.

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

Senator ANDREWS: Thank you, Mr. President. Mr. President, men and women of the Senate. Just a few comments. The legislation, first of all, that we are dealing with is not the original Bill that came before the Labor Committee. It would be important for you to look at the new draft that has come from the Committee, before we vote.

If you do, you will realize that the figure that was presented to us from the good Senator from Aroostook, Senator Collins, is simply incorrect. The new draft defines a lockout in a very specific way that is different from the definition in the original Bill. It makes it very clear that the lockout means an employee cannot get into plant, and the employer is physically closing the plant or informing the employee that there will be no work until the labor dispute has ended. In short, these are employees who are showing up for work, who want to work, but who cannot work because of an action by the employer to lock them out.

The basic premise, a very key ingredient to our Unemployment Law, is that the person be able and available to work. In this case, indeed the workers are able and available and willing to work.

They can't work because of something that was out of their hands. Normally, a lockout. What is important to note, is that the 3.4 million dollar figure which you heard today, applies to the original Bill. It does not apply to the Bill that we are voting on today. The Committee was very clear in its' redrafting of this language, to define lockout so that the information that we receive from the Department of Labor would not, in fact, apply. The information was based on calendar year, 1986, and there were 5 work stoppages in that year, it covered approximately 2,100 employees or .5% of covered employment for the month of March in 1986.

If this Bill were in force now and in effect, the loss from this fund would be Zero. According to the Department of Labor, of the 5 work stoppages that occurred during 1986, and I am quoting [Not one resulted from an employer initiated lockout. Therefore, the cost of the Unemployment Fund would be not 3.4 million dollars, it would be Zero.] Thank you.

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

Senator PERKINS: Mr. President, ladies and gentlemen of the Senate. I thank the good Senator from Cumberland for his information because, in retrospect, it is helpful that it would not have cost the fund anything then. I am worrisome as an employer that because I employ 9 employees and contribute to the fund, that if an employer of 900 people decides that he wants to lockout his employees, that I, as a participant in the fund, will indeed be responsible. In the past few years, you will recall, the fund was overdrawn, and there was an assessment on each of the employers to the degree of their employment, to contribute to solidify or make the system more viable. So, I, as an employer, while I have sympathy for those who are unemployed, have no

choice in the matter. The employer decides to lockout his employees, or for some reason there is a disagreement between the two parties. But, I am liable to the fund to keep this fund viable, and of course will then, in turn be assessed. I am one of the 90% of businesses in the State of Maine, because if you will also recall, the majority of the businesses are small businesses.

While the small businesses would have certainly impacted less, we are liable for the results and the impact of larger ones and would have no choice but to support the fund. While I am sympathetic today, I would object to my liability on this part. Thank you.

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

Senator DUTREMBLE: Mr. President. Ladies and gentlemen of the Senate. I guess the good Senator from Hancock, Senator Perkins, has some good points and it is exactly for those reasons that we also the reason that we should pass this Bill this afternoon. A lockout, in this case, in the same plant that you are talking about, where 900 employees would be out of work and without any money, they would be not spending any money on those small businesses in that area.

We are really concerned about that and we think not only will we be helping those employees maintain some kind of a standard of living while they are out of work, but also they'll have some money in the small businesses, and make sure they are also are able to continue operation in this employer initiated lockout. I understand and I was around when the system was in trouble. I was on that special commission that studied it and came up with some of the problem solving manners that were used to refurbish that system. That is why we call it an insurance system. The whole system itself is shared amongst all employers. If one employer does something, the cost is borne by all employers. We can't help that. That is the way the system was initiated, to make it easier for all employers to have a system they could live with.

