

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

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

In Senate Chamber  
Wednesday  
June 3, 1987

Subsequently, House Amendment "B" was adopted.  
The Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

(Off Record Remarks)

The Chair laid before the House the following matter: Bill "An Act Relating to Adult Education" (H.P. 893) (L.D. 1194) (C. "A" H-201) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative O'Gara of Westbrook, under suspension of the rules, the House reconsidered its action whereby L.D. 1194 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-243) to the Bill and moved its adoption.

House Amendment "A" (H-243) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Ingraham of Houlton, Adjourned until Thursday, June 4, 1987, at nine o'clock in the morning.

Senate called to Order by the President.

Prayer by the Honorable Mary-ellen Maybury of Penobscot.

SENATOR MAYBURY: Let us be in the spirit of prayer. As we gather together this morning, let us be ever mindful of our great responsibilities to all the people of the grand state of Maine. Grant us wisdom to know the issues and courage to stand up for our convictions. We thank You for all You have given us and ask that You sustain us in these last few days of setting policy amongst conflicting views. In Jesus name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, Creating a Watershed District Commission

S.P. 261 L.D. 742

(H "A" H-180; S "A"

S-118 to C "A" S-65)

In House, June 1, 1987, FINALLY PASSED.

In Senate, June 2, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65) AS AMENDED BY HOUSE AMENDMENT "A" (H-180) AND SENATE AMENDMENT "A" (S-118), thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-65) AS AMENDED BY SENATE AMENDMENT "A" (S-118), thereto in NON-CONCURRENCE.

On motion by Senator TUTTLE of York, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

SENATE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing the Sale of Certain Public Reserved Lands

S.P. 480 L.D. 1443

(C "B" S-117)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-116).

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-117).

In Senate, June 2, 1987, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-117).

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) in NON-CONCURRENCE.

Senator USHER of Cumberland moved to ADHERE.

Senator LUDWIG of Aroostook moved to RECEDE and CONCUR.

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

Senator LUDWIG: Thank you Mr. President, men and women of the Senate. By way of explanation, I would just like to let you know that the Committee on Energy and Natural Resources has agreed or found a compromise for almost everything which has come

before us this year. Perhaps if we had more time on this particular issue, during the last few hours of deliberation, we would have found a compromise here. As you can see, the split was quite close, but the majority decided to go for Committee Amendment "A", because they were unhappy with the information they had been able to receive on one of the five pieces of land under consideration for sale by the Bureau of Public Lands. We had no problem with four pieces, which seemed to fit into a definite pattern. But we felt that in the interest of time, rather than passing a flawed Bill, we would like to remove the Carrabassett Valley piece of property from the package. Primarily because we were not dealing with a small piece of land here, but 12,000 acres or more, which the town of Carrabassett already has a thirty year lease on with twenty years left to go and we would be selling the property at \$300 an acre to a town which has three hundred inhabitants.

It didn't seem to make sense, we didn't see the need for the Carrabassett Valley piece of property, which happens to abut the Sugarloaf area, to be included with these other parcels for which there is a very real and practical need. We don't want to see the Bill, as a whole, killed, but we do feel that the Carrabassett Valley issue can be handled at a later date when there is more time to get the answers that we need. Thank you.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. I would like to support the motion of the good Senator from Aroostook, Senator Ludwig, that we Recede and Concur. I confess that I have a very parochial interest in this Bill. It is a Bill that bears my name on it, it includes several parcels of land and the parcel that I am most concerned about is in the town of Westmanland. In this Bill, it provides for the sale of sixty-six camp lots on little Madawaska Lake. At the present time, there are sixty-six cottages on these lots and they lease the land from the state. The idea of selling the lots is not a new one, the Bureau of Public Lands, the town of Westmanland and the cottage owners association have worked now for about three years to put together an agreeable and acceptable package. The land would generate to the state a total of \$227,000, which is the appraised value of the property. The property is really of no interest to anyone other than the camp owners. It is not suitable for public use, all of the lots abut each other and are used as private cottages. The road that leads into this settlement of cottages is a private road that was built by the camp owners. It arrives at a dead end, there is no public access to the water, the lake has about all of the existing pressure that it can stand at the present time. It seems to me only fitting that after this effort on the part of the Bureau of Public Lands, the camp owners and the town of Westmanland that these people ought to have the opportunity to purchase this property. I am sure you all are aware that the proceeds from the land sale will go into the state land trust and will be used to purchase other land that has a more suitable public value and interest. So, I hope today that you will join me in voting to Recede and Concur so that we can proceed with this sale that is in so much in the interest of these sixty-four people and really of substantial interest to the state of Maine, as a whole. Because it will permit the state to acquire a more suitable tract of land. Thank you Mr. President.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. I find myself in an unusual situation here today opposing the good Senators from Aroostook on this matter. I want to bring a few points to the attention of the Senate here today. Either report, either to Recede and Concur today, as has been suggested, or to Adhere could very well do what the concerns of the Senators from Aroostook have.

The Westmanland section of the Bill is contained in both A and B. The question is whether we ought to include the Carrabassett Valley area. I have served here eight years, to my knowledge there has never been a divided report from the Committee on Energy and Natural Resources on an issue dealing with land sales. From my eight years here we have had hundreds of acres of land that have been exchanged and that is what we are talking about today, particularly in my district alone. The history behind this is over the years some of the paper companies in the state allowed land to be leased on lakes. True, what happens is that if a guy builds a twenty thousand dollar camp or whatever it might be on one of these lakes some place and the state, through acquisition, through trading, get a hold of this land. Obviously, as the good Senator from Aroostook has said, the land is controlled by the state, but really it does not have public access. So, what has happened over my time here we have on these areas in the state where a camp has been built on a lake some where, the state has agreed to sell that, take the money, put it into a fund and buy more land.

What we are talking about here today in Carrabassett Valley, which is in my district, is selling a believe it is 1,200 acres, or what ever it is, it is a large number of acreage, the point is, we are talking about selling a large area of land. The people of Carrabassett Valley agreed to buy this land. To be honest with you, the land is going to be, with the lease that the state is going to require, completely developed over there and it is going to be tied up. What we are talking about is a state gaining control of another 2,000 acres some where, because they are going to take the money, the three hundred dollars per acre or what ever it is, and buy another 2,000 acres some where else in a large tract for public access. Let me tell you something, I don't believe that land in Carrabassett Valley is ever going to be any more publicly accessible than it is now. It is always going to be the same because the lease that we have here, the lease that the town has agreed to sign, is so restrictive that some people, as I say, will question as to whether Carrabassett Valley ought to even get into that. Because they can't do anything with the land except to use it for public access.

So, what we are talking about, in my opinion, is a chance for the state to pick up an additional couple thousand of acres some place at no additional cost to the taxpayers. One of the things that frustrates me about this process is that we must never forget that we have two distinct Legislative Branches, the House and the Senate. I would argue that the Senate does not always have to agree with the House or the House with the Senate. There are personalities always involved in these processes. Most of you understand the situation here today. I say that this Body should continue on with the decision that we made that this is good policy. We should adhere and if the entire Legislature and the other Body decides that they don't agree with our position that let it so be. This issue can come back again next session. I believe that this is a good

public policy for the state and I would ask you to vote against the motion to Recede and Concur.

Senator WEBSTER of Franklin requested a Division.

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

Senator USHER: Thank you Mr. President and members of the Senate. As you have heard from the previous speakers, you know what the issue is. This issue is to accept Carrabassett or to delete it from the Bill. The Bill has five different parts to it, the only one we are discussing this morning is the Carrabassett Valley. There are 1,243 acres involved and also involved is about \$372,000, which will go to the Public Lands Division to purchase land accessible and to be used by all of the people of Maine. Presently, there is a thirty year contract, which you have heard, and they have about twenty years left on this contract. In part of the contract, they state that they will pay rent to the state providing they make a profit, which they never have, and they doubt if there will ever be a profit. Part of the new restrictions that go with this sale, if it is completely, is to allow them to provide a parking area up to fifteen acres. No more than fifteen acres. It is a very large recreation area in that section and also the Bureau of Public Lands has allowed them to build a pond where they can have trout fishing. Presently, they have cross country skiing, they have skating and now in the summer they want to provide trout fishing, so it is going to be a four season recreation area.

The state receives no money to date, there is a chance to receive \$372,000 to purchase land in another location of the state and I think the Bill is very simple. The Public Lands Division did an excellent job on all five of these proposals and I think that we should proceed with this. Two years ago, we approved the sale of public lands on route 27, which is right next to this same area, and we had no problems. This is an additional amount of land to complete the program.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I concur with the Senator from Cumberland, I think he is absolutely right. The amendment B, also covers the people who have the lake shore frontage, so I don't see that they are going to lose anything here. The thing that bothers me about it is I hate to see people buy shore frontage land for \$3,000, sometimes I wonder about that. They build these cottages on the lake shore, I don't know why the people couldn't use it, but I don't object to it if that is what you want to do. It is appropriate, I think, for us to let a community buy the property for recreational purposes and put the money into other lands that people in the state can use. Thank you.

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

Senator KANY: Thank you Mr. President and members of the Senate. I rise to support the Recede and Concur motion. It is my understanding from talking to a number of people that, that acreage in the Carrabassett Valley is prime recreation land and although the state would receive almost \$400,000 if it were included in the sale that perhaps the state could get up to 6 million dollars of that prime recreation land, since it is almost 1,400 acres. I would hope that we would not go through with that portion of the sale at this time, but perhaps in the future could get closer to the fair market value for all the citizens of the state who currently own that land instead of just getting that reduced amount of

less than \$400,000. So, I urge you to go along with the Recede and Concur motion and save the exchange that everybody can agree upon in that Committee.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. I would like to pose a question through the Chair. I am concerned about previous statements that this land was worth 6 million, I have heard that it was worth 2.5, I have heard it is worth a million dollars. My question is, is there anyone in this Body who is advocating that we ought to take that land and sell it. It is being used now for public use, the people in Franklin County use that land to cross country ski. The people in Maine have the option of using that if they want to go to Carrabassett Valley and want to stay in a motel up there and use the land, it is available to everyone in the state to use. Is there someone here, in this Body, advocating that we sell that land and make condominiums? Is that is what the suggestion is here today? I would suggest that probably isn't the question. I would like to know that if this land is worth so much and we are going to tie it up forever through this lease, then why would we not want to do that? Are we suggesting that we ought to sell this land, if it is worth 2 million dollars? We have Bills here today before this Legislature to buy more land. Are you suggesting we ought to take this and sell it now?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate. I am familiar with that property too and have been up to the Carrabassett Valley touring center numerous times and I also, like the good Senator from Franklin, would like to see it continue in public hands, whether it be at the municipal level or at the state level. My objection is selling to the municipalities at way, way, way, way below the fair market value. I believe that it is unfair to all the citizens of the state. I hope it is sold eventually perhaps to the municipalities, but not at such a reduced price. It isn't fair to the taxpayers of all of the state who currently own that land. That would be objection.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. It is apparent, I think, from the discussion that has occurred that the area of disagreement in fact is the Carrabassett sale. It seems to me that if we want to continue to think and decide about that at a later date, we ought to properly divorce that from the rest of the sale. It seems to me that there is no objection, as the good Senator from Aroostook, Senator Ludwig, has pointed out to the balance of the sales that would occur if we were to Recede and Concur. So, I would, once again, ask the Senate to adopt the motion to Recede and Concur. Thank you.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator LUDWIG of Aroostook to RECEDE and CONCUR.

