

# 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

Representative CROWLEY from the Committee on Economic Development on RESOLVE, Establishing a Commission to Study the Linkages between Education and Economic Development (H.P. 735) (L.D. 986) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

In Senate Chamber  
 Thursday  
 June 4, 1987

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 350) (L.D. 449) Bill "An Act to Implement the Recommendations of the Joint Select Committee for Learning Disabled Children" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-253) (Representative GOULD of Greenville - of the House - abstaining)

(H.P. 962) (L.D. 1291) Bill "An Act to Implement the Recommendations of the Driver Education Evaluation Program Study" (Emergency) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-254)

Under suspension of the rules, Second Day Consent Calendar Notification was given, the Bills were passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent.

SENATE PAPERS

The following Joint Order: (S.P. 596)

Ordered, the House concurring, that Bill, "AN ACT Relating to Adult Education," H.P. 893, L.D. 1194, be recalled from Engrossing to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Perry of Mexico, Adjourned until Friday, June 5, 1987, at nine o'clock in the morning.

Senate called to Order by the President.

Prayer by the Honorable Georgette Berube of Androscoggin.

SENATOR BERUBE: When some one asked him a question, "Teacher, which is the first commandment in the law?" He said to him "You shall love the Lord with all your soul and with all your mind. This is the great and first commandment." A second is like it: "You shall love your neighbor as yourself." On these two, depend the laws.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to Adult Education"

H.P. 893 L.D. 1194

(C "A" H-201)

In Senate, June 1, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201) AND HOUSE AMENDMENT "A" (H-243) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

Non-concurrent Matter

Bill "An Act Relating to Catering Services under the Liquor Law"

S.P. 569 L.D. 1702

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

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-244) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

House Papers

Bill "An Act to Better Accommodate Over-order Milk Pricing"

H.P. 1274 L.D. 1741

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

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

COMMUNICATIONS

The Following Communication:  
 COMMITTEE ON AUDIT AND PROGRAM REVIEW  
 ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 June 3, 1987

Honorable Charles P. Pray  
 President of the Senate  
 113th Maine State Legislature  
 Augusta, Maine 04333  
 Dear President Pray,

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 Reported	0

Respectfully submitted,  
 S/Beverly M. Bustin                      S/Neil Rolde  
 Senate Chair                              House Chair  
 Which was READ and ORDERED PLACED ON FILE.

Off Record Remarks

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Provide a Treatment Team for the Home-based Family Services Program"

H.P. 345 L.D. 444

Bill "An Act to Provide Funds to the Department of Mental Health and Mental Retardation to Assist the Millinocket Areas with Mental Health, Home Health and Homemaker Services"

H.P. 490 L.D. 660

Leave to Withdraw

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

Bill "An Act to Increase Employability of Persons with Long-term Mental Illness"

H.P. 170 L.D. 214

Bill "An Act Regarding Day Treatment Services to Emotionally Disabled Children"

H.P. 201 L.D. 253

Bill "An Act to Sustain Community Services for the Mentally Ill"

H.P. 233 L.D. 301

Bill "An Act to Prevent Inappropriate Institutionalization of Children"

H.P. 283 L.D. 366

Bill "An Act to Partially Fund Housing for the Mentally Retarded"

H.P. 391 L.D. 525

Bill "An Act to Strengthen the Subdivision Laws"

H.P. 449 L.D. 604

Bill "An Act to Assure an Equitable Level of Mental Health Services in York County"

H.P. 576 L.D. 774

Bill "An Act to Provide for Continued Treatment and Support of Incest Victims and Survivors" (Emergency)

H.P. 584 L.D. 795

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Removal of Commercial Underground Steel Tanks Storing Petroleum Products"

H.P. 640 L.D. 863

Bill "An Act to Provide Funding for an Honors Seminar Program to Train Secondary School Teachers in the Humanities"

H.P. 696 L.D. 937  
 Bill "An Act to Provide Family Support Services to Maine Families who Choose to Care for their Developmentally Disabled Children at Home"

H.P. 702 L.D. 943

Bill "An Act to Provide a Comprehensive Growth Management Plan for the State"

H.P. 955 L.D. 1284

Bill "An Act to Exempt the York Water District from Payment for Certain Improvements"

H.P. 1182 L.D. 1612

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Provide for Election of the Public Advocate"

H.P. 524 L.D. 708

Reported that the same Ought Not to Pass.

Signed:

Senators:

BALDACCI of Penobscot

GOULD of Waldo

Representatives:

BOUTILIER of Lewiston

HUSSEY of Milo

STROUT of Windham

LOOK of Jonesboro

BICKFORD of Jay

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

Signed:

Senator:

TUTTLE of York

Representatives:

CARROLL of Gray

ANTHONY of South Portland

ROTONDI of Athens

LACROIX of Oakland

(Representative WENTWORTH of Wells Abstained)

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

Which Reports were READ.

Senator BUSTIN of Kennebec moved to ACCEPT the Minority OUGHT TO PASS Report, in concurrence.

Senator BALDACCI of Penobscot requested a Division.

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

Senator BUSTIN: Just by way of explanation of why I am moving the Minority Report, and I am sorry that the good Senator from York, Senator Tuttle, is not here because it is my understanding that he was going to do that so I am really a fill in. If you look at your L.D. 708, it is the election of the Public Advocate. Rather than having the Governor name the Public Advocate, it is suggested that the Legislature, by joint ballot, elect the Public Advocate.

I think that is a much better way to go in order to get the distance from the Executive Department so there is more individuality for the Public Advocate in that position. That is what I am looking for. Thank you.