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

Senator COLLINS: Mr. President. I would like to perhaps, make a point here that I think we have ignored. I think we all agree that a lockout is part of a labor dispute and is the employers tool that is equivalent to the employees tool when he goes out on a strike. So, where there is a difference and I am readily willing to admit that there is some difference, it is still brought about by a labor dispute. Presumably, the problems that caused that dispute will be resolved. I seems to me that we ought not to change the rules when the original intent of this fund was to provide, not for people involved in labor disputes. That is very clear in the law and it is very clear in the methodology that occurred when the numbers were arrived at. So, I would hope that you would remember, even though you may not be happy with the term, lockout, a lockout does occur from time to time in a labor dispute. It is the tool that some employers use. Sometimes there is a very good reason for it. Sometimes it has to do with jumping the gun before a strike occurs. Perhaps there are perishable commodities involved. Perhaps there are inventories that need to be disposed of. The employer wants to retain some handle on what happens. Or, it may be that the dispute has gotten vicious, if you will, and there is being damage being done inside the plant.

In this case, the employer may elect to have a lockout. Keep in mind, I think, two things. One, it was never intended to fund this type of activity.

Two, all of the small employers, the 90% that the good Senator from Hancock has indicated, are contributors to this fund. There are merchants on the street, are farmers, are fisherman, who will not probably ever be involved in this type of situation, but are helping to supply the money that would fund this proposal. So, I urge you to defeat the present motion.

Senate at Ease

Senate called to order by the President.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

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

On motion by Senator CLARK of Cumberland, by UNANIMOUS CONSENT the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it assigned for SECOND READING:

Bill "The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1987 (Emergency)

H.P. 1032 L.D. 1390

(In House, April 30, 1987, PASSED TO BE ENGROSSED.)

(In Senate, May 1, 1987, READ ONCE and Assigned for SECOND READING, the next Legislative Day.)

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

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act to Provide Unemployment Compensation During Employer Initiated Lockouts, Unfair Labor Practice Strikes and to Displaced Economic Strikers"

H. P. 1008 L. D. 650

Majority Report - Ought to Pass in New Draft under New Title

Minority Report - Ought Not to Pass

Tabled - May 1, 1987, by Senator CLARK of Cumberland.

Pending - the motion of Senator DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

(In House, April 30, 1987, the Bill in NEW DRAFT under NEW TITLE PASSED TO BE ENGROSSED.)

(In Senate, May 1, 1987, REPORTS READ.)

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

Senator WHITMORE: Mr. President. As a small employer, one of those who make up, I guess 95% of the employers in the State of Maine, I too can remember well when the fund was in trouble and we went forth to ask for Federal help to carry us through, what at that time was a deficit, occurring within the Unemployment Insurance Fund, created at that time, I believe, by the shoe industry. As a representatives of Auburn and being quite close to

the loses in the shoe industry, and knowing full well what was going on at that time, I had sympathy for those that were in need.

I also recognized, as an employer, and one who had been fostering good employee-employer relationships over the years, and continue to do so, in fact, of having the honorable distinction of not having any employee drawing against my account, I have always been quite proud of that. There are some people and employers in the State of Maine that are not less than honorable, but have problems that are created through less honorable employer-employee relationships.

Sometimes there are good reasons on both sides to strike. I believe there probably are good reasons to have a lockout. Some of those have already been covered by the previous speakers.

I believe that both sides honestly try to avoid this situation. We talked about lockouts and its' effect on the employees. I think that if we are going to go this far, maybe we should sit back and think about the employer, that in a time of a strike, whose manufacturing capabilities shut down. Are we prepared as a Legislature to pass legislation to off set him for his losses? For the strike that has shut down his manufacturing operation? Which may or may not be due in part to his failure to deal with the other side? Or just because they were hung up over some issues and unable to resolve them. I think if we're going to look at one side, let's not lose sight of the other side. Thank you.

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

Senator DUTREMBLE: Mr. President, members of the Senate. I think there is a difference between strikes and lockouts. In a strike, obviously nobody here is suggesting any employee who is out on strike receive unemployment compensation. I am not suggesting that nor will I ever suggest that.