Non-concurrent Matter

Bill "An Act to Ensure the Availability of Group Accident and Sickness and Health Insurance to Retired Teachers"

S.P. 570 L.D. 1703

In Senate, May 29, 1987, PASSED TO BE ENGROSSED.  
 Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-233) in NON-CONCURRENCE.  
 On motion by Senator BERUBE of Androscoggin, the Senate RECEDED and CONCURRED.

Joint Orders

The following Joint Order: H.P. 1268  
 ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to the House relating to tax exemptions.  
 Comes from the House READ and PASSED.  
 Which was READ and PASSED, in concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act Relating to Moorings for Nonresidents"

H.P. 685 L.D. 926

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

H.P. 745 L.D. 1008

Bill "An Act to Lower Milk Prices by Regulating Maximum Retail Milk Pricing Margins"

H.P. 1184 L.D. 1614

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Aggregate Limit on Insured Mortgage Loans to \$95,000,000

H.P. 1221 L.D. 1665

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Insurance Code Regarding Rates and Rating Organizations"

H.P. 1160 L.D. 1586

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-226).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-226)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-226) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act Relating to Refusal to Appear and Taxable Wages under the Employment Security Law"

H.P. 1161 L.D. 1587

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-227).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-227) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify the Home Rule Authority of Municipalities" (Emergency)

H.P. 384 L.D. 506

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-231).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-231)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-231) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Insure the Preservation of the Right to Keep and Bear Arms

H.P. 484 L.D. 651

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-230).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-230)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-230) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Make the Director of Safety a Major Policy-influencing Position"

H.P. 1044 L.D. 1407

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-229).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-229) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

The Committee on LEGAL AFFAIRS on Bill "An Act to Prohibit Candidates from Receiving, Witnessing or Accepting Absentee Ballots"

H.P. 1058 L.D. 1433

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

H.P. 1254 L.D. 1712

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-217).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-217) READ and ADOPTED, in concurrence.

The Bill in NEW DRAFT, as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Joint Order Relative to Recalling Bill "An Act to Clarify the Description of Crooked River in Cumberland County and to Extend Special Protection to Outstanding Rivers to the Crooked River" (S.P. 38) (L.D. 26) from the Legislative Files to the Senate (S.P. 504)

Have had the same under consideration and ask leave to report that the House Recede from Failing of Passage and Pass the Joint Order in concurrence; that L.D. 26 be recalled from the Legislative Files and the sponsor of the Bill be granted "Leave to Withdraw."

That the Senate Recede and Concur with the House.

Signed on the part of the House:  
Representative MICHAUD of East Millinocket  
Representative COLES of Harpswell  
Representative DEXTER of Kingfield

Signed on the part of the Senate:  
Senator USHER of Cumberland  
Senator CLARK of Cumberland  
Senator BLACK of Cumberland

Comes from the House with the Conference Report READ and ACCEPTED and the Joint Order PASSED in concurrence and the Leave to Withdraw Report READ and ACCEPTED in NON-CONCURRENCE.

Which Report was READ.

Senate at Ease

Senate called to order by the President.

Which Report was ACCEPTED, in concurrence.  
The Senate RECEDED and CONCURRED.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Broaden the Duties of the Commission on Governmental Ethics, Election Practices and Legislative Matters to include Legislative Bill Review to Review Bills Proposed to the Second Regular Session of the Legislature"

H.P. 953 L.D. 1282

Reported that the same Ought Not to Pass.

Signed:

Senators:

BALDACCI of Penobscot  
GOULD of Waldo

Representatives:

CARROLL of Gray  
BOUTILIER of Lewiston  
ANTHONY of South Portland  
BICKFORD of Jay  
HUSSEY of Milo  
STROUT of Windham  
LOOK of Jonesboro  
LACROIX of Oakland  
ROTONDI of Athens

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

Signed:

Senator:

TUTTLE of York

(Representative WENTWORTH of Wells Abstained)

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

Which Reports were READ.

On motion by Senator BALDACCI of Penobscot, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Encourage Cities and Towns to Display the Prisoner-of-war and Missing-in-action Flags"

H.P. 1085 L.D. 1476

Reported that the same Ought to Pass.

Signed:

Senators:

TUTTLE of York  
BALDACCI of Penobscot  
GOULD of Waldo

Representatives:

BOUTILIER of Lewiston  
HUSSEY of Milo  
CARROLL of Gray  
STROUT of Windham  
LOOK of Jonesboro  
BICKFORD of Jay  
ROTONDI of Athens

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

Signed:

Representatives:

ANTHONY of South Portland  
LACROIX of Oakland

(Representative WENTWORTH of Wells Abstained)

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Change the Name of the Bureau of Civil Emergency Preparedness to the Maine Emergency Management Agency"

H.P. 1194 L.D. 1626

Reported that the same Ought to Pass.

Signed:

Senators:

TUTTLE of York  
BALDACCI of Penobscot  
GOULD of Waldo

Representatives:

BICKFORD of Jay  
BOUTILIER of Lewiston  
STROUT of Windham  
CARROLL of Gray  
ANTHONY of South Portland  
HUSSEY of Milo  
LOOK of Jonesboro  
ROTONDI of Athens

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

Signed:

Representative:

LACROIX of Oakland

(Representative WENTWORTH of Wells Abstained)

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED, in concurrence.  
The Bill READ ONCE.  
The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Senate

Ought to Pass  
Senator CAHILL for the Committee on TRANSPORTATION on Resolve, That the Secretary of State Prepare a Revision of the State's Motor Vehicle Laws (Emergency)  
S.P. 582 L.D. 1726  
Reported that the same Ought to Pass, pursuant to Joint Order S.P. 554.  
Which Report was READ and ACCEPTED.  
The Resolve READ ONCE.  
The Resolve LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning the Boundary Between the Towns of Machias and Machiasport"  
S.P. 421 L.D. 1301  
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-120).  
Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
Committee Amendment "A" (S-120) READ and ADOPTED.  
The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft

Senator WHITMORE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Maine Lemon Law"  
S.P. 326 L.D. 954  
Reported that the same Ought to Pass in New Draft under same title.  
S.P. 584 L.D. 1735  
Which Report was READ and ACCEPTED.  
The Bill in NEW DRAFT READ ONCE.  
The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Relating to the Administration of the Maine Children's Trust Fund"  
S.P. 315 L.D. 917  
Reported that the same Ought to Pass in New Draft under same title (Emergency).  
S.P. 585 L.D. 1736  
Which Report was READ and ACCEPTED.  
The Bill in NEW DRAFT READ ONCE.  
The Bill in NEW DRAFT LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title

Senator TWITCHELL for the Committee on TAXATION on Bill "An Act Establishing a Minimum Amount Above which Liens on Real Estate may be Enforced"  
S.P. 182 L.D. 509  
Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Tax Liens on Time-share Units Owned by One Person" (Emergency)  
S.P. 583 L.D. 1729  
Which Report was READ and ACCEPTED.  
The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

SECOND READERS

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

House

Bill "An Act to Revise the Percent for Art Act in Public Buildings" H.P. 498 L.D. 668  
Bill "An Act to Allow the Governor to Order Emergency Activation of the Guard in Advance of an Imminent Disaster" H.P. 1063 L.D. 1446  
Bill "An Act to Clarify the Definition of Intermittent State Employees" (Emergency) H.P. 1118 L.D. 1521  
Bill "An Act to Improve Disclosure of Consumer Leases" H.P. 1122 L.D. 1525  
Bill "An Act Converting West Forks Plantation into the Town of West Forks" (Emergency) H.P. 1132 L.D. 1542  
Bill "An Act to Create Immunity from Liability" H.P. 1137 L.D. 1547  
Bill "An Act to Amend the Maine Condominium Act" H.P. 1157 L.D. 1583  
Bill "An Act to Amend Maine's Abandoned Property Laws" H.P. 1198 L.D. 1633  
Bill "An Act Relating to Local Bridges" H.P. 1259 L.D. 1718  
Bill "An Act Concerning Property Tax Exemptions for the Blind, Veterans and Disabled Veterans" H.P. 1260 L.D. 1720  
Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Bill "An Act to Provide for the Preservation and Care of Burial Places and Memorials for the Dead" H.P. 1258 L.D. 1719

Which was READ A SECOND TIME.

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. This Bill, "An Act to Provide for the Preservation and Care of Burial Places and Memorials for the Dead" is one of the nicest pieces of legislation that I have had a chance to read this year. It is really a fine piece of work. I set it aside because I wanted to pose a question about the Bill for the intent of the Legislative Record. First of all, I have to say to you that it has always been my opinion that a person that desecrates a cemetery or a grave is probably the lowest form of bacteria that we have in society. It has been brought to my attention by members of the Committee when I was going to talk about this yesterday, but it has gotten to the point where some people are even stealing tomb stones and putting them in their living room or on their porch. Someone told me about the taking of handles of the caskets and tombs, or one thing or another. That is absolutely repugnant that every decent person that walks the face of the earth. One of the things that has bothered some of the people that I represent, ever since I have been in the Legislature, was that kind of desecration that we all dislike seems to be more of less accepted if it involves burial grounds of indians. I have seen, myself, a couple of instances of places where ancient burial grounds have been



discovered where people have for recreation, dug them up looking for arrowheads or whatever.

I think that everybody ought to understand that as far as the indians are concerned that they feel just as strongly about the desecration of those graves as we do about our own families grave. I wanted to know, for the Record, is this Bill intended to be equally applicable to them as it is to other people?

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 Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate. I rise to answer the question of the good Senator from Penobscot, Senator Pearson. The Legal Affairs Committee had several Bills regarding burial grounds or cemeteries and we did take this subject very seriously and also felt it was a grave crime to disturb graves. Yet, we wanted the upkeep to be allowed so we, in detail, worked out what we considered to be reasonable provisions and all of the provisions would apply to burial grounds of the american indians. It would include interference with cemetery or burial grounds as being a Class D Crime and the illegal possession or sale of grave stones as being a felony, or a Class C Crime. If anyone is interested in the development or intent of the legislation I would be happy to answer further questions.