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

Senator BALDACCI: Mr. President and members of the Senate. The Committee dealt with this particular issue because of the technical nature of the proceedings before the Commission, the issues that deal with cost of service studies, rate reform and the inter-relationships between all the different classes of customers and in trying to represent the

using and consuming public. As a spokesperson for the Governor and the Administration, as far as the Public Utilities Commission is concerned, and many, many arguments, it was thought that rather than leaving it to 186 people here to decide who the Public Advocate should be, it would be better if it was left the way it is right now. Thank you.

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

Senator BUSTIN: Thank you, Mr. President. I might remind the good Senator from Penobscot, Senator Baldacci, that we also elect as suggested by L.D. 708, the State Auditor. I think that is a fairly responsible job that has to be looked at very carefully and I think that we do a responsible job in electing that State Auditor and I suspect we could do the same responsible job in electing the Public Advocate.

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

Senator MATTHEWS: Mr. President, thank you. In all due respect to the good Senator from York, Senator Tuttle, who is not here and this issue which I intend to debate, I would ask that we table this until later so we can give him a chance to get here.

Senator KANY of Kennebec moved to TABLE until Later in Today's Session, pending the motion of Senator BUSTIN of Kennebec to ACCEPT the Minority OUGHT TO PASS Report.

Senator BALDACCI of Penobscot requested a Division.

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

Senator DILLENBACK: Thank you, Mr. President. I would like to pose a question to the Chair. My question is, aren't we in the midst of a Division presently?

THE PRESIDENT: The Chair would advise the Senator that the pending motion is the motion of the Senator from Kennebec, Senator Kany, that this Bill be Tabled until Later in Today's Session. The vote had not been announced in reference to the Division. Any individual can address the Chamber prior to the announcement of a vote. The Chair would state that were the roll being called, debate would not be in order.

The pending question before the Senate is the motion of Senator KANY of Kennebec to TABLE until Later in Today's Session.

A Division has been requested. 15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator KANY of Kennebec to TABLE until Later in Today's Session, FAILED.

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

Senator MATTHEWS: Mr. President, members of the Senate. I just want to go on Record. My concern about the current situation with a position which has been vacan, this Body should not forget the problems that we went through as a State and still, I think, are still going through today with utility policy and utility regulation. I believe the Public Advocate's position is a very important one. Certainly, it has been important to constituents which I represent and almost on every occasion when I hold a town meeting, one of the questions always is Seabrook, Maine Yankee, high level waste storage, those kinds of concerns. I believe the Public Advocate position should be there, we should have a Public Advocate who is concerned about these things and that position should be filled. With all due respect, if the current Governor is not going to do it, and he has already stated on other issues, like the Energy

Office, he is not concerned about energy policy, then it ought to be the right of the Legislature to get involved. That is really all I had to say. I believe the Public Advocate position is very, very important to this State.

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

Senator BALDACCI: Mr. President. My role in the Senate is not to defend the Governor and his energy policy. My role here is to make sure that we are creating good laws. It is the feeling of the majority of the Committee on State and Local Government that this Bill is being drafted to propose that this be the election through the Legislature for the Public Advocate, is not in the best interest of this State. The Governor has not abandoned energy policy. We have staff advocates at the Utilities Commission, we have an acting Public Advocate, names are being considered for the position of Public Advocate. I think it is unwise and unwarranted to make claims at this time, that there is no energy policy or a stance toward the using and consuming public, until such time as an appointment is made.

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

Senator KANY: Mr. President and fellow Senators. The Legislature elects the Attorney General, the Secretary of State, the State Treasurer and the Auditor and we really hear few complaints about the quality of those people. I, also urge you to vote in favor of the pending motion and have the Legislature elect the Public Advocate. When we first created the office of the Public Advocate, we did so because we believed that the people of the State, the customers, including small businesses was not represented properly before the Public Utilities Commission. Utilities have always had a room filled with lawyers at any important Public Utilities Commission hearing or meeting, but the public was only represented by some consumer group. Sporadically, and occasionally a very large business or manufacturer might have an attorney there. Over all, the commercial customers, the industrial customers and the residential customers simply were not represented. Now they are. It has worked out very well. Not only is the Public Advocate's Office there for these proceedings, but the Department has initiated a way to deal with something more rapidly. It saves the consumers of this State, including the businesses, millions and millions of dollars. It has initiated many changes.

The Public Advocate also can represent the public before FERC. It certainly behooves us, the Legislature, who we are most closely in contact with the citizens of this State, it seems entirely appropriate and in keeping with the spirit of the law, which I sponsored on behalf of Governor Brennan, that would be entirely appropriate to do so. I urge you to support the pending motion.

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

Senator DILLENBACK: Thank you, Mr. President. Ladies and gentlemen of the Senate. I served on the Portland Water District Board of Trustees for 9 years. When we came before the PUC, we had to go to Boston to get the professionals to come up and represent us. It is true what Senator Kany has said that industry does have professionals at those hearings. We paid a great deal of money to those people because they were qualified. Therefore, the Public Advocate should be as well qualified. The Public Advocate should not be a political appointment. The Public Advocate should be somebody that the Governor will select who can represent the

people in this State in an adequate position and way. I don't think the number of people that we have here, out of this group, certainly make it a political position. I just don't want to see that. Thank you.

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

Senator DUTREMBLE: Mr. President, I would like to pose a question through the Chair. If the Governor makes the appointment, is that not political?