The difference is, obviously, a strike is created by the employees and the employer can continue his operation with management or can even continue operation with other people who live in the area, as was done at Boise Cascade. By the way, during that continuing of operation by he plant, the employee was receiving no money from anybody. So, if there are economic hardships during a strike, it is brought on by the employee to himself or herself, so they can try to better themselves with the job that they have. I do want to point out a few things.

When a plant shuts down, it does not let every employer in the state pay. It affects the experience rating of the employer that would have to pay the unemployment compensation, under one of the old clauses in the Unemployment Compensation Act, when that occurs. Not all employees and employers would have to pay. Only that one. The experience rating of that employer would be affected. The only other time that other employers would have to be affected by this, is ever as it was in the past, that the trust fund gets so far behind, or in the negative, that all employers have to make up some of the money, such as was done in the past during the Nixon years, when there was so much unemployment.

Twenty-four states have laws like this, including New Hampshire. I know right now, there are at least 75 people who work at Simplex, who used to work at Simplex, who are living in York County, who were glad that particular plant in New Hampshire had this law because they have been out for a long time. A long, long time. I can't even imagine with unemployment compensation, living comfortably, but at least they have had something.

On motion by Senator COLLINS of Aroostook 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 DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

A vote of Yes will be in favor of ACCEPTANCE.

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.

Senator BRANNIGAN of Cumberland who would have voted Yea requested and received Leave of the Senate to pair his vote with Senator SEWALL of Lincoln who would have voted Nay.

ROLL CALL

YEAS: Senators ANDREWS, BERUBE, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, THERIAULT, TUTTLE, USHER, THE PRESIDENT - CHARLES P. PRAY

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

ABSENT: Senator BALDACCI

PAIRED: Senators BRANNIGAN, SEWALL

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, and 2 Senators having paired their votes, the motion by Senator DUTREMBLE to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE Report, PREVAILED, in concurrence.

The Bill, in NEW DRAFT under NEW TITLE, READ ONCE.

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

The President requested that the Sergeant-At-Arms escort the Senator from York, Senator DUTREMBLE to the Rostrum where he assumed the duties as President Pro Tem.

The President then took a seat on the floor of the Senate.

Senate called to order by the President Pro Tem.

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 Relating to the Definition of Insurance Agents' Relating to the Termination of Contracts Between Insurance Companies and Agents"

S.P. 264 L.D. 745

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 Relating to Debtor Relief for Violation of Exemptions"

S.P. 263 L.D. 744

Bill "An Act to Control Points in First Mortgage Transactions"

S.P. 278 L.D. 788

Resolve, Authorizing the State to Convey its Interest in the Public Lots in the Town of Westmanland to the Inhabitants of Westmanland

S.P. 335 L.D. 990

Ought to Pass As Amended

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act to Clarify and Simplify the Maine Consumer Credit Code"

S.P. 177 L.D. 503

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-48).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-48) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Amend the Open Season Fishing Laws"

H.P. 1019 L.D. 1372

Bill "An Act to Clarify Residency Requirements for Servicemen"

H.P. 1020 L.D. 1373

Bill "An Act to Establish a Resident Small Game Hunting License"

H.P. 1021 L.D. 1374

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

House As Amended

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

H.P. 659 L.D. 892

(C "A" H-76)

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

Senate

Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants and the Rehabilitation of Substance Abusing Employees" (Emergency)

S.P. 457 L.D. 1400

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED.

Senate As Amended

Bill "An Act to Provide for a Sales Tax Credit on the Trade-in of Construction Equipment"

S.P. 102 L.D. 275

(C "A" S-46)

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

Sent down for concurrence.