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. I would like to further comment on this Bill. It particularly caught my eye because it is such a fine piece of legislation. A number of years ago, one of my relatives, who had died in infancy, was buried in the woods where my family lived in Mattawamkeag. They were quite far back in the woods and the family was poor. They were able to raise enough money to put a tomb stone on the plot where their little boy had died. Not long ago, one of the timber harvesting outfits in the area just ran a skidder across it and threw the tombstone off into the woods. A cousin of mine and I are going, this summer, into the woods to try to locate the stone and bring it into town and put it on the grave of his mother and father. That shouldn't have happened and this Bill, if it had been in place, would have placed some penalties for doing that. It was a careless inconsiderate act, even though the land is not owned by my family, or is a regular municipal cemetery. Nevertheless, it was somebody very dear and there was a stone that marked it and it was ignored.

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

Senator KANY: Thank you Mr. President and members of the Senate. I would like to add a remark about one portion of the Bill that may be unusual or may be of interest to the members of the Senate. That is that we did debate what to do if there was damage to a tomb stone, either by acts of nature or man, what to do with those fragments.

We ended up stating in the law, that those fragments could not be removed from the cemetery or burial grounds. In other words, even the fragments must be kept in the confines of the cemetery boundaries unless there is permission from a descendent, or from the County Commissioners or the municipal officials. Thinking of terms of the future in that perhaps someone might want to repair the

structure ultimately or to have the fragments for history sake.

Which was PASSED TO BE ENGROSSED, in concurrence.

Bill "An Act to Improve the Qualifications and Compensation of Substitute Teachers"

H.P. 1262 L.D. 1725

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED in NON-CONCURRENCE.

(See Action Later Today)

Off Record Remarks

House As Amended

Bill "An Act to Increase Local Control of Certain Waste Water Discharges"

H.P. 114 L.D. 139

(C "A" H-216)

Resolve, Authorizing Sharon Trafton Duthie to Bring Suit Against the State of Maine

H.P. 471 L.D. 638

(C "A" H-210)

Bill "An Act to Amend the Potato Marketing Improvement Fund Law"

H.P. 815 L.D. 1089

(C "A" H-222)

Resolve, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land

H.P. 836 L.D. 1127

(C "A" H-224)

Bill "An Act Relating to Periodic Justification of State Government Programs under the Maine Sunset Laws" (Emergency)

H.P. 1061 L.D. 1436

(C "A" H-215)

Bill "An Act to Establish a State Cost-share Program for Salt and Sand Storage Facilities"

H.P. 1135 L.D. 1545

(C "A" H-221)

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

Resolve, Concerning the Testing of School Buildings for Radon (Emergency)

H.P. 1148 L.D. 1563

(C "A" H-218)

Which was READ A SECOND TIME.

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-122) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED in NON-CONCURRENCE:

Bill "An Act to Improve the Qualifications and Compensation of Substitute Teachers"

H.P. 1262 L.D. 1725

(In Senate, June 3, 1987, READ A SECOND TIME and PASSED TO BE ENGROSSED in NON-CONCURRENCE.)

(In House, June 2, 1987, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

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

Senate  
 Bill "An Act to Amend the Law Concerning  
 Activation of State Military Forces by the Governor  
 in Human Health Emergencies"

S.P. 492 L.D. 1500

Bill "An Act to Clarify Capital Reimbursements"

S.P. 515 L.D. 1558

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Maintain Lifeguard Services in  
 State Government"

S.P. 415 L.D. 1273

(C "A" S-119)

Which was READ A SECOND TIME.

On motion by Senator TUTTLE of York, Tabled until  
 Later in Today's Session, pending PASSAGE TO BE  
 ENGROSSED AS AMENDED.

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

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

H.P. 678 L.D. 911

(C "A" H-183)

Tabled - June 2, 1987, by Senator CLARK of  
 Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED  
 (In House, May 28, 1987, PASSED TO BE ENGROSSED  
 AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183).)

(In Senate, June 2, 1987, READ A SECOND TIME.)

On motion by Senator DUTREMBLE of York, the  
 Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate  
 RECONSIDERED whereby it ADOPTED Committee Amendment  
 "A" (H-183).

On further motion by same Senator, Senate  
 Amendment "B" (S-123) to Committee Amendment "A"  
 (H-183) READ.

THE PRESIDENT: The Chair recognizes the same  
 Senator.

Senator DUTREMBLE: Thank you Mr. President.  
 This is an amendment that the parties involved have  
 been working on and it creates an exemption for  
 farmers who sell chip stock to be processed in Maine.

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

Senator COLLINS: Thank you Mr. President and  
 members of the Senate. I would just like to thank  
 the good Senator from York, Senator Dutremble, for  
 his help in putting together an amendment which  
 solves a rather difficult subject for many of us. I  
 am pleased he has done it and I am happy we can all  
 support this amendment. Thank you.

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

Senator EMERSON: Thank you Mr. President, ladies  
 and gentlemen of the Senate. I believe this to be an  
 exceptable compromise. While it does increase the  
 so-called flush out from five to nine years for one  
 variety and incidentally nine years is two more than  
 seven years, it is acceptable. I believe it will be  
 confined to a small area of the state and probably  
 involve only one or two growers and probably will not  
 impose a threat on the seed potato growers in the  
 state. I urge you to support it.

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

Senator MATTHEWS: Thank you Mr. President and  
 members of the Senate. To respond to the good  
 Senator from Penobscot, Senator Emerson, I have now  
 in my possession a calculator for all opportunities  
 to try to improve my arithmetic. I too support this  
 amendment as a compromise. The issue has been  
 debated, it certainly is very important to a lot of  
 the members of the potato industry across the state.  
 It makes the other Bill a little bit more palatable  
 and I applaud the good Senator from York, Senator  
 Dutremble, and his work and the good Senator from  
 Aroostook, Senator Collins, for his work. This  
 amendment makes the Bill a little bit better and I  
 will support it.

Senate Amendment "B" (S-123) to Committee  
 Amendment "A" (H-183) ADOPTED.

Committee Amendment "A" (H-183) as Amended by  
 Senate Amendment "B" (S-123), thereto ADOPTED in  
 NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED, as Amended in  
 NON-CONCURRENCE.

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

Under suspension of the Rules, all matters thus  
 acted upon were ordered sent down forthwith for  
 concurrence.

HELD BILL

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

Senator PERKINS: Thank you Mr. President, is the  
 Senate in possession of L.D. 718?

THE PRESIDENT: The Chair would answer in the  
 affirmative, having been held at the Senator's  
 request.

On motion by Senator PERKINS of Hancock, the  
 Senate RECONSIDERED whereby the Senate ADHERED on:

HOUSE REPORTS - from the Committee on STATE AND  
 LOCAL GOVERNMENT on Bill "An Act to Amend the Civil  
 Service Law to Set Standards for the Creation of Job  
 Classification Specifications"

H.P. 534 L.D. 718

(In House, May 29, 1987, Minority OUGHT TO PASS  
 IN NEW DRAFT Report READ and ACCEPTED and the Bill in  
 NEW DRAFT PASSED TO BE ENGROSSED (H.P. 1237) (L.D.  
 1689).)

(In Senate, June 1, 1987, Majority OUGHT TO PASS  
 IN NEW DRAFT under NEW TITLE Bill "An Act to Require  
 that Job Classifications and Specifications be  
 Determined by Collective Bargaining" (H.P. 1236)  
 (L.D. 1688) Report READ and ACCEPTED and the Bill in  
 NEW DRAFT under NEW TITLE PASSED TO BE ENGROSSED in  
 NON-CONCURRENCE.)

(In House, June 2, 1987, that Body INSISTED.)

(In Senate, June 2, 1987, ADHERED.)

Senator TUTTLE of York requested and received  
 Leave of the Senate to withdraw his motion to ADHERE.

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

Off Record Remarks

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes"

H.P. 623 L.D. 842

Majority - Ought to Pass in New Draft under Same Title

H.P. 1238 L.D. 1690

Minority - Ought Not to Pass  
Tabled - June 2, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT  
(In House, June 1, 1987, Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-211).)

(In Senate, June 2, 1987, Reports READ.)

Senator DUTREMBLE of York moved to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, in concurrence.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. I would oppose the pending motion. The so-called strikebreaker Bill that is before us seems, to some of us, to be another restriction on an employers ability to operate his plant during a time of either lockout or strike. As most of you know, it is imperative that plants continue to operate during a labor dispute. It seems to me that passage of this Bill would impede an employers ability to keep things running. A plant and equipment has to be cared for, maintenance has to be done and I know that this Bill does provide some exemptions, for example in security matters and security people and certain maintenance people. It is necessary from time to time that employers during the labor dispute seek outside aid from either a contracting firm or by being able to hire sufficient people to continue the operations. This Bill seems to me to impede the employers ability to do that. So, I would ask that you vote in opposition to the pending motion.

Senator COLLINS of Aroostook requested a Division.

THE PRESIDENT: Thank you Mr. President and members of the Senate. This is the so-called strikebreaker Bill, but it can also be called the anti-violence Bill. Actually, what has happened in the state just recently and what can happen in the future is a situation that really is a throw back to the labor movements of the thirties and forties in the anti-strikebreaking movements that happened during that time and the violence that occurred as a result. I want to make it clear that myself and, I think, other members of the Committee who voted for this Bill, don't want to take sides during a strike. We don't want to tip the balance from one side to the other, but we are also upset at a situation that happened at least once in the state during the strike last summer that did create a lot of tension. It did create a lot of hard feelings and, at some point, I understand it even created some violence, or could have. We want that prevented in this state. If you

pass this Bill, what it will do, it will prevent a company from hiring other companies or people that primarily do business to offer themselves in the strike situations. We are talking especially about one company and that company is BENK that offered its services to Boise Cascade during the last strike, out of state workers, who came here and took the place of the Maine workers. That created a lot of hard feelings and they were there for one purpose, to operate that company to break the strike, in the minds of some people that is what their purpose was. I have to agree with that. We are not preventing that company, we are actually giving that company a little bit more than they had before under the law. We are actually telling a company that they can secure their premises, under this law, we are telling them that they can maintain, they can hire maintenance people.

We are also saying that they can continue to hire people within the locality or around the state of Maine or even out of state, as long as those people don't usually offer themselves in a strike situation. I think this is a good Bill, it is a Maine peoples working Bill and I think we should support it. Thank you.

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 Report.

A Division has been requested.