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

The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you, Mr. President. I think, in looking back at the appointees that the Governor has made to date, from both sides of the aisle, it is an indication of his desire to have the most qualified person that he can find to serve in those capacities. Thank you,

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

Senator PEARSON: I haven't any doubt that the Governor would appoint the very most qualified person he could get. As a matter of fact, I have the same impression of the previous Governor and I think that he did do that. I couldn't help but to think when this debate was starting and I knew nothing about the Bill when it began, my opinions began to be formed as I listened. Somehow, we had no control, at least I thought I had no control, no input, no nothing over the decisions of the previous Public Advocate, with regard to Maine Public Service in Aroostook. I can remember agonizing about that particular situation because I thought that Maine Public Service was being thrown up against the wall and abused by the Public Advocate's Office. I never had the same opinion that he did. That doesn't mean that my opinion is the right one, but I just couldn't understand how he could come to those kinds of conclusions and face the fact that almost everybody in Aroostook didn't agree with him, and the company was being forced to negotiate with Central Maine Power upon the insistence of the Public Advocate. The rate setting procedures that had gone on previous to that was the PUC. I don't think that I have the perfect answer to it, but I sure would like to be able to say to him, "Listen, Mr. Public Advocate, you'd better remember that you have to come before the Legislature to get confirmed and if you keep these antics up, this is one vote that you're not going to get." I never could do that before. Eventually, I guess everything worked out all right, but I did not like the way, that I felt, that Maine Public Service was being abused.

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

Senator BALDACCII: Mr. President and members of the Senate. In utility rate setting procedures, it is very difficult and emotional sometimes, it requires a tremendous amount of analysis. I am not saying that I agree with a lot of the decisions that the PUC has made or that the Public Advocate has made, but a certain amount of data is researched and consumed. They try to make it as less political decisions and cost of service than anything else. While there are disagreements, I think the Public Advocate, in that particular situation, kept the Committee on Utilities very well informed as to what was going on. The Committee on Utilities did intervene, after several letters had gone from the Public Advocate's Office to the Board of Directors and the President of Maine Public Service, that we

did intervene and we did make sure that the process and the procedure that was being followed was legal. It was a tremendous concern to all of us.

I would submit to you, that the problems could be different in the future, that we would have a Public Advocate that would be more willing to submit to the individual whims of 186 people, maybe, than they would be to one person, the Chief Executive Officer of the entire State.

I think the trade off in the balance between all of that would be a better system, by having the Governor appoint than through the Legislature. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BUSTIN of Kennebec, to ACCEPT the Minority OUGHT TO PASS Report.

A Division has been requested. 9 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion of Senator BUSTIN of Kennebec to ACCEPT the Minority OUGHT TO PASS Report, in concurrence, FAILED.

Senator BALDACCII of Penobscot moved to ACCEPT of the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

Senator DUTREMBLE of York moved to TABLE until Later in Today's Session, pending the motion of Senator BALDACCII of Penobscot to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

At the request of Senator BALDACCII of Penobscot, a Division was had. 17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator DUTREMBLE of York to TABLE until Later in Today's Session, pending the motion of Senator BALDACCII of Penobscot to ACCEPT the Majority OUGHT NOT TO PASS Report, in NON-CONCURRENCE, PREVAILED.

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Senate  
Ought Not to Pass

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

Bill "An Act to Amend the Wells-Ogunquit Community School District Charter" S.P. 446 L.D. 1360

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Leave to Withdraw

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

Bill "An Act to Provide Funding for Business Energy Outreach" S.P. 112 L.D. 285

Bill "An Act to Continue the Rebate Programs for Small Business Weatherization and Furnace Modernization and Homeowner Furnace Modernization" S.P. 196 L.D. 553

Bill "An Act to Provide Matching Energy Grants to Small Businesses, Municipalities and Nonprofit Organizations which Receive Public Funding" S.P. 204 L.D. 560

Bill "An Act to Provide Funds for Winterization Projects in Piscataquis and Penobscot Counties" S.P. 301 L.D. 870

Bill "An Act to Require Testing of Dioxin Levels at the Maine Energy Recovery Corporation" (Emergency) S.P. 562 L.D. 1679

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Ought to Pass in New Draft

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Resolve, to Establish the Maine

Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute

S.P. 225 L.D. 607

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

S.P. 588 L.D. 1742

Which Report was READ and ACCEPTED.

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

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

Senator BLACK for the Committee on JUDICIARY on Bill "An Act Concerning the Taking of Fingerprints and Submission to the State Bureau of Identification"

S.P. 289 L.D. 816

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

S.P. 587 L.D. 1739

Which Report was READ and ACCEPTED.

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

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

Senator BLACK for the Committee on JUDICIARY on Bill "An Act to Modify Certain Sections of the Maine Criminal Code"

S.P. 438 L.D. 1318

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

S.P. 586 L.D. 1738

Which Report was READ and ACCEPTED.

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

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

#### SECOND READERS

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

House

Bill "An Act to Improve the Method of Calculating Excise Taxes in Fire Control"

H.P. 1087 L.D. 1478

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

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

H.P. 1264 L.D. 1728

Bill "An Act Relating to Determination of Benefit Claims under the Unemployment Compensation Law"

H.P. 1267 L.D. 1730

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

Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour"

H.P. 547 L.D. 734

Which was READ A SECOND TIME.

Senator CAHILL of Sagadahoc moved to RECONSIDER whereby Committee Amendment "A" (H-212) was INDEFINITELY POSTPONED.

On motion by Senator THERIAULT of Aroostook, Tabled until Later in Today's Session, pending the motion of Senator CAHILL of Sagadahoc to RECONSIDER whereby Committee Amendment "A" (H-212) was INDEFINITELY POSTPONED.

#### House As Amended

Bill "An Act to Make Substantive Corrections in the County and Municipal Laws" (Emergency)

H.P. 35 L.D. 36

(C "A" H-242)

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

(C "A" H-236)

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

(C "A" H-237)

Bill "An Act Relating to Reimbursement of Counties for Costs Associated with Operations of the Court System"

H.P. 808 L.D. 1082

(C "A" H-239)

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

#### ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially 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 DOW of Kennebec.