ENACTORS

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

An Act to Facilitate Mutual Aid Agreements Between Municipal Police Departments

H.P. 433 L.D. 579

(C "A" H-72)

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

An Act to Provide Pension Rights to Morris G. Pilot

H.P. 998 L.D. 1344

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

Resolve

Resolve, to Establish a Commission to Study the Feasibility of Constructing a 4-lane Highway from Interstate 95 to the St. John Valley

S.P. 167 L.D. 471
(S "A" S-38)

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

Emergency

An Act to Enhance the Productivity of the Workers' Compensation Commission

H.P. 632 L.D. 855
(H "A" H-75 to C
"A" H-64)

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

Emergency

An Act to Establish the Cost of the 1987 Spruce Budworm Management Program

H.P. 711 L.D. 962
(C "A" H-71)

This being an Emergency Measure and having received the affirmative vote 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, 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 Ensure Timely Adoption of Revised Solid Waste Rules

H.P. 890 L.D. 1191

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

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

ORDERS

Joint Resolution

On motion by Senator THERIAULT of Aroostook (Cosponsored by: President PRAY of Penobscot, Representative MOHOLLAND of Princeton, Speaker MARTIN of Eagle Lake) the following Joint Resolution:

S.P. 467

JOINT RESOLUTION MEMORIALIZING
THE COMMISSIONER OF TRANSPORTATION
TO INCREASE THE SPEED LIMIT TO 65 M.P.H.
ON RURAL INTERSTATE HIGHWAYS IN MAINE

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth

Legislature, now assembled, most respectfully present and petition Dana Connors, Commissioner of Transportation, as follows:

WHEREAS, a 55 M.P.H. speed limit was federally imposed to combat shortages and rising prices during the threat of the 1973 Arab oil embargo; and

WHEREAS, that serious energy conservation effort accomplished its purpose and now should be modified to meet a more realistic level of compliance for modern day travel; and

WHEREAS, improved technology in auto safety and highway construction has led to the decline of highway fatalities since 1946 and that technology continues its advance; and

WHEREAS, the United States Congress has passed legislation authorizing increases in the speed limit; and

WHEREAS, the Maine Commissioner of Transportation has the authority to increase the speed limit in Maine; and

WHEREAS, an increase of the speed limit to 65 M.P.H. on rural interstate highways has the support of the Legislature as it will remove a widespread contempt for a law which no longer serves the public interest; now, therefore, be it

RESOLVED: That we, your Memorialists, do hereby respectfully urge the Commissioner of Transportation to raise the speed limit on rural interstate highways in Maine to 65 M.P.H., a reasonable level which Maine motorists can drive safely and comfortably with, considering the level of technology that exists today; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to Dana Connors, Commissioner of Transportation.

Which was READ.

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

Senator THERIAULT: Thank you Mr. President and members of the Senate. I would like to begin by saying that it really hurts me to stand before you today, principally because one of the sponsors of this legislation is my seat mate on the Transportation Committee, Senator Cahill from Sagadahoc. I probably said that she was a cosponsor of this Resolution, that is not what I meant. I meant that she is a cosponsor of a Bill that is now before the Committee on Transportation, which has to do with raising the present speed limit on certain sections of the interstate up to 65 miles per hour. I would like to say that the majority of the Committee supports raising the speed limit to 65 miles per hour. There was a work session on the Bill, recently, and the Bill has now been encumbered with other factors that have been interjected in the process. First of all, there is an emergency preamble, and you know emergency preambles around here require a two-thirds vote.

In addition to that, the Bill has been encumbered also by raising the maximum fine allowed for speeding from two hundred and fifty dollars to three hundred and fifty dollars. Some of us on the Committee are not in favor of that and, at best, we are going to have a divided report out of that Committee. Consequently, if we have a divided report, it probably means that it would be extremely difficult to get a two-thirds vote, which we would need in order to make this legislation effective now. I think we want to do that before the tourist season.

Consequently, if we would pass this Resolution, this would petition the Commissioner of Transportation to take action on his own, which he has the authority to do, to raise the speed limit on

the interstate to 65 miles per hour. I would urge you to support this Resolution so that as soon as possible we can raise the speed limit on the designated sections of the interstate to 65 miles per hour. Thank you.