Will all those Senators in favor of the motion of Senator DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, PREVAILED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-211) READ and ADOPTED, in concurrence.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1271

JOINT RESOLUTION IN RECOGNITION OF

ROBERT G. REDMAN

OF AUGUSTA, DEPUTY STATE AUDITOR

WHEREAS, "One machine can do the work of fifty ordinary men. No machine can do the work of one extraordinary man."; and

WHEREAS, among the many unsung servants of State Government whose work has been truly extraordinary is one Robert G. Redman of Augusta; and

WHEREAS, the Legislature and the several departments of State Government have all benefited from his wise and valued counsel for over 34 years and feel a special sense of gratitude for his service; and

WHEREAS, it is a pleasure for members of the Legislature to pay tribute to this distinguished and highly respected Deputy State Auditor; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine now assembled in the First Regular Session at the State Capitol, take

this opportunity to join friends and colleagues throughout the Legislature and its several departments in expressing to Robert G. Redman our affection, gratitude and admiration, all of which he has won on the basis of many years of outstanding professional service; and be it further

RESOLVED: That a suitable copy of the sentiments expressed herein be prepared and presented to this faithful friend and valued public servant with the warmest of wishes for his continued success, prosperity and happiness for years to come.

Comes from the House READ and ADOPTED.  
Which was READ and ADOPTED, 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 Androscoggin County for the Year 1987 (Emergency)

H.P. 1269 L.D. 1733

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.

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

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

H.P. 1270 L.D. 1734

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.

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

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

ENACTORS

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

Emergency

An Act to Establish the First Full Week of June as Garden Week"

H.P. 1248 L.D. 1704

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with 3 Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1987 and Authorizing the County to Raise up to \$350,000 for Expenses in Conjunction with Jail Construction

H.P. 1239 L.D. 1691

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Requiring a Legislative Study of County Budget Procedures

H.P. 1240 L.D. 1692

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

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:

An Act to Amend the Probate Code to Allow Reasonable Compensation for Public Guardians or Conservators

S.P. 461 L.D. 1418

An Act to Adjust Time Limits and Clarify Responsibility for Certification and Registration of Deaths

S.P. 466 L.D. 1423

(C "A" S-104)

An Act to Amend the Maine Juvenile Code to Provide Greater Flexibility in Sentencing Juvenile Offenders

S.P. 469 L.D. 1429

An Act to Grant Jurisdiction to Bail Commissioners to Ensure the Integrity of the Judicial Process

S.P. 568 L.D. 1700

An Act to Clarify the Rights of Former State Employees who were Transferred to the Maine Vocational-Technical Institute System

H.P. 458 L.D. 613

(C "A" H-208)

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 Clarify the Right to Prevent the Attendance of or to Remove a Committed Offender from a Disciplinary Hearing

S.P. 567 L.D. 1699

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

(See Action Later Today)

An Act to Provide Special Plates or Placards for Handicapped Persons

S.P. 564 L.D. 1685

(S "A" S-106)

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

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:

An Act Relating to the Uniform Premarital Agreement Act

H.P. 538 L.D. 722  
(C "A" H-200)

An Act Concerning Tax on Cargo Trailers

H.P. 940 L.D. 1263  
(C "A" H-209)

An Act to Require Minimum Evacuation Standards for Boarding Care Facilities

H.P. 1100 L.D. 1491

An Act to Require Rulemaking by the Department of Mental Health and Mental Retardation Regarding Administration of Cardiopulmonary Resuscitation in State Institutions

H.P. 1158 L.D. 1584

An Act to Provide Cable Television Access to Apartment Dwellings

H.P. 1247 L.D. 1701

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 Establish Field Offices of the Maine Land Use Regulation Commission

H.P. 1227 L.D. 1676  
(S "A" S-102)

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Clarify the Right to Prevent the Attendance of or to Remove a Committed Offender from a Disciplinary Hearing

S.P. 567 L.D. 1699

Tabled - June 3, 1987, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, June 3, 1987, PASSED TO BE ENACTED.)

(In Senate, May 29, 1987, PASSED TO BE ENGROSSED.)

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

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

ENACTORS

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

An Act to Provide a Bill of Rights for Persons with Long-term Mental Illness

S.P. 283 L.D. 793  
(C "A" S-105)

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

Resolve

Resolve, to Establish a New Commission on Maine's Future

S.P. 232 L.D. 626

(C "A" S-103)

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

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

ENACTORS

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

Emergency

An Act to Upgrade the Coordinator of New and Existing Services for Persons with AIDS-related Complex and Viral Positivity under the Maine Revised Statutes

S.P. 571 L.D. 1708

Comes from the House, Bill and all Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

On motion by Senator GILL of Cumberland, Bill and all Accompanying Papers INDEFINITELY POSTPONED, in concurrence.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

June 3, 1987

Honorable Joy J. O'Brien  
Secretary of the Senate  
113th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Protect Existing Essential Public and Private Ground Water Supplies" (S.P. 573) (L.D. 1715).

Sincerely,

S/Edwin H. Pert

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

Senate at Ease

Senate called to order by the President.

On motion by Senator TWITCHELL of Oxford, RECESSED until 4:45 this afternoon.

After Recess

Senate called to order by the President.

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

SECOND READERS

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

Senate

Resolve, That the Secretary of State Prepare a Revision of the State's Motor Vehicle Laws (Emergency)

S.P. 582 L.D. 1726

Bill "An Act Concerning Tax Liens on Time-share Units Owned by One Person" (Emergency)

S.P. 583 L.D. 1729

Bill "An Act to Amend the Maine Lemon Laws"

S.P. 584 L.D. 1735

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

S.P. 585 L.D. 1736  
 Which were READ A SECOND TIME and PASSED TO BE ENGROSSED.

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

Senate As Amended

Bill "An Act Concerning the Boundary Between the Towns of Machias and Machiasport"

S.P. 421 L.D. 1301  
 (C "A" S-120)

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BERUBE for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase the Appropriations to the Maine Student Osteopathic Loan Program"

S.P. 94 L.D. 241

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-126).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-126) READ and ADOPTED.

Under suspension of the Rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on TRANSPORTATION on Bill "An Act to Establish the Railroad Employee Equity Act"

S.P. 505 L.D. 1529

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-125).

Signed:

Senator:

THERIAULT of Aroostook

Representatives:

SOUCY of Kittery

STROUT of Corinth

POULIOT of Lewiston

MACOMBER of South Portland

MOHOLLAND of Princeton

MILLS of Bethel

REEVES of Pittston

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

Signed:

Senators:

DOW of Kennebec

CAHILL of Sagadahoc

Representatives:

SALSBURY of Bar Harbor

MCPHERSON of Eliot

CALLAHAN of Mechanic Falls

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

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

ORDERS

Joint Resolution

On motion by Senator BRAWN of Knox (Cosponsored by: Senator RANDALL of Washington, Representative HARPER of Lincoln, Senator TWICHELL of Oxford) the following Joint Resolution:

S.P. 589

JOINT RESOLUTION RECOGNIZING THE DIVISION OF ALCOHOL AND DRUG EDUCATION SERVICES WITHIN THE DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

WHEREAS, the Division of Alcohol and Drug Education Services in the Department of Educational and Cultural Services has developed a comprehensive chemical dependency prevention and intervention program which is innovative, has been demonstrated successful and is highly regarded; and

WHEREAS, that program is unique in its strategy which helps local schools and communities to better address issues related to chemical use, abuse and dependency; and

WHEREAS, that program has set forth a comprehensive alcohol and other drug abuse prevention and intervention program implementation strategy for Maine's schools in kindergarten and grades 1 to 12 that generates education and awareness, sets policies and procedures, improves climate, establishes support groups, promotes student awareness, teaches primary prevention curriculum, supports staff development and models attitudes and behavior; and

WHEREAS, that program has developed a comprehensive support system for local schools which trains school and community volunteer teams; conducts in-service workshops and specialized training programs for educational personnel; makes available resources such as films, books and pamphlets for educational programs; assists schools in implementing a chemical dependency prevention curriculum; and promotes Project Graduation, which emphasizes prudent decision-making about drinking and drug use while driving and endeavors to establish chemical free celebrations as the new tradition; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine, now assembled, in the First Regular Session, being ever mindful and appreciative of the innovative, integrated and highly regarded program which the Division of Alcohol and Drug Education Services is providing, hereby recommend and encourage all schools in Maine to make a commitment to implement a comprehensive chemical dependency, prevention and intervention program and to support the goal of drug free students and schools in this State, and further recommend and urge the Division of Alcohol and Drug Education Services to continue its important outreach efforts to rural schools and agencies; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Educational and Cultural Services as notice of these resolves.

Which was READ.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending the motion of Senator BRAWN of Knox to ADOPT.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on HUMAN RESOURCES on Bill "An Act Relating to Construction Standards for Access for Handicapped Persons to Public Facilities"

H.P. 1129 L.D. 1539

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

H.P. 1263 L.D. 1727

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.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

The Committee on TAXATION on Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law (Emergency)

H.P. 1072 L.D. 1455

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

H.P. 1264 L.D. 1728

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve in NEW DRAFT READ ONCE.

The Resolve in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on LABOR on Bill "An Act Relating to Determination of Benefit Claims under the Unemployment Compensation Law"

H.P. 1071 L.D. 1454

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

H.P. 1267 L.D. 1730

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.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on JUDICIARY on Bill "An Act to Fight Illegal Drug Use"

H.P. 1052 L.D. 1415

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-234).

Which Report was READ.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending ACCEPTANCE OF THE COMMITTEE REPORT.

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

SECOND READERS

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

House

Bill "An Act to Encourage Cities and Towns to Display the Prisoner-of-war and Missing-in-action Flags"

H.P. 1085 L.D. 1476

Bill "An Act to Change the Name of the Bureau of Civil Emergency Preparedness to the Maine Emergency Management Agency"

H.P. 1194 L.D. 1626

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

House As Amended

Bill "An Act to Clarify the Home Rule Authority of Municipalities" (Emergency)

H.P. 384 L.D. 506

(C "A" H-231)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Insure the Preservation of the Right to Keep and Bear Arms

H.P. 484 L.D. 651

(C "A" H-230)

Bill "An Act to Make the Director of Safety a Major Policy-influencing Position"

H.P. 1044 L.D. 1407

(C "A" H-229)

Bill "An Act to Amend the Insurance Code Regarding Rates and Rating Organizations"

H.P. 1160 L.D. 1586

(C "A" H-226)

Bill "An Act Relating to Refusal to Appear and Taxable Wages under the Employment Security Law"

H.P. 1161 L.D. 1587

(C "A" H-227)

Bill "An Act to Provide Civil Enforcement of the Anti-strikebreaker Law to Encourage the Settlement and Peaceful Resolution of Labor Disputes"

H.P. 1238 L.D. 1690

(H "A" H-211)

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

Senate at Ease

Senate called to order by the President.