Pending - ACCEPTANCE OF EITHER REPORT

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

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

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

Resolve, Authorizing the Sale of Certain Public Reserved Lands

S.P. 480 L.D. 1443

(C "A" S-116)

Tabled - June 3, 1987, by Senator BUSTIN of Kennebec.

Pending - Motion of Senator KANY of Kennebec to RECONSIDER whereby the Senate RECEDED and CONCURRED (Division Requested)

(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).)

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

Senator KANY of Kennebec to RECONSIDER whereby the Senate RECEDED and CONCURRED. (Division Requested)

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 4, 1987, by Senator DOW of Kennebec.

Pending - ACCEPTANCE OF EITHER REPORT

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

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

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

Resolve, Authorizing the Sale of Certain Public Reserved Lands

S.P. 480 L.D. 1443

(C "A" S-116)

Tabled - June 4, 1987, by Senator USHER of Cumberland.

Pending - Motion of Senator KANY of Kennebec to RECONSIDER whereby the Senate RECEDED and CONCURRED (Division Requested)

(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).)

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending motion of Senator KANY of Kennebec to RECONSIDER whereby the Senate RECEDED and CONCURRED. (Division Requested)

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

ENACTORS

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

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

An Act to Continue on an Annual Basis the Registration Fee Charged to Pesticide Manufacturers and Other Registrants in 1987

H.P. 1162 L.D. 1588

(C "A" H-213)

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

Resolve

Resolve, Authorizing the Director of Public Improvements to Resolve an Encroachment on State Property in Hallowell

H.P. 1265 L.D. 1731

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

ORDERS OF THE DAY

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

HOUSE REPORTS - From the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Provide for Election of the Public Advocate"

H.P. 524 L.D. 708

Majority - Ought Not to Pass

Minority - Ought to Pass

Tabled - June 4, 1987, by Senator DUTREMBLE of York.

Pending - Motion by Senator BALDACCI of Penobscot to ACCEPT the Majority OUGHT NOT TO PASS Report, in NON-CONCURRENCE

(In House, June 3, 1987, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.)

(In Senate, June 4, 1987, Reports READ.)

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

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

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BLACK, BRAWN, CAHILL, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, GAUVREAU, GOULD, KERRY, LUDWIG, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TWITCHELL, USHER, WHITMORE

NAYS: Senators ANDREWS, BUSTIN, DOW, ERWIN, ESTES, KANY, MATTHEWS, TUTTLE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators BRANNIGAN, GILL, WEBSTER  
23 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator BALDACCI of Penobscot, to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE, PREVAILED.  
Sent down for concurrence.



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

Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour"

H.P. 547 L.D. 734

Tabled - June 4, 1987, by Senator THERIAULT of Aroostook.

Pending - Motion by Senator CAHILL of Sagadahoc to RECONSIDER whereby Committee Amendment "A" (H-212) was INDEFINITELY POSTPONED

(In Senate, June 4, 1987, READ A SECOND TIME.)

(In House, June 3, 1987, PASSED TO BE ENGROSSED, AS AMENDED.)

On motion by Senator CAHILL of Sagadahoc, the Senate RECONSIDERED whereby Committee Amendment "A" (H-212) was INDEFINITELY POSTPONED.

Senator CLARK of Cumberland requested and received Leave of the Senate to withdraw her motion to INDEFINITELY POSTPONE Committee Amendment "A" (H-212).

THE PRESIDENT: The pending question before the Senate is the ADOPTION of Committee Amendment "A" (H-212).

On motion by Senator THERIAULT of Aroostook, Senate Amendment "A" (S-131) to Committee Amendment "A" (H-212) READ.

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

Senator THERIAULT: Thank you, Mr. President and members of the Senate. It really is with great reluctance that I rise at this moment to discuss this Bill further. I feel that I ought to make one last appeal for my constituents that I know, if were in my place today, would vote the way that I will be voting. I owe it to them to do it. I am sure that there is not one individual in this Chamber, nor any individual in the State who has not been guilty of speeding at one time or another. Consequently, I am really not talking about them. I am really talking about us. Like I told you on a few occasions before, I live further from these chambers than any one else in this room. Consequently, I have plenty of occasion to think along the route about interesting subjects. If you remember, a short while back, I told you of my experiences that I have had with pot holes. Thanks to the good Commissioner of Transportation, those pot holes are now filled. I have occupied my thoughts by studying the anatomy of the speeder, which I would like to discuss with you today, if you don't mind. I would like to share some of my findings. First, I would like to say that I am really not talking about myself nor am I talking males vs females. I think that they both are guilty equally in this.

Occasionally, I will be referring to he, him or his but that also includes the women. I would like to begin by saying that there are really two types of speeders.

There is the professional speeder and there is the occasional speeder. You can always tell the difference. Before I go into describing the differences, I would like to ask you a few questions. I don't expect an answer but just want to stimulate your thoughts. I would like to begin by saying: Have you ever seen a tractor trailer rig stopped for speeding? Have you ever wondered why the individual that goes by you with such speed that your car shakes, is never stopped? Have you ever wondered why the individual that has two or three or four antenna on the vehicle is never stopped?

The individual that we see stopped for speeding are individuals that might be in a beat up car, it

might be an out-of-stater, it might be a young driver. There is a reason for that. It is not because our law enforcement officers do not want to stop speeding trucks or the individual that have three or four antenna on the vehicle, or that he really enjoys stopping young drivers or out-of-staters. The real reason is due to sophistication. This is what I would like to discuss with you, the sophistication of the speeder vs the non-speeder.