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

Senator CAHILL: Thank you Mr. President, men and women of the Senate. It will probably come to no surprise to you, today, that I rise to object to the passage of this Resolution. There is a Bill, as the good Senator from Aroostook, Senator Theriault, mentioned, in the Transportation Committee and we did have a work session as early as ten o'clock this morning and debated the issue of the 65 mile per hour speed limit. The reason I am opposed to this Resolution is because I think that the Bill before the Transportation Committee is adequate.

I know that when the Commissioner of Transportation testified earlier in the week in behalf of raising the speed limit to 65, he also said that it was incumbent on raising the fine schedule as well. I have talked to the Commissioner via the Governor's Office and he is still adamant that the fine schedule be included in that legislation, as is the Governor, and as is the Commissioner of Public Safety. I will oppose passage of this Resolution, I am certainly not in favor of it, but I do remind the Senate that it is a Resolution and does not carry force of law. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Mr. President, ladies and gentlemen of the Senate. As I recall, on the previous discussion of this issue, there was another Presiding Officer at the time and there was a quick handle that was coming down on the gavel and would have, in effect, passed the Resolution and memorialize Congress for the passage of raising the speed limit to 65 miles per hour. I appreciated the courtesy that the President, at that time, afforded the Legislators to discuss the issue. Today, as we address this Resolution, knowing full well that we are currently considering a Bill in Committee and I respectfully agree with the good Senator from Sagadahoc, Senator Cahill, that it should have its full hearing. I know I wanted to attend the public hearing that day, when the Transportation Committee was hearing the Bill, but I was at a hearing over in the Civic Center on hospital containment, I sincerely regretted not being there.

Once again, I would like to briefly state that I would oppose this Resolution also. My primary reason for opposing the Bill, in the past, has been because I think it is, in fact, a myopic public policy. It goes beyond the fines, it goes beyond the convenience of various Legislators or individuals who may want to drive throughout the state at higher rates of speed. But, my opposition stems from the fact that it is not only going to cost more money to the citizens of the state of Maine, for Transportation and other petroleum base costs, but it will also cause a higher increase in the number of lives that will be expended on our highways. I know the Commissioner of Public Safety testified at the hearing, stating that he did not believe that there would be an increase in the number of lives that would be lost on the highways due to this increase in speed. I would respectfully disagree with that issue as well.

My main point would be if you would only look at, and I did not intend to present this to you today, but I think it is important to look at the cost for petroleum products in the state of Maine. Prior to the enactment of the 55 mile per hour speed limit and

other conservation measures and the cost of a barrel of oil coming into this Country prior to the enactment of the 55 mile per hour speed limit in this country. In January of 1981, the cost of a barrel of oil was \$35.00, if you went back to January of 1972 or 1973, the cost of a barrel of oil was around \$3.50.

I know, once again, if we think back to that time frame, it was a long time ago, the point of view is, if you look, that was a ten-fold increase from 1973 to 1981. Let us also look at the recent trends from 1981 to 1987, in 1981 the price per barrel was \$35.00 we were importing approximately 33% of our petroleum products in this Country. In January of 1986 the price of a barrel of oil dropped to \$26.00 and in May of 1986 it dropped down to \$9.50 a barrel. So what has happened the whole psychology of this Country has changed, people are now driving faster, using more petroleum product, they have a short sighted point of view.

Ladies and gentlemen of the Senate, I know that I can count the numbers, I am not going to try to sit here and debate you, unfortunately it would become adnauseam very quickly, especially on a Friday afternoon.