Bill "An Act to Prohibit Candidates from Receiving, Witnessing or Accepting Absentee Ballots"

H.P. 1254 L.D. 1712

(H "A" H-217)

Which was READ A SECOND TIME.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. I would like to pose a question through the Chair to any Senator who may care to respond. My concern on item 6-9, L.D. 1712, is not with the Bill itself, but it is with House Amendment "A" (H-217). Let me read it to you for the Record. The Statement of Fact on the Amendment from the House says, "this amendment prohibits a campaign

worker, a political action representative or any other person receiving any type of compensation whatsoever from handling absentee ballots. The Amendment does not alter the original Bills intent," etc., my question is, I remember during the last Gubernatorial campaign some of the candidates for Governor had people who were in their employ who went throughout the state actively recruiting absentee ballots. I know many of the congressional people have paid staffs. My question is whether these people would be forbidden from getting absentee ballots and if that is so, perhaps we are going too far, because those of us who represent rural areas don't want to do anything to make it more difficult for people in our areas to vote.

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and fellow Senators. If the Bill with the House Amendment is Enacted, all candidates or any paid worker will still be able to take applications out to absentee voters, number one. Secondly, paid workers and candidates will still be able to assist a voter with an absentee ballot. By assisting, that would mean if someone were so handicapped by blindness or a stroke or somehow in which they could not sign their name or directly vote, then they could be assisted by all such people. By the way, the reason we left that area untouched was because federal law preempts in the area of assistance to the voter. But, neither candidates nor paid workers other than municipal workers could deliver, receive, accept, notarize or witness an absentee ballot, other than the candidate witnessing his own ballot, furnished by the clerk of a municipality in this state.

In other words, if there is an out of state ballot and you have a college student or a worker who lives let's say in Farmington Maine, who works at Seabrook in New Hampshire, you could notarize and out of state ballot even if you are a candidate or a paid worker. You could not perform any of the duties that I have listed on a state of Maine ballot during an election period for which you are on that ballot. I would like you to know that the Legal Affairs Committee, in its' unanimous report on this original Bill and on another Bill that we enacted in this Chamber earlier this year and it was signed by the Governor, took into consideration that we wished not to disenfranchise a single Maine citizen from being able to vote. In fact, we wish to encourage and to help Maine voters be able to vote, perhaps those who have not previously voted by absentee ballot.

What is in place in the law to date, including the measure recently signed by the Governor, is that first of all, a new absentee ballot system was put in place two years ago in 1985 which allowed two new things, two very drastic departures from the old absentee ballot law, which you always had to have a notary witness the signature of the voter.

Those two brand new things in 1985, which the average citizen is not yet aware of are, any citizen and absentee voter voting for valid reasons can write and ask a clerk for a ballot and upon receiving it with an application by a voter, the clerk can then send a ballot to that individual and there need not be any witness at all, no notary, just the signature of the voter. So, anybody can do that, that is number one and that is not yet widely known. Secondly, if a voter calls or has a third party request a ballot for that voter, then instead of

requiring a notary you could have any two witnesses at all, including relatives, a daughter, a brother, a spouse of the absentee voter, witness the signature on the ballot. In addition, you could have a notary. So, those are new laws that certainly help make it easier for many voters who are ill or are away or are working during that period, it enables them to so vote.

Those were the new laws that were put in place in 1985, now this year, earlier in the year, we enacted a law that required a clerk or a deputy clerk, as part of the definition of clerk, to go to each nursing home in the state, to each licensed boarding facility and to each licensed congregate housing facility and actually provide a polling day prior to election day, for the absentee voters. For some of those people who might be able to go to the polls, that they were not so ill on election day that they perhaps could not go to polls, we broadened the law to say that they automatically could vote at that place on the day that the clerk was providing an election prior to election day. So, we have gone out of our way to make it easier for voters to vote by absentee, by having the clerk have these separate elections, by allowing any two witnesses to witness the signature and or a notary, or if the entire process is via mail, then that individual voter would not require any witness at all, let only a notary. So, as we go about enacting the provisions that were earlier outlined by the Senator from Franklin and myself, which would prohibit a candidate or a paid worker, other than a municipal worker, from performing certain activities surrounding that ballot.

I think we can be assured that we have denied no voter the opportunity to vote. We have done something very special and very positive. We are promoting the privacy of the voting and I believe that is a very positive measure and I certainly hope we do enact this.

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

Senator TUTTLE: Thank you Mr. President and members of the Senate. I would like to pose a question through the Chair to any Senator who may care to respond.

In my community and others that surround me, the town clerk will hire neutral people during an election to collect absentees. Would this amendment forbid that from happening?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and fellow Senators. We are discussing that portion of the measure before us which is included in the House Amendment (H-217), for those of you who would like to refer to it. I read to you directly from it. It says, "a person not employed directly by a municipality, who delivers, receives, accepts, notarizes or witnesses an absentee ballot, other than his own absentee ballot for any kind of compensation whatsoever," those are the people who are prohibited from such activity. So, in the instance mentioned by the good Senator from York, Senator Tuttle, that person, obviously would be employed by the municipality and would not be prohibited from performing those duties.

Senator PEARSON of Penobscot moved to RECONSIDER whereby the Senate ADOPTED House Amendment "A" (H-217).

Senator KANY of Kennebec requested a Division.



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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. The reason I would like to ask to reconsider is because I think it is a bad amendment. Let me give you a hypothetical. I am running for the State Senate and I have a big district and it goes a distance of Rhode Island and I don't have a lot of time and I hire someone to help me on my campaign. That person says to me, what am I going to do when I work for you? And I say, well you are going to put out signs, you will have to knock on doors, you will have to drop leaflets and if I can't cover all the bases you will probably have to run up to Howland or Enfield and I have an absentee up there, someone has called me up and you are going to have to go up there and fill out the absentee. By the way, I want you to become a notary so you can do that. I think that is a typical scenario that everybody has been through in here.

In this amendment, that would be illegal, because the person is employed by me not by a municipality and anybody who does that would violate the law and be subject to a Class D Crime. I don't think they should be because I think that is a normal function of a campaign where you say someone has called me and they want a ballot, please go pick that up. Get them an application and go vote them. This would prohibit that normal activity that has gone on in Maine for many years and I just think this amendment has gone too far.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I would hate to jeopardize this Bill on this one amendment and this is exactly what might happen. The House voted for this amendment in a large majority. There is no problem with this with the new laws that were mentioned earlier and it is a matter of the candidates educating the people or having the volunteers doing the work. When you start to hire someone to do it, no reflection on the Senator from Penobscot, but that agent could be just as bad as the person who is causing the problem with absentee ballots now. We are trying to avoid any relationship with the people who are running for office to handle absentee ballots or even hire people to handle it. I don't object to the amendment, it wasn't in our original Bill, but I think it is perfectly all right for us to do it in a different way. The different way is to get your volunteers out and to educate the people that by merely a telephone call they can have the absentee ballot mailed to their home. So, I see no problem with this at all. I hope you support the amendment. Thank you.

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

Senator KANY: Thank you Mr. President and members of the Senate. I agree with the good Senator from Cumberland, Senator Dillenback and I hope you vote against the pending motion and in favor of sending this on towards enactment. If it is passed, paid workers of those on the ballot could go out and get the applications and could just instruct on how to finish the process. I believe that it is extremely important to protect the integrity of the election process and the ballot process and I think it is very important for all politicians so that they will not be charged, perhaps inaccurately, with attempting to tamper with the ballot and voting process. This way, if we do pass such legislation, we would be staying just as far away as possible from the ballot itself and so would any of our paid

workers. Volunteer workers, by the way, would still be allowed to be near the ballot as witness. I do urge you to reject the pending motion and to send this legislation, which will help improve our process and the view that the public has of politicians and their paid workers. I urge you to reject the motion before us.

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

Senator WHITMORE: Thank you Mr. President, men and women of the Senate. I would like to pose a question through the Chair to any Senator who may care to respond. Let's say in a case where I was a candidate and had an employee that worked for me within my business, but worked as a volunteer on my campaign and that particular person was a notary and that person either coming to work or in the evening, stopped and delivered an absentee ballot. Would that be in violation of this Amendment? Since they are receiving compensation from me and the Amendment says whatsoever.

THE PRESIDENT: The Senator from Androscoggin, Senator Whitmore has posed a question before the Senate to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and fellow Senators. The answer is no, that person would not be in violation of the law because that person would not have been paid directly for performing that notarial service.

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

Senator KERRY: Thank you Mr. President, ladies and gentlemen of the Senate. I would like to pose a question through the Chair. I am wondering, does this particular amendment in any way effect employees of referenda or things of this nature? I see where it relates to candidates, but recently we have had a spate of various referenda relating to a variety of issues on the state level. I would like to know if someone would be able to answer that question.

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

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President, men and women of the Senate. The Senator from Androscoggin, Senator Whitmore, posed a question through the Chair to the Senator from Kennebec, Senator Kany, saying if somebody was not directly paid at all by the candidate, stopped by and delivered a ballot to somebody, would that be a violation of the law. The response was no, it is not a violation of the law. I am going to read this to you. It says, "a person not employed directly by a municipality who delivers, receives, accepts, notarizes or witnesses an absentee ballot is in violation of the law." So, I submit that Senator Whitmore's scenario of a person stopping by to drop off a ballot who is not directly employed by a municipality then, if I read it right, is in violation of the law. Unless I am missing something.

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

Senator KANY: Mr. President and members of the Senate. First, I wish to address the question of the good Senator from Penobscot, Senator Pearson, and that is there was a little bit more to that sentence and it talked about performing those activities and then from the amendment "for any kind of compensation whatsoever that refers directly to the activities." So the answer is that person as long as they did not

charge for delivering, receiving, accepting, notarizing or witnessing the absentee ballot, that they could then perform those services. Second, to respond to the Senator from York, Senator Kerry, the answer would be that it would apply to those working on referenda, also.

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

Senator BUSTIN: Thank you Mr. President, I would like to pose a question through the Chair to any Senator who may care to respond. Does the receiving any compensation whatsoever include mileage and expenses?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate. In my opinion, it would include expenses for travel.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot, to RECONSIDER whereby the Senate ADOPTED House Amendment "A" (H-217).

A Division has been requested.

Will all those Senators in favor of the motion of Senator PEARSON of Penobscot to RECONSIDER ADOPTION of House Amendment "A" (H-217), please rise in their places and remain standing until counted.

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

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot, to RECONSIDER ADOPTION of House Amendment "A" (H-217), PREVAILED.

Senator PEARSON of Penobscot moved the INDEFINITE POSTPONEMENT of House Amendment "A" (H-217).

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

Senator BALDACCI: Thank you Mr. President, I would like to pose a question through the Chair to any Senator who may care to respond. What does this leave of for a Bill as far as absentee ballots are concerned in the future, without having this amendment? What is the procedure in the future?

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate. The Bill is what is left, and the Bill is really the unanimous Ought to Pass report from the Committee on Legal Affairs.