The professional speeder has certain skills which are learned and acquired through experience. Also, they might possess certain equipment that he might use. You can tell a professional speeder when he goes by you by the swivel neck. The speeder looks in all directions simultaneously. He looks forward, sideways, backward and also observes the sky. So, this is why sometimes we see these vehicles with sun roofs. The professional speeder also knows the presence of a police officer by observation, that is, he can tell that there is an officer somewhere lurking around the corner.

Here are some of the things that that individual might use or does use to determine the presence of an officer. First of all, he observes birds. If there are any birds in the vicinity of a turn off, it is a sure sign there is no cop there. I don't really know why this is true except that maybe the radar radio waves affect the bird in some way. Another thing that the speeder does, he constantly observes the flow of traffic. He knows how many cars are behind, how many cars are ahead and at night he will count lights. If there is a strange light in there, it is cause for signal, danger. There could be somebody he doesn't want in there. Other things that he might do is, he will observed a flow of traffic and a speeder always drives as far ahead as he can see. If he can see ten miles down the road, that is where the speeder is looking. He is looking for these signs. He is looking for a flicker of light that he might see through the bushes which would be a clue that there might be some one lurking there.

I would like to continue by describing some to the tools available to the speeder. He might have a scanner in the vehicle that will keep the speeder informed at all times, of where all the cops are, because police officers are good public servants and they always tell their boss when they are going to do something. He might have a C.B., listening. Besides that to list traffic, he might have a number of things and you might hear such messages as "There is a bear in the air in the vicinity of marker number 3." That is a good signal.

They might say "There is a smokey lurking at turn off number 20." You hear those constantly on the C.B. This is why some of our professional speeders very often, will hug these trailer trucks as they are going down the road, because they know that every single truck is equipped with all the latest equipment possible to buy.

There are many more things. There are many more tools available to the professional speeder and I think you're aware of some of them. I don't need to elaborate.

So, I ask you to consider very carefully your vote today. The individuals that you are trying to reach by increasing the penalty is the occasional speeder. Like I said yesterday, in passing, that those might be the individuals that got up late in the morning and were trying to get to work on time. That is a favorite time for police officers, just before work. This is the individual that will be feeling this pinch. So, before you vote, I want you to consider that you will not be touching the

professional speeder. You will be touching the occasional speeder because the professional speeder rarely, rarely, if ever gets caught. In my 7 years to the Capitol, I have yet to see a tractor trailer truck stopped for speeding or for any purpose for that matter, except for weight. I would ask you to please support my amendment and do it for the little guy. Thank you.

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

Senator CAHILL: Thank you, Mr. President. Men and women of the Senate. It is with reluctance that I rise to rebut the good Senator from Aroostook, Senator Theriault, with his humor and his eloquence today, but I feel that I must. I feel that this is a real serious matter that we have before us, raising the speed limit. I think that it is a privilege that we are considering doing this. I think also, we have to send a message to the Maine motoring public that we aren't about to accept a maximum speed limit of 70 or 75. We have to tell people, we have to send the message to our law enforcement people and to the Judiciary, telling them that 65 does not mean 70 or 75. That is why I support the increasing of fines. Actually, every one says that it is a doubling of the fine, and while it is, it actually isn't. Currently the \$25 fine is rarely used. If you're convicted of speeding over 15 miles over the speed limit, the fine is generally \$50, \$55, \$60 or \$70. Rarely, do you see a \$25 fine imposed. The other thing this would do, increasing the fine, is only on those highways that have the 65 speed limit. It is not going to apply to Route 1 or Route 201, or any of the other highways. It is just the Interstate System and the Turnpike System where this increase in fine will apply. So, I will ask you to oppose Adoption of the amendment before us. Thank you.

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

Senator GAUVREAU: Thank you, Mr. President, men and women of the Senate. Over the course of the last twenty four hours, I have listened, with some amusement, some concern regarding the debate on the now infamous speeding bill. I find myself, somewhat curiously, in agreement to the good Senator from Aroostook, Senator Theriault. It is my belief, based upon several years of appearances in court houses, observation of police officers' behavior, as well as motorists' behavior, that the suggestion that we ought to affect a modest raise in the minimum penalty, is a message to the motoring public in Maine, that we will not stand for irresponsible speeding, is somewhat illogical.

Basically, we should be focusing our concerns about how to improve enforcement, speeding infractions in the State of Maine. I submit to you that a mere hike of \$25 as a minimum fine for speeding will not advance that objective.

As a practical matter and a matter of human nature, police officers are simply not going to spend substantial time sitting around district court houses in our State, enforcing relatively minor speeding violations. We all recognize that we lack police officers now, in many parts of our State, for them to discharge law enforcement duties. There are clearer higher priorities, in many areas, certainly in my city of Lewiston, than enforcing relatively minor speeding violations. I submit to you, that if you have a person, a police officer has a choice whether to spend 4 hours on the Maine Turnpike in bringing in people who are 6 or 7 miles over the speed limit, or in fact, using his or her time to prosecute other more significant violations of the law. The officer simply is not going to spend a great deal of time

enforcing relatively minor violations, speeding violations.

There is nothing more frustrating to a law enforcement officer, and I am sure they are concerned, than having to come in on a day off and spend 5 hours waiting to prosecute a traffic violation. As a practical matter, police officers are not going to summons people to court for going 6 or 7 miles over the limit. They are not going to use their limited time in that fashion. It is for that reason that the suggestion that we effect a minimum or a moderate hike from \$25 to \$50 for speeding on the Maine Turnpike, is simply not going to be an effective deterrent to the people who choose to speed. I do have some questions which I would like to pose through the Chair to any one who would care to respond, and specifically to members on the Transportation Committee. I would wonder whether the Committee has adopted some type of a protocol by which we will be able to observe speeding patterns in Maine, over the next 12 months, so we can make an informed decision on whether or not there has been significant increases in speeding, if we do, in fact raise our speed limit. I would also inquire whether consideration was given, not to affecting a moderate or a minor enhancement in the minimum fine for speeding, but rather consideration was given to increasing the number of points which would be debited against the motorist for speeding violations.