I also would say that in the last nine months, the price of a barrel of oil in this Country has risen to approximately an average of \$17.50 a barrel, up from \$9.50 in January of 1986. That is approximately 100% increase in the cost of per barrel of oil. I would also add that the single greatest conservation measure that this Country has had, not only in saving lives, but in saving valuable dollars in petroleum product has been the 55 mile per hour speed limit. That coupled with the energy conservation measures on better fuel efficiency in automobiles and trucks, etc. has saved our Country virtually millions of dollars in cost. I might say since we are the Senate, and since we set public policy, you might also look at the debate in the United States Senate today on our foreign trade deficit. Fifty to sixty percent of your foreign trade deficit in the seventies and the early eighties was directly attributed to petroleum product consumption. If you think you are not going to face this issue again in the future and if you think because the State of Maine currently consumes nearly 80% of its fuel, heating fuel costs and fuel costs with foreign petroleum product, you will be in a serious, serious dilemma in the next few years. I agree with our good Senator from Sagadahoc in defeat of this Resolution and I respectfully hope that you will vote no. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Mr. President, ladies and gentlemen of the Senate. I stand before you as the Senator from District #5 to speak on the Joint Resolution that has been presented in as a cosponsor of the Resolution. I want to compliment the Senator from York, Senator Kerry, on the expression of his concern in reference to the Resolution that is before us and the particular reasons that he has of being opposed to the Adoption of this Resolution.

Clearly, all of us are concerned about the economic impact that the price of oil has, particularly on those of us in the New England area and of course that dealing with refined products such as gasoline as well.

The reason that I rise, not only as a cosponsor, but with a little bit of concern about the expression of opposition by others based upon the fact that we do have legislation that is pending that would do the same thing. First of all, we don't need legislation, all we need is a Resolution. The Commissioner of

Transportation presently today, right this moment, has the authority to do, to act, what this Resolution is asking him to act.

If we establish a legislative speed limit, and I haven't seen the proposal or am I aware of how the Committee is drafting the language, but if we carried the concerns from the Senator from York, Senator Kerry, dealing with the increase of the price of oil if we had legislation then we would have to call the Legislature either back into session or we would have to have a legislative proposal to change the speed limit under the existing statutes that we have, it says that the speed limits are 45 or otherwise as posted, it was a federal law that lowered the speed limit down to 55 in the first place, the Congress having acted truthfully right after this Legislative Body also in the conjunction with the Legislature as a whole had passed a Resolution to Congress asking Congress to act on the 65 mile per hour highway allocation act which included the 65 mile per hour speed limitation. If we came under an emergency situation, such as that, which the Senator from York, Senator Kerry, referred to it would be far better to leave the control of authority in the hands of the Commissioner then it would be to set it in statutory language. So, one, I think it would be better to pass a Resolution then it would be to wait for the legislation which is now from what I hear from comments being encumbered by other concerns, as an example as the increasing of fines, the emergency preambles and such. I think that taking the line away from the grand ole party that time and time again we hear the statement let's not offer needless legislation if there is another way to do it, let's do it. Here is the example. We don't need a legislative document, here is an example of how we can act as a Body without passing needless laws. Thank you.

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

Senator MATTHEWS: Thank you Mr. President, I would like to pose a question through the Chair. My question is to those who support this Resolution. If the Commissioner now has the authority to do this and if the Governor supports the 65 mile per hour speed limit, then why can't it already be done and doesn't this make this Resolution unnecessary?

THE PRESIDENT PRO TEM: The Senator from Kennebec, Senator Matthews, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President, men and women of the Senate. The Commissioner said before our Committee during the public hearing, by the way he was asked that question specifically, that he would not raise the speed limit unless he got a clear indication from the Legislature. Thank you.

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

Senator CAHILL: Thank you Mr. President, ladies and gentlemen of the Senate. Just one more clarification of this matter. While the Commissioner does indeed currently have the power to raise the speed limit he does not have the power to put the fine schedules up. The Governor, the Commissioner and the Commissioner of Public Safety feel that this is one in the same issue, that the issue is combined. If we up the speed limit we should also include an increase in the fine schedule.