What it does is simply prohibit a candidate from delivering, receiving, accepting, notarizing or witnessing an absentee ballot, other than his own, which has been furnished by the clerk of a municipality in this state.

Senate at Ease  
Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, House Amendment "A" (H-217) INDEFINITELY POSTPONED IN NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED IN NON-CONCURRENCE.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Divided Report

Eight Members on the Committee on TRANSPORTATION on Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour"

H.P. 547 L.D. 734

Report in Report A that the same Ought to Pass as Amended by Committee Amendment "A" (H-212).

Signed:

Senator:

CAHILL of Sagadahoc

Representatives:

MILLS of Bethel

CALLAHAN of Mechanic Falls

SOUCY of Kittery

STROUT of Corinth

SALSBURY of Bar Harbor

MCPHERSON of Eliot

Four Members of the Same Committee on the same subject report in Report B that the same Ought Not to Pass.

Signed:

Senator:

DOW of Kennebec

Representatives:

REEVES of Pittston

POULIOT of Lewiston

MACOMBER of South Portland

Two Members of the Same Committee on the same subject report in Report C that the same Ought to Pass.

Signed:

Senator:

THERIAULT of Aroostook

Representative:

MOHOLLAND of Princeton

Comes from the House with Report A OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212).

Which Reports were READ.

Senator CAHILL of Sagadahoc moved to ACCEPT Report A, the OUGHT TO PASS AS AMENDED Report.

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

Senator THERIAULT: Thank you Mr. President and members of the Senate. Clearly, we have a choice before us this afternoon. I hope you appreciate the Transportation Committee to make that possible. First, I would like to explain to you what this does. One of the Reports raises the speed limit to 65 miles per hour on the interstate system. In addition to that, it raises the minimal penalty for speeding. The other Report leaves the system as it is today, no increase in speed limit, no increase in fines, no nothing. The other Report raises the speed limit to 65 miles per hour on the interstate and leaves the fine schedule as it is today.

I would urge you to vote against Report A so that you could accept Report C, and Report C is the one that raises the speed limit without raising the penalties. I supported that report primarily because we do have a fine system on the books and I think that it is sufficient and we should not change it. So, I would urge you to defeat the motion so you could accept Report C.

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. This Bill is a long time in

coming, we have wanted more competent inquiries that people have had and in the district which I represent is where is this Bill and when is it going to be acted upon.

We just went through Memorial Day weekend where we had a lot of people coming into the state and we were surrounded by states that have 65 mile per hour speed limits, but yet when they cross the border they found that the speed limit in Maine had not yet changed. Trying to explain to people the rationale behind that. Realizing what has already taken place, I think it is imperative for the Legislature to act together to get this Bill to the Governor's desk and get it signed into law. Report A certainly takes into consideration the increase in the speed limit and it also talks about increasing the fine, not to the level that was proposed by the Governor, but increasing the fine. It is one of the concerns that we all have that there be better enforcement there and more awareness of that particular speed limit. I think by raising the fine and not leaving it at \$25, as a fine, makes people more aware economically of what retribution is out there and the expense of it if they do go over that speed limit. So, I think that is best for us to act and to act expeditiously in the interest of the people and I would encourage you to support Report A.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I am not going to debate this at all. All I want to say is when is the last time you paid a \$25 fine?

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

Senator KERRY: Thank you Mr. President, ladies and gentlemen of the Senate. Somehow as the good Senator from Penobscot, Senator Baldacci, speaks that we are surrounded by all of these states that have a 65 mile per hour speed limit, I feel somewhat like Custer at that the last stand with wagons, you have to somehow have a wagon surrounded here in the Senate where I think this Bill is going to fly through. But, also, I think we should reflect a bit upon this. We had our debate before on the Resolution, I think I can count the votes and I have spoken with all of the various members of the Committee, but I would hope that the Senate would reject both Report A and Report C and accept Report B, which would be the Ought Not to Pass Report. I do so for several reasons. First of all, the state of Maine does have a 1.2 billion dollar energy Bill and I know we talked about this before and the amendment that was submitted and passed by the House, Committee Amendment "A" (H-212), relates to the serious conservation effort that was the instigator for this Bill, the 55 mile per hour speed limit.

I would like to let people know once again, to reflect upon the fact that things are changing, things are evolving. We are once again going to be faced with increased energy prices and one of the greatest conservation measures, not only in petroleum product, but for lives, is the 55 mile per hour speed limit. I think we should look upon one thing in this Bill, first and foremost, what is in the best interest of the state of Maine. Even though there may be a traffic line of support for this Bill, I think it is important that we remain prudent and reflect upon the costs for the citizens of Maine.

The citizens of Maine, in 1985 and 1986, consumed over 1/2 billion gallons of oil. If there is an increase in the number of gallons of gasoline in the state of Maine of a mere 2.5% to 5%, we will see an additional increase to possibly somewhere in the

vicinity of 572 million gallons of oil in 1987 alone. I think it is important to recognize that if you took 50% of the amount of gallons of gasoline that is burned in the state alone, you would come to around 286 million gallons on the highways. If you reflect upon the fact that if you drive at 55 miles per hour, you are driving at a 20% greater efficiency then if you were driving at 65 or 70 miles per hour. There is no question in my mind that people are driving 65 and 70 miles per hour today and I think there is no question in anybody's mind, here in this Legislature, that people are driving at those speeds.

The cost of this to the people of Maine will be somewhere in my estimation of around 57 million dollars. The price of a gallon of gasoline in March of this year was around 86 cents a gallon, it has escalated up to nearly 98 cents a gallon for regular and soon will reach a dollar. The price for a gallon of unleaded gasoline, is over a dollar. In the Lundberg Report, just recently submitted, he puts on his weekly and monthly newsletter that he anticipates the gasoline in this country will escalate at two to three cents a month throughout the driving season. It will peak sometime in late July. I would hope to think that you would recognize that you are in effect taxing the citizens of the state of Maine indirectly and I know I hate to use that term, but 57 million dollars of increased cost will not go to support jobs here in the state of Maine, but will be shipped out this state to pay the people who produce petroleum product down in the southwest and outside of this country. In addition to that, within the House Amendment that was submitted, they have within their Statement of Fact or within the many 'whereas', it says that "we no longer need to have the conservation effort because we have, so to speak, won the battle." If you reflect upon the fact that a barrel of crude oil back in 1973 was around \$3 a barrel, it went up to \$40 dollars a barrel, that comes out to about 1,233% increase in price. It dropped down to \$10 a barrel but has gone up, just in the last year, to \$19 a barrel and I assure you it will be \$20 a barrel very soon. That is an 80-90% increase, it will be a 100% increase very shortly. I might add, also, that in 1973, this country imported 33% of its petroleum product. In 1985 and 1986, it had dropped down to between 25-30%. Today, it has increased to 38% to almost 40% and it is anticipated in the 1990's it will be over 60%. We are becoming ever more dependent on crude oil from the mid-East and I might add that this state is at the very end of the pipeline. If you reflect upon the fact of what is taking place in the Persian Gulf today, if you want to know what is going to happen next year or it could be very shortly, certainly in our heating season or in our driving season, you will find that the crude oil prices will dramatically escalate if the Iraq, Iranian gets any worse or if the United States engages in any type of additional warfare in that area. There have been over 7,50 ships that have been hit in that Persian Gulf area.

I know it may seem like it is far away, but I would like to have you reflect upon the fact that the price of crude oil and the price of retail products in the state of Maine, especially Gasoline, is very much related to those situations. I would hope that we would reflect upon these before we vote. The fact that people spend almost \$1,300 a year to fuel their cars. I realize what the vote will be, unfortunately I don't think it is going to be in the absolute best interest of the citizens of Maine, but sometimes we make decisions that we think may be in the best interest of the people in the short run. I just hope

that you would reflect on the impact in the long run. Thank you very much.

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

Senator CAHILL: Thank you Mr. President, men and women of the Senate. I will be brief this evening, because I think that we debated this several times, in fact, it is kind of like *deja vu*' standing up here tonight. I would like to tell you that 55 miles per hour rather than 65 miles per hour requires 1 billion additional hours of passenger time annually. That is a direct loss in productivity and that perhaps is indirectly taxing the citizens of the state of Maine. The real reason that I am voting for this Bill today is because, of course you all know, that until 1973 and the Arab oil embargo, speed limit policies were the responsibility of state and local governments. I believe that is where they should be, with the state and local governments and not with the federal government. I think the most compelling reason for voting to increase the speed limit to 65 miles per hour is the current non-compliance with the 55 miles per hour speed limit. I think when Congress lifted the ban on the 55 mile per hour speed limit the public voted on the issue. They are driving faster than 55 miles per hour, in fact, the average speed on the interstate system right now is up over 60 miles per hour. I believe that being allowed to drive 65 miles per hour is not only a convenience it is also a privilege. I believe very strongly that 65 miles per hour means 65 miles per hour and it does not mean 70-75 miles per hour.

I think that is why it is necessary for us today also to add a minimum fine, which is \$50. We also need to pass this legislation now, because many of our federal aid roads that are left at 55 miles per hour, still must meet the 50% compliance rate and if they don't meet that compliance rate than we stand to lose 10% of our federal highway money, or up to 3 million dollars. I think that the good Senator from York, Senator Kerry, mentioned the neighboring states. A lot of the neighboring states have raised the speed limit and I think when they come into the state of Maine, perhaps for their summer vacation and what not, they wouldn't be driving at a higher rate of speed. If they think they can get away with driving at a higher rate of speed, I think that leads for overall contempt to all speed laws and that makes very unsafe highways. I urge support of Report A today, it allows the Maine motoring public a more convenient and more reasonable rate of speed to travel at on our highways.

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

Senator CLARK: Thank you Mr. President, I would pose a series of simple questions through the Chair to anyone who might wish to respond to them. I have heard this evening that it is imperative that we, meaning the Legislature, pass or make a decision relative to the increased speed limit on Maine's interstate highways. My question is somewhat naively perhaps, why do we, the Legislature, have to do this? It is my understanding in attempting to answer my own question that no other state, at least to my knowledge at this time, has taken this action, but rather the people vested with the authority over the various Departments of Transportation across the country already are empowered by the authority of their office to raise the speed limit, not that I am opposed to raising the speed limit. Secondly, is it really necessary to increase the fines if we increase the speed limit? What is the impact on those Maine citizens who may be exceeding the posted speed limit driving off on a vacation, or to work and

inadvertently or perhaps even deliberately exceeding the speed limit and they are of a lower income bracket. Does this not impact more negatively on them then on those who are perhaps more able to pay the increased fines, as reflect in Report A? Are there any other states across the nation who have concurrently increased the speed as well as increased the fines? Thank you Mr. President.