I ask this question, because it seems to me, the affluent motorist who is a hurry to go to Portland for a business meeting, certainly will not mind paying a minor fee, if he or she knows there is more at stake in terms of getting to his or her meeting in a hurry. I think a moderate fine will have no deterrent at all. The possibility of losing ones license will have a very significant deterrent. So I will ask that question. It also seems to me, somewhat arbitrary for us to simply to assess an additional \$25 fine for people who happen to speed on the Interstate System. There are many other speeding violations, which I personally view much more serious.

For example, a person who is speeds 10 miles over or 20 miles over, in an area near a school where our children are, in my view, it is an offense against public safety and far more serious than speeding 15 miles over or 10 miles over on the Maine Turnpike or I-95.

It is to these reasons, although I respect the arguments that are advanced for affecting a minor increase in minimum finds for speeding, we ought not to delude ourselves. This measure may or may not have some very short term symbolic validity in terms of attempting to send a message to the public that we're going to get tough on people who speed in our State. As a practical matter, it will have no effect whatsoever. We simply are not going to change the behavior of police officers. We're not going to have police officers prosecuting more diligently or more vigorously speeding infractions. As a practical matter, even with the limited number of officers that we have in this State, I can not find fault with police chiefs who direct their officers to investigate and enforce other more serious violations of our law. It is to these reasons that I find myself in support of the good Senator from Aroostook, Senator Theriault, and I would endorse his proposed amendment. Thank you.

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

Senator DILLENBACK: Thank you, Mr. President and ladies and gentlemen of the Senate. It seems to me the question here and the major importance of this Bill is the 65 miles speed limit. That is what we're

debating and that is what we're talking about. These amendments don't seem to make any sense to me at all. I don't know any of my friends who have received a ticket and received a \$25 ticket. The charge has usually been \$50 to \$70 or even \$100. I don't think we should confuse the debate over a \$25 item one way or the other. I don't care if you put it on or if you take it off. Let's vote on the 65 mile speed limit. That is what we're here for. Thank you.

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

Senator BALDACCI: Thank you, Mr. President. Mr. President and members of the Senate. We have debated this issue for quite a period of time. We had a very eloquent speech from the good Senator from Aroostook, Senator Theriault, about those illusive expert speeders. We had a very eloquent speech by the good Senator from Androscoggin, Senator Gauvreau, as to what takes place in the court room in the real world, as far as speeders are concerned. The fact of the matter, the point of the issue, is that we are raising the speed limit from 55 to 65. We're concerned about safety on the roads. We're concerned about using more energy on the roads by raising it to 65. We're concerned about people getting killed at higher rates of speed, in cars that may not be built for those higher rates of speed, in collisions. We're concerned about that.

The State Government Committee, in the confirmation of Colonel Demers, who took Colonel Alan Weeks' position, was asked about increasing the speed limit and about the amount of mileage over that speed limit that they will be enforcing. The new Public Safety Commissioner, John Atwood, was there to discuss it, also. There is going to be stricter adherence to the speed limit. There should be an up in the base line from \$25 to \$50, as a base. It is now \$25 to \$100, they are increasing the base. I think that is the message that we are sending to the Maine motorist and people who drive in the State of Maine on the Interstate System, that we are concerned about safety and we are concerned about energy and we have a 65 mile per hour speed limit, if this Bill becomes law, then we would appreciate it if you would strictly adhere to that.

The reason is the fine base has been increased. The State Chiefs Association and the State Police Chief and the Public Safety Commissioner are going to be more strictly enforcing that 65 mile per hour limit than they have in the past at 55 miles per hour. So, I think it is very important to get this Bill out of there, as the good Senator from Cumberland, Senator Dillenback suggests. People have been waiting for this for a very long time. Not clog it down with amendments. This Bill has been reported out and hopefully we will be able to keep it in concurrence, so we can get this to the Governor's desk and signed into law, so the people of the State of Maine know that we want to do it and that we want to do it right. Thank you, Mr. President.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator THERIAULT of Aroostook to ADOPT Senate Amendment "A" (S-131) to Committee Amendment "A" (H-212).

A vote of Yes will be in favor of ADOPTION.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators GILL, WEBSTER

12 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator THERIAULT of Aroostook to ADOPT Senate Amendment "A" (S-131) to Committee Amendment "A" (H-212), FAILED.

Senator USHER of Cumberland moved the INDEFINITE POSTPONEMENT of the Bill and all Accompanying Papers.

Senator CAHILL of Sagadahoc requested a Division.

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator USHER: Thank you, Mr. President. Mr. President and members of the Senate. This issue was brought before the Legislature some 2 months ago and about every weekend that I went home, and I'm sure to you, everybody asked how I was going to vote on the speed limit. I told them that if I had to vote tomorrow, I'd vote to keep it the same way and that is what I had planned to do and that is still what I plan to do. I have gotten more responses on keeping it the same way at 55 miles per hour. I served 7 years on the Maine Highway Safety Commission and saw many videos, many movies, and safety is a very important thing. Also, I was here when we changed the speed limit from 70 to 55. We did it in the Longley Administration. At that time, all the vehicles on the highway were 4000 pound cars, heavier cars, big cars, everybody was in a panic. I recall, during the energy crisis, sponsored a Bill that was going to drill a hole into the ground so we could store oil in it. Everyone was in a panic that year. I sponsored a Bill, believe it or not, they were going to come in and drill a hole at Blue Rock quarry right by Vallee Steak House, to store oil, but it didn't come to it.