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

Senator TUTTLE: Mr. President, men and women of the Senate. I will be brief because I don't want to belabor this issue. I will be voting against the pending motion to adopt this Joint Resolution. Not so much that I am oppose to the 65 mile per hour speed limit, but that I think it is an inappropriate action and an inappropriate way for us to deal with this issue. We have a Bill in Committee, we have a legislative process presently working. I think to not allow the Legislature and the process to work it is sort of circumventing the law and the whole issue. I think by passing this Resolution we are not only doing a disservice to this Legislature but also to the people of the state of Maine.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, ladies and gentlemen of the Senate. I apologize for the lateness of the hour on a Friday afternoon, because I will admit I have far better things to do then to discuss the Resolution that is before us, that is important to me as a citizen of this state and being able to afford to be here. I am little concerned about the comments of the previous speaker that we are circumventing the process, that is not true, that is an inaccurate statement. This is part of the process, this process anyone has the opportunity to offer a Joint Resolution which can tell any Department and express a desire by the Legislature for action to be taken of which they have the authority to take. It does not circumvent the legislative process, it utilizes the legislative process without the incumbent of statutory action or law. I don't want anyone to get a misinterpretation that there is something sneaky going on here.

I think that the expression or the concerns of those of us who sponsored this, if the federal act has allowed the Commissioner that authority then he should exercise it. The concerns as to why the Governor and why others have not taken the action I think is rather obvious.

Similar to the Governor's address to the State of the State, when he said when it came to funding the program that he was looking for the Legislature to partake in that part of the process. Well, what the Governor or others may want to do is have the Legislature be in the ones that are accountable and responsible for the action, and a lack of action by the Administration and I refer to the Administration in this instance as being the Commissioner of Transportation while he does presently have the authority to act, which is just the opposite of what the good Senator from York, Senator Tuttle, is referring to, is the sneaky approach to take, using my own terminology of the word sneaky.

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

Senator DOW: Thank you Mr. President, just to clarify a couple of things that might need clarifying this morning is that as the Bill is now, apparently it is not needed. I asked that question in the first place. Anytime that I have ever had a Bill in front of this Legislature and found out later that it wasn't needed, we stopped the Bill from going through the whole process. We have a Bill in the Committee that we can attach the speed limit to, to increase it if you want it. Another reason, one of the reasons I didn't get up of course, is because the Bill is going to come out of Committee divided. I am not in favor of increasing the speed limit and so that if, in fact, the majority of you want to increase the speed limit, where the Bill we are working on right this minute, only needs a majority. If you want an emergency, which is on the Bill, maybe it is better

to go with the Resolution, then it is to wait for the Bill that is not needed. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you Mr. President, if the Sergeant-At-Arms would protect me from the possibility of an attack by Senator Gill, I would appreciate it. I must rise to speak once again only because I feel as I read through this Resolution and I think of the spirit of this Resolution and although it is true that the President of the Senate or the good Senator from Penobscot, says that it does not circumvent the process. But, I would say that it may possibly be colored by the language of circumvention in the sense that it may not be consistent. As the Resolution states that there is a widespread contempt for the law that no longer stirs the public interest. If we look at the widespread contempt of the law it means that this law is not being enforced at 55 miles per hour by our current standards. Obviously, if the speed limit goes to 65 miles per hour and the penalties remain the same as they were for 55, and people are driving at 75, will there not be even greater contempt of the law?

The logic that the good Senator from Sagadahoc, Senator Cahill, presented to the Senate was that yes there may be people in this Body who are in favor of increasing the speed limit to 65 mile per hour, but there were individuals who believe that there should be stronger penalties for those who violated the law.

Therefore, enhancing respect for the law. I respectfully submit that, in fact, we increase the speed to 65 by Resolution or any other measure without having greater restrictions or penalties that people will fragrantly disregard the law.