THE PRESIDENT: The Senator from Cumberland, Senator Clark, has posed a series of questions through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Mr. President and members of the Senate. In response to some of the questions of the good Senator from Cumberland, Senator Clark, I would just say that driving is not an individual right of every Maine citizen in this state. It is a privilege. In that privilege to drive, there are certain responsibilities which one must abide by. One of them is the law on the road, as far as the speed. We don't have in the back of the cars a plate saying this is a poor person so they can speed, or that if they do speed, they don't have to pay as much of a fine as somebody else who has more money. The fact of the matter is, when you are driving on the roads, it is a responsibility you have to make sure you obey the laws.

As far as what other states are doing about the fines, I think that isn't an issue here. What the state of Maine is going to do about the fines and to set an example and say we are raising the speed limit we want to make sure the enforcement and the penalties for breaking that speed is appropriate so that people don't take on additional mileage over that speed limit, as they may do under the present system we have now.

The third issue is that we have the Bill in front of us, the Legislature has been dealing with it, the Transportation Director has stated that he is going to wait until the Legislature has dealt with the issue, until he changes the speed limit. I think it is incumbent upon us to deal with the issue if we are in favor of it and to deal with it expeditiously to sort of relieve the confusion and conflict that there is. Thank you Mr. President.

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

Senator THERIAULT: Thank you Mr. President and members of the Senate. I think most of the questions probably have been answered, but there is one item that I need to bring to your attention and primarily the reason why I did not want to raise the minimum fine. That is the individuals that speed quite often, and most often in my part of the state, the victims, I will call them, are those working people that might be late for work in the morning. So, they are motoring down the highway to get to work and they might speed a little just to be on time. Those will be the victims of this Bill and this is why I voted that way. In answer to the action of other state, as far as I know, no other state increased the speed limit and increased the fines simultaneously. Thank you.

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

Senator WHITMORE: Thank you Mr. President, men and women of the Senate. I think that if we are going to act on increasing the speed to the 65 mile per hour limit, that I think that this Body should at least have as a matter of Record that I would hope that the law enforcement officers and the judicial system would recognize that to allow the same type of

tolerances that have been allowed previously with the lower speed at 55 miles per hour, that it is recognized or acknowledged if you traverse the turnpike or the interstate system, that apparently there is a tolerance of plus or minus 10 miles per hour that I would hope that they would not allow that same tolerance to continue with the increased speed. Recognizing full well that if it is increased to 65 miles per hour then 66 miles per hour does not necessarily mean that one is summoned to court, but I do feel that anything beyond the plus or minus 5 miles per hour should be a maximum, recognizing that there are some deficiencies in the speedometer and perhaps sizes of tires and other types of things like that that might one get into the judicial system and be able to argue. I think it is incumbent upon the judicial system to weigh the impact of all of this and at least be willing to support the law enforcement agency. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CAHILL of Sagadahoc, to ACCEPT Report A, the OUGHT TO PASS AS AMENDED Report.

The Chair will order a Division. 18 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator CAHILL of Sagadahoc, to ACCEPT Report A, the OUGHT TO PASS AS AMENDED Report, PREVAILED, in concurrence.

The Bill READ ONCE.  
Committee Amendment "A" (H-212) READ.  
On motion by Senator CLARK of Cumberland, Committee Amendment "A" (H-212) INDEFINITELY POSTPONED in NON-CONCURRENCE.  
The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Create Minimum Safety Standards for Firefighters"

H.P. 1234 L.D. 1686

In Senate, June 1, 1987, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-225) AND "B" (H-235) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

Senator BLACK: Thank you Mr. President, I would like to pose a question to the Chair. I understand that the Honorable Senator from Cumberland, Senator Clark's, motion was to remove Committee Amendment "A" (H-212) off of the divided report from the Committee on Transportation?

THE PRESIDENT: The Chair would inform the Senator that the motion by Senator Clark of Cumberland, was that Committee Amendment "A" (H-212) be Indefinitely Postponed, which was subsequently done.

The Chair recognizes the Senator from Cumberland, Senator Black.

Senator BLACK: Mr. President, the question I would like to know is exactly what this did to the Bill?

THE PRESIDENT: The Chair would advise the Senator that the Bill has been assigned for Second Reading without the Committee Amendment.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. Is the Senate still in possession of supplement 19, L.D. 734?

THE PRESIDENT: The Chair would answer in the negative, the Bill having been assigned to Second Reading the next Legislative Day.

Senator BLACK of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator BLACK: Thank you Mr. President, my question has been answered. I received a note from the Secretary saying that it was an emergency preamble, that was removed.

Senate at Ease

Senate called to order by the President.

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

Senator BALDACCI: Thank you Mr. President and Members of the Senate. I believe one of the greatest miscarriages of justice has taken place, where this Body has decided to, by a Division, support a Committee Report and then with an appearance of a slight of hand find that that report, with its Committee Amendment having been eliminated and assigned to another day. Only represents to the people of the state of Maine that there are flaws in the process. We are all trying to do our job, we win some and we lose some, believe me I have lost my share of them.

But the process at the Committee level, the process in the Senate and the process that we live by to represent to the people the integrity and the ethics that are involved here, I believe have just been dealt a blow. I hope in the future, when these issues are decided by the Body that there is not some usurping of that ethics which we are all abided to under the oath that we took when we accepted this office. Thank you Mr. President.

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. This is another day, there are other opportunities, using the process, to express a difference of opinion over status of the Bill that we have before us. I must say, with the differences of opinion that I have from time to time with every member including the Presiding Officer, that I stack his fairness up against anybody.

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

Senator CLARK: Thank you Mr. President, men and women of the Senate. I would like to explain to members of this Chamber, most of whom including myself, have been less than attentive in the deliberations in our afternoon and early evening sessions this week and I emphasize the words including myself. Because it is the result of our inattentiveness that allowed my motion, which was made through the Chair, to Indefinitely Postpone a Committee Amendment, which is allowed under the rules with which we operate and which allowed without slight of hand, but a deliberate pause of the gavel and a look around the Chamber before that gavel fell.

I realize that there are members of this Chamber who are not happy with the status of a Bill, which will be before us in second reading tomorrow morning. I will be supportive of a motion to

reconsider tomorrow morning, whereby we Indefinitely Postponed that Committee Amendment. I feel sure that in our afternoon and early evening sessions for the duration of this First Regular Session of the 113th Legislature, and in fact, while it was perhaps a painful maybe even resented and resisted, obviously, action that maybe all of us have learned a good lesson. Thank you Mr. President.

Senator KERRY of York was granted unanimous consent to address the Senate on the Record.

Senator KERRY: Thank you Mr. President, ladies and gentlemen of the Senate. I would just like to say that I did not agree with what took place and I think the good Senator from Cumberland, Senator Clark, has stood up and made a very commendable statement. I think it is important to note also that the President in his own infinite wisdom at times, sometimes finite, moves very quickly and tries to keep us all on our toes.

I think I would take this move in the spirit of the way the President sometimes ventures with his various opponents and proponents in the Senate. I take slight umbrage, but my greatest umbrage is when I found out the motion was to Indefinitely Postpone only Committee Amendment, I was chagrined, I would have hoped that it would have been to Indefinitely Postpone the Bill and all of its Accompanying Papers. Thank you.

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

Senator BUSTIN: Thank you Mr. President and members of the Senate. I can't help but admire the quick miss of mind that occurred. I can't help apologizing for being out of the Chamber at the time, I was in the outer office and did hear what was going on, but wasn't quick enough to get here, was surprised that nobody stood up and asked for a Division. I was brought up in this Chamber six years ago by two Presidents that had a much quicker gavel than President Pray has and perhaps we have gotten lethargic in using the tools of our trade up here and those are the tools of the trade. Although I don't condone what has gone on as far as the Indefinite Postponement of Amendment "A", I can't help but admire the use of the tools of our trade.

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

Senator PERKINS: Thank you Mr. President, ladies and gentlemen of the Senate. We each have our own assessment of the proceedings that take place within the Body. We each have our own assessment of various methods of disciplining and of utilizing, as the good Senator from Kennebec, Senator Bustin, says the tools of the trade. The hour is late, the session is late, I understand the frustrations of those who are charged with maintaining both of them. Speaking for myself, I often regret things that happen in haste and I suspect this I will regret also. But I think the faith that each of us put in those that are elected to guide us through these difficult times, must be kept intact. Therefore, I think, let us proceed along with out supplements of the evening and place this in the Record as a happening of the evening and hope come the new morning and the new day that the new faith will be restored and that we will be able to complete our session with the respect and the guidance with those who are charged to do so.

Out of order and under suspension of the Rules, the Senate considered the following:  
PAPERS FROM THE HOUSE  
Non-concurrent Matter  
Resolve, Concerning the Testing of School Buildings for Radon (Emergency)

H.P. 1148 L.D. 1563  
(S "A" S-122; C "A" H-218)

In House, June 2, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218).

In Senate, June 3, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218) AND SENATE AMENDMENT "A" (S-122) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218) AND SENATE AMENDMENT "A" (S-122) AND HOUSE AMENDMENT "A" (H-238) in NON-CONCURRENCE.

On motion by Senator GAUVREAU of Androscoggin, the Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

House  
Ought to Pass

The Committee on EDUCATION on Bill "An Act Relating to Powers of the Board of Trustees of the Maine Maritime Academy and to Authorize Conferral of the Master of Science Degree in Maritime Management"

H.P. 1208 L.D. 1648

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Improve the Method of Calculating Excise Taxes in Fire Control"

H.P. 1087 L.D. 1478

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House  
Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing Impaired"

H.P. 115 L.D. 140

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-236).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-236)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-236) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Funds for Interpreting Services for the Deaf and Hearing Impaired Persons in the Post-secondary and Adult Education Programs"

H.P. 430 L.D. 575

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-237).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-237)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-237) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Relating to Reimbursement of Counties for Costs Associated with Operations of the Court System"

H.P. 808 L.D. 1082

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-239).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-239).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-239) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Make Substantive Corrections in the County and Municipal Laws" (Emergency)

H.P. 35 L.D. 36

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-242).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-242) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on TRANSPORTATION on Bill "An Act to Establish the Railroad Employee Equity Act"

S.P. 505 L.D. 1529

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-125)

Minority - Ought Not to Pass

Tabled - June 3, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 3, 1987, Reports READ.)

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

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

SENATE REPORTS - from the Committee on ENERGY AND NATURAL RESOURCES on Resolve, Authorizing the Sale of Certain Public Reserved Lands

S.P. 480 L.D. 1443

(C "B" S-117)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-116).

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-117).

Tabled - June 3, 1987, by Senator CLARK of Cumberland.

Pending - The Motion of Senator LUDWIG of Aroostook to RECEDE and CONCUR (Division Requested)

(In Senate, June 2, 1987, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-117).)

(In House, June 2, 1987, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) in NON-CONCURRENCE.)