I have talked to 2 or 3 different mechanics and I have a close relationship with them, and I also have a good relationship with professional speed drivers. My brother-in-law is one of the top drivers at a speedway. They deal with speed all the time, but that is the proper place, on the race track, not on Interstate 95, not on the Maine Turnpike. When the crisis came to us in 1975 and 1976, all the automobile dealers responded by putting match boxes on the roads.

The mechanics call them match boxes because those little Chevettas and the little Escorts, they are nothing but match boxes. They are light so they can give you fuel economy. Everything is built lighter and smaller and the engines are smaller. We have great concern, and I have great concern among my constituents who bought those cars, because if you're going to run them 65 and 70 miles per hour all the time, and that is what we've been discussing the past few days, a speed limit at 70 miles per hour, we really have not been discussing a speed limit at 65, everybody is talking 70. Those little 4 cylinder cars are going to be going full bore. Are we concerned about our constituents? The Senator from Aroostook, Senator Theriault, has said it beautifully about the truckers going by you all the time. They

can go by you with a high speed because they have the biggest engines you've ever seen on the highway. They don't have 4 cylinders. I am concerned about my constituents who have the small cars and the unsafe practices also. This is a very serious piece of legislation. I realize that other states took action the day after the President okayed the speed limit. The states that took the action are the flat lander states, which we so call. Nebraska and states like that. You can't judge Maine like the other states. The terrain in Maine is different. It is harder on our vehicles, harder on everything, harder on our highways. That is why we have real bad highways, the weather is a major factor here. I can't imagine those little cars going 65 or 70 during the winter months. In my questionnaire, I received a lot of response to remain at 55. There is no use in sending out a questionnaire if you're not going to take a little guidance from it. You don't have to vote that way, but there is a little guidance. Every weekend I deal with people, a lot of people, and they tell me to stick with it. What is the big hurry? Everybody wants to go 65 to go no where.

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

Senator KERRY: Mr. President, ladies and gentlemen of the Senate. I want to commend the good Senator from Cumberland, Senator Usher, on an excellent speech. I think that one should listen very closely to what he has said. I know that over the past few days I have given various comments regarding energy savings, conservation and the saving of lives. I will have to say that the good Senator from Cumberland, Senator Usher has said it very distinctly and very well. I would make a point that the speed limit in the State of Maine is at the most appropriate speed right now.

I would like to second the motion to Indefinitely Postpone this Bill and all its Accompanying Papers, not withstanding the fine speeches by the good Senator from Aroostook, Senator Theriault and the good Senator from Androscoggin, Senator Gauvreau and the fine statement by the good Senator from Penobscot, Senator Baldacci. I think it is always very difficult to swim against the tide but in times of mass conformity, it is a necessity. I think the good Senator from Cumberland, Senator Usher said it well. When you vote on this, you should truly vote for your constituents. Not only the constituents that you have today, but the constituents that we all will have in the future, as well.

If we vote today because of expediency and for concerns that affect us at this moment, we will not be setting a prudent policy for the State. I consider this policy imprudent, if one were to raise the speed limit for the people of the State of Maine, will be assessed, as I stated the other day, at least \$57 million in additional costs. That is a major cost, not to mention the cost in the loss of lives.

It is very important that we know that we set the public policy agenda and we are not only sending it for the 1970's and the 1980's, we have to set it for the 1990's and the year 2000 and beyond. Senator Usher made a comment that perhaps we did not pick up on when he stated that we all were moving very fast but where are we going. He is right. We speed from Augusta to Aroostook, we speed from Augusta to York, we speed from York to Boston, to New York, Chicago and beyond. Where are we really truly going? We are depleting our resources, we're costing lives, we're setting a bad precedent. We don't have to follow the lead of the Federal Government. The Federal Government has abdicated its responsibility in the area of energy conservation. It is clear that the

State of Maine has always been in the fore front for a prudent and wise public policy. There is no reason why we can not set the stage for a more prudent public policy in the future. I think that one should not give in to the influences of those, and I would say it probably would be a minority of our population who want to increase the speed limit. Secondly, and for those who may want to increase it, it is our responsibility to do what is right and all of us know that we, in this chamber, believe that the current speed limit isn't being properly enforced. All of us know, not withstanding the statements of the Public Safety Commissioner, not withstanding the statement of the people, that people are going to be driving over 70 miles per hour. I would say that all we have to do is take a look at our highway. I know many times when I'm driving back and forth, I am passed by more State Troopers than I am by almost anyone else. Has anyone here really ever passed a State Trooper? Does anyone really dare? I think that is important. More importantly, I think you have to take a look at the realistic aspect, that the Troopers themselves, are going beyond the speed limit. I think that is the message we want to send to Public Safety people. I think that is the message that we want to give to the people of Maine. I think that the Senator from Cumberland, Senator Usher said it well. We're going somewhere fast, but really, where are we going? Thank you.

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Off Record Remarks

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

Senator THERIAULT: Thank you, Mr. President. Members of the Senate, I would urge you to vote against the pending motion.

This Bill needs to live. I am not here for my own purpose nor am I here for a higher calling. I am here to represent my constituents and my constituents want that speed limit raised to 65 miles per hour. We live 300 miles from Augusta, in case you have forgotten. As far as I know, unless something has happened in a work session that I did not attend, the Maine Highway Safety Council supported the increase to 65 miles per hour for their own reason, but I think primarily because those that travel at lower speeds, are more hazardous than those that travel at higher speeds. It seems like that, in statistics, at least. Which brings up a good point. The good Senator from Androscoggin, Senator Gauvreau, mentioned something that really hit home. He asked us if we had any records or any statistics on speeding violations. If there were, I really did not see them, or at least I did not have the opportunity to study them. Then he went on to say that possibly there are other ways of enforcing the law that is more effective than just reaching into someone's pocketbook. What I would like to see and what I would like to do is to see this Bill live until its final reading and that time, I think I would do something about the good suggestions from the good Senator from Androscoggin, Senator Gauvreau. So, I hope that you vote against the pending motion. Thank you.

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

Senator CAHILL: Thank you, Mr. President, men and women of the Senate. In response to the good gentlemen from Aroostook, Senator Theriault, that is indeed fact that the Commissioner of Transportation supported this legislation, the Commissioner of

Public Safety supported this legislation, and the Maine Highway Safety Committee supported this legislation. I would like to remind everyone that we are simply asking for an increase in the speed limit on portions of Interstate 95 and the Maine Turnpike. Those roads are the best built and best maintained highways in the State of Maine.

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

Senator BALDACCI: Mr. President and members of the Senate. I would like to thank the good Senator from Cumberland, Senator Usher, for presenting a very good and effective argument against raising the speed limit.

The only problem with the argument is it is my understanding that most of the accidents occur, remembering the seat belt debate we have had in years gone by, was within a 25 mile radius of an individual's home, not necessarily on the Interstate System, which was built and maintained for 70 miles per hour, and is probably one of the safest interstate systems in the country. I had thought that is where most of the accidents occurred. The other situation that has developed, and I think it is an important thing to be brought out, is an economic argument, also. To a lot of people in Northern and Eastern Maine, where it is a great distance between points, where there are facts of boredom that do set in, that there are possibilities of more accidents because of that.

It is an economic argument in Northern and Eastern Maine, to get around. As the good Senator from Aroostook, Senator Theriault has pointed out, it is 300 miles to Augusta from Fort Kent. It is a long way. Everything is not as close together as it is in the Southern part of the State. This is going to help out economic development in Northern Maine and in Eastern Maine by making it easier for the transportation of goods, the transportation of people to be able to be moved around at a more equitable speed. The speed limit was 70 and it was changed in 1973. The Interstate System was built for that and it is very well maintained. I submit to you, that it is a lot safer to drive on Interstate 95 at 65 miles per hour than it is on Rt. 1 at 55 miles per hour. There is more likelihood for accidents in that area and it is much safer having 2 lanes of traffic going north and 2 lanes of traffic going south on the Interstate System, and accidents are not likely to happen. It was the Safety Council that had suggested within a 35 miles radius of an individual's home, that most of the accidents had occurred.

I would think it would be very imperative, not necessarily swimming against the tide, but you have to make sure that you're in the right river first.

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

Senator USHER: Thank you, Mr. President. In response to the good Senator from Penobscot, Senator Baldacci. I don't know what river the good Senator was in. He made a comment in regards to Aroostook County. Well, I have been in Aroostook County a couple of times, maybe quite a few times, fishing, visiting and stuff. I only recall Interstate 95 going into Houlton. I spent 3 or 4 days up in that area before and we could not find Rt. 95. Most of our traveling was done on Rt. 161 and Rt. 1. We would have to abide by the present speed, the way I see this law going into effect. It only pertains to Interstate 95 and I don't see how that could really help the Aroostook County people who are shipping potatoes out there, or getting home very quickly. The speeders would probably be down in the Southern part of the State a little bit more because we have

Interstate 95 down here and we have the Maine Turnpike down here, we have a very congested area down here. York County is probably the most congested area in the whole State. I just can't understand why Aroostook County would really, really benefit from this whole piece of legislation.

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

Senator THERIAULT: Thank you, Mr. President. It is with real reluctance that I stand this time, but you have kind of forced me to. First, I want to thank you, Senator Usher, for a good geography lesson on my own area. Second, I want you to realize that everything from where I live is south. Every direction that you can go is south. Consequently, the Interstate extends to Houlton, but do you realize that is 200 miles from here? So, 2/3 of the trip is pretty good. Thank you.

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

Senator DILLENBACK: Thank you, Mr. President. Ladies and gentlemen of the Senate. I do have to answer the Senator from Cumberland, Senator Usher, because I happen to be in the grocery business, and believe it or not, people in Aroostook County eat. They also drink. The products have to get our warehouse in Presque Isle. It is a great advantage not only to haul products into Aroostook County, where people have to live, but it is a great advantage to haul potatoes out of Aroostook County. So, I am surprised that you think those people up there don't use the Interstate. It is the greatest thing that ever happened to Aroostook County. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator USHER of Cumberland to INDEFINITELY POSTPONE the Bill and all Accompanying Papers.

A Roll Call has been ordered.

A vote of Yes will be in favor of INDEFINITE POSTPONEMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BERUBE, BUSTIN, CLARK, DOW, GAUVREAU, KERRY, THERIAULT, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BLACK, BRANNIGAN, BRAWN, CAHILL, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, WHITMORE

ABSENT: Senators GILL, WEBSTER

11 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator USHER of Cumberland, to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, FAILED.

Committee Amendment "A" (H-212) ADOPTED, in concurrence.

(See Action Later Today)

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 JUDICIARY on Bill "An Act to Amend the Juvenile Code Relating to the Questioning of Juveniles"

H.P. 876 L.D. 1177

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

H.P. 1272 L.D. 1737

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 the NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

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 Prohibit Candidates from Receiving, Witnessing or Accepting Absentee Ballots"

H.P. 1254 L.D. 1712

In House, June 2, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-217).

In Senate, June 3, 1987, PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-217) AS AMENDED BY HOUSE AMENDMENT "A" (H-245) thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS  
House  
Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Provide Collective Bargaining for Substitute Teachers"

H.P. 523 L.D. 707

Reported that the same Ought Not to Pass.

Signed:

Senators:

- DUTREMBLE of York
- COLLINS of Aroostook