I also respect the opinions of this Administration in terms of the Commissioner of Public Safety and the Commissioner of Transportation who have indicated that they do not want to do this without having greater penalties apply. I think it is only prudent public policy to discuss and debate this in a broader fashion that through a Resolution on the floor of the Senate. I do agree with the good Senator from Penobscot that it may be appropriate. I think I would have to agree with the Senator from York, Senator Tuttle, who stated that this might mean more fully debated if we looked at the Bill. Therefore we defeated this Resolution and therefore I respectfully hope that we do defeat this Resolution. Thank you.

On motion by Senator USHER of Cumberland 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 ADOPT the Joint Resolution.

A vote of Yes will be in favor of ADOPTION.

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 BRANNIGAN, CLARK, DILLENBACK, ERWIN, KANY, PEARSON, PRAY, THERIAULT, THE PRESIDENT PRO TEM - DENNIS L. DUTREMBLE

NAYS: Senators ANDREWS, BERUBE, BLACK, BUSTIN, CAHILL, COLLINS, DOW, EMERSON, ESTES, GAUVREAU, GILL, GOULD, KERRY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE

ABSENT: Senators BALDACCI, BRAWN, SEWALL
9 Senators having voted in the affirmative and 23

Senators having voted in the negative, with 3 Senators being absent, the motion of Senator THERIAULT of Aroostook to ADOPT the Joint Resolution, FAILED.

The President Pro Tem requested that the Sergeant-At-Arms escort the Senator from Penobscot, Senator PRAY to the Rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from York, Senator DUTREMBLE to his seat on the Senate floor.

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 Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1987

H.P. 1054 L.D. 1424

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.

Off Record Remarks

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 Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1987

H.P. 1032 L.D. 1390

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.

ORDERS OF THE DAY

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

Bill "An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants and the Rehabilitation of Substance Abusing Employees" (Emergency)

S.P. 457 L.D. 1400

Tabled - May 1, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, May 1, 1987, READ A SECOND TIME.)

On motion by Senator DUTREMBLE of York, Senate Amendment "A" (S-50) READ.

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

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. For your information, this amendment takes off the emergency off the Bill. When we originally worked on this Bill we thought we had unanimous consent in the Committee, where we don't, I don't think we are going to be able to get the emergency clause, so this takes off the emergency.

Senator CAHILL of Sagadahoc requested a Division on the ADOPTION of Senate Amendment "A" (S-50).

THE PRESIDENT: The pending question before the Senate is the motion of Senator DUTREMBLE of York to ADOPT Senate Amendment "A" (S-50).

A Division has been requested.

Will all those Senators in favor of the motion of Senator DUTREMBLE of York to ADOPT Senate Amendment "A" (S-50), please rise in their places and remain standing until counted.

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

14 Senators having voted in the affirmative and 12 Senators having voted in the negative the motion by Senator DUTREMBLE of York to ADOPT Senate Amendment "A" (S-50), PREVAILED.

Which was PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

On motion by Senator PEARSON of Penobscot, ADJOURNED until Monday, May 4, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
60th Legislative Day
Monday, May 4, 1987

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend George E. Curtis, III, Stillwater Federated Church, Old Town.

National Anthem by the Gray-New Gloucester High School Band, Gray.

The Journal of Friday, May 1, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:
THE SENATE OF MAINE
Augusta

May 1, 1987
The Honorable John L. Martin
Speaker of the House
113th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of Betty Sawyer of Jonesport for appointment to the Animal Welfare Board.

Betty Sawyer is replacing Harold Higgins.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate
Was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
Augusta

May 1, 1987
The Honorable John L. Martin
Speaker of the House
113th Legislature
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, the Governor's nomination of Joseph N. Williams of Waterville for appointment to the Animal Welfare Board.

Joseph N. Williams is replacing Bradford Tait.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate
Was read and ordered placed on file.

Bill "An Act to Prevent Abuse of Handicapped Parking Spaces" (S.P. 458) (L.D. 1402)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.

Unanimous Ought Not To Pass