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 Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President and members of the Senate. I rise to support the motion before us to Recede and Concur. I just wanted to remind the Senate that we are talking about the public reserved lands here and we do have a special public trust over the public reserve lands, which belong to all of the people of this state. We inherited those that were not sold off by the state of Massachusetts and the state of Maine earlier, we inherited them when we became a separate state.

They are really constitutionally protected as public reserve lands, our public trust. They are different then other public lands owned by the state of Maine. If we do Recede and Concur, we will go along with a number of sales of some of our public reserve lands that are perhaps not appropriately of such because they were groupings of lease lots for camps or some such things and perhaps we are better off selling those. The difference between the Recede and Concur or Adhering would be some land up in the Carrabassett Valley. The Carrabassett Valley in which there is a particularly special bit of land which is being sold if we Adhere for something like \$372,900 in cash, when many people believe it could be worth as much as \$6 million. That parcel of land is very special really in the shadow of Bigelow

Mountain and some part of it, at least at the Carrabassett Valley ski touring center, you literally have the best view of Sugarloaf Mountain that there is. That too is just around the corner. I have many questions about the proposed sale of the Carrabassett land including if the town of Carrabassett Valley, or the municipality, could charge very large sums and that this wonderful public land, which is now public reserve land constitutionally protected, could be denied to the average Maine person. We could be charge large amounts of money perhaps and thereby lose the availability of this wonderful land. So, I do urge you to Recede and Concur. Perhaps in the future, we may choose to sell some of this to the municipality, but I would hope we would have a different proposal and one that has been more thoroughly thought through than the one before us now.

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

Senator USHER: Thank you Mr. President and members of the Senate. We are talking about the Carrabassett project, some 1,243 acres, \$370,000, which would be put back into the public land fund to purchase land that we can all use. We can still use this land, even if it comes under the jurisdiction of the town of Carrabassett. Because the restrictions are so strong on this transaction, that no one would want to buy it for \$300 an acre. We are talking about one large parcel, 1,243 acres. The restrictions are real tight. They have to keep it under recreation control. It enables the town to have a little more strength for anything that they want to do in town. The Town Manager came to the meeting, the Selectmen came to the meeting and this gives them extra strength in that town, if they want to have future developments. We researched this, I did check to find out who appraised the land and the gentleman is from Gardiner Maine, not someone from the Carrabassett area. A reputable person who does work for the Bureau of Public Lands did appraise the lands, he was hired on other occasions also. I think that we should support the whole package. There was a lot of work put into this by the Division of Public Lands and I believe we should support it, like we have in the past.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. I think at this point in time, everyone is quite clear as to the proposals before us. I think it has been pointed out that the proposal that we would end up if we did Recede and Concur, is the one that has the least, in fact as far as I know, no objection in terms of the land sale. I am not competent to talk of the Carrabassett sale, but it is obviously from the debate here and elsewhere, that there is not unanimity in this particular sale. I hope that you will join me, this evening, in voting to Recede and Concur. Thank you Mr. President.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion of Senator LUDWIG of Aroostook to RECEDE and CONCUR.

A vote of Yes will be in favor to RECEDE and CONCUR.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator PERKINS of Hancock who would have voted YEA requested and received Leave of the Senate to pair his vote with Senator GILL of Cumberland who would have voted NAY.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BERUBE, CAHILL, CLARK, COLLINS, EMERSON, ERWIN, ESTES, GAUVREAU, KANY, KERRY, LUDWIG, MATTHEWS, SEWALL, THERIAULT, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BLACK, BRANNIGAN, BROWN, BUSTIN, DILLENBACK, DOW, DUTREMBLE, GOULD, MAYBURY, PEARSON, RANDALL, TUTTLE, TWITCHELL, USHER, WEBSTER

ABSENT: Senators None

PAIRED: Senators GILL, PERKINS

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators having paired their votes and No Senators being absent, the motion by Senator LUDWIG of Aroostook, to RECEDE and CONCUR, PREVAILED.

(See Action Later Today)

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

Bill "An Act to Improve the Qualifications and Compensation of Substitute Teachers"

H.P. 1262 L.D. 1725

Tabled - June 3, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED in NON-CONCURRENCE

(In House, June 2, 1987, Bill and Accompanying Papers INDEFINITELY POSTPONED.)

(In Senate, June 3, 1987, the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE PASSED TO BE ENGROSSED in NON-CONCURRENCE. Subsequently, RECONSIDERED PASSAGE TO BE ENGROSSED.)

On motion by Senator ESTES of York, Senate Amendment "A" (S-124) READ.

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

Senator ESTES: Thank you Mr. President, ladies and gentlemen of the Senate. I would like to explain that exactly this amendment does. This amendment removes the compensation part of the Bill L.D. 1725, which is a new draft of the original Bill. It leaves in the Bill section 1, that deals with qualifications for substitute teachers there has been a little bit of controversy about the compensation because of the amount of money that it would impact on local schools, this will allow compensation to remain as a local decision.

On further motion by same Senator, Senate Amendment "A" (S-124) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act to Maintain Lifeguard Services in State Government"

S.P. 415 L.D. 1273

(C "A" S-119)

Tabled - June 3, 1987, by Senator TUTTLE of York.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, June 3, 1987, READ A SECOND TIME.)



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

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications"

H.P. 534 L.D. 718

Majority - Ought to Pass in New Draft under New Title Bill "An Act to Require that Job Classifications and Specifications be Determined by Collective Bargaining"

H.P. 1236 L.D. 1688

Minority - Ought to Pass in New Draft under Same Title

H.P. 1237 L.D. 1689

Tabled - June 3, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, May 29, 1987, Minority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED (H.P. 1237) (L.D. 1689).)

(In Senate, June 1, 1987, Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Bill "An Act to Require that Job Classifications and Specifications be Determined by Collective Bargaining" (H.P. 1236) (L.D. 1688) Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE PASSED TO BE ENGROSSED in NON-CONCURRENCE.)

(In House, June 2, 1987, that Body INSISTED.)

(In Senate, June 3, 1987, RECONSIDERED whereby the Senate ADHERED. Senator TUTTLE of York withdrew motion to ADHERE.)

On motion by Senator TUTTLE of York, the Senate RECEDED from ACCEPTANCE of the Majority OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

On further motion by same Senator, the Minority OUGHT TO PASS IN NEW DRAFT under same Title, Report was ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

On further motion by same Senator, the Senate SUSPENDED THE RULES.

The Bill in NEW DRAFT READ A SECOND TIME.

On further motion by same Senator, Senate Amendment "A" (S-127) READ.

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

Senator CLARK: Thank you Mr. President, I wonder if the good Senator from York would be so kind as to clarify the intent of Senate Amendment "A" (S-127). If my reading of that amendment is accurate, it allows for the development of job classifications through our collective bargaining process.

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

The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Thank you Mr. President, men and women of the Senate. The Senator from Cumberland, Senator Clark, is correct. This is a compromise to the original Bill that this Body had Adhered to, which the Commissioner of the Administration and the State Government Committee have agreed to. The other Body having seen the light.

On motion by Senator TUTTLE of York, Senate Amendment "A" (S-127) ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

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

Senator KANY: Thank you Mr. President, is the Senate in possession of L.D. 1443?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator KANY of Kennebec, moved to RECONSIDER whereby the Senate RECEDED and CONCURRED on:

Resolve, Authorizing the Sale of Certain Public Reserved Lands

S.P. 480 L.D. 1443  
(C "A" S-116)

(In Senate, June 3, 1987, RECEDED and CONCURRED.)

(In House, June 2, 1987, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) in NON-CONCURRENCE.)

(In Senate, June 2, 1987, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-117).)

Senator KANY of Kennebec requested a Division.

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

Senator BALDACCI: Thank you Mr. President, I would like to speak to the motion of the good Senator from Kennebec, Senator Kany for reconsideration. Basically, I think at this time it is very important having the closeness in the vote to have more thorough discussion of the issue. It probably would be wiser if this was Tabled one Legislative Day, so that we could discuss this issue and all of the circumstances surrounding it and the other public lands.

Senator BUSTIN of Kennebec moved to TABLE 1 Legislative Day.

Senator KANY of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BUSTIN of Kennebec to TABLE 1 Legislative Day.

A Division has been requested. 17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator BUSTIN of Kennebec to TABLE 1 Legislative Day, pending the motion of Senator KANY of Kennebec, to RECONSIDER whereby the Senate RECEDED and CONCURRED, PREVAILED

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

An Act to Provide Special Plates or Placards for Handicapped Persons

S.P. 564 L.D. 1685  
(S "A" S-106)

Tabled - June 3, 1987, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, May 29, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-106) without reference to a Committee.)

(In House, June 3, 1987, PASSED TO BE ENACTED.)

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

Off Record Remarks

On motion by Senator BALDACCI of Penobscot, ADJOURNED until Thursday, June 4, 1987, at 8:30 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
81st Legislative Day  
Thursday, June 4, 1987

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

Prayer by Reverend John L. Dunn, Jr., United Baptist Church of Ellsworth.

The Journal of Wednesday, June 3, 1987, was read and approved.

Quorum call was held.

COMMUNICATIONS

The following Communication:

STATE OF MAINE

ONE HUNDRED AND THIRTEENTH LEGISLATURE  
COMMITTEE ON AUDIT AND PROGRAM REVIEW

June 3, 1987

Honorable John L. Martin  
Speaker of the House  
113th Maine State Legislature  
Augusta, Maine 04333

Dear Speaker Martin,

We are pleased to report that all business which was placed before the Joint Standing Committee on Audit & Program Review during the First Regular Session of the 113th has been completed. The breakdown of bills referred to our Committee follows:

Total number of bills received	3
Unanimous Reports	3
Leave to Withdraw	1
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	1
Ought to Pass in New Draft	1
Divided Reports	0

Respectfully submitted,

S/Beverly M. Bustin  
Senate Chair

S/Neil Rolde  
House Chair

Was read and ordered placed on file.

ORDERS

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative MARSANO from the Committee on Judiciary on Bill "An Act to Amend the Juvenile Code Relating to the Questioning of Juveniles" (H.P. 876) (L.D. 1177) reporting "Ought to Pass" in New Draft (H.P. 1272) (L.D. 1737)

Report was read and accepted, The New Draft read once and assigned for second reading later in today's session.

ENACTOR

LATER TODAY ASSIGNED

An Act to Require Basic Written Contracts for Home Construction Work (S.P. 352) (L.D. 1044) (C. "A" S-108)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Allen of Washington, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Expedite the Process of Resolving Disputes Involving the Accuracy of Information in Consumer Reports (S.P. 575) (L.D. 1716)

An Act to Clarify the Powers of Arrest of a Probation and Parole Officer (S.P. 530) (L.D. 1582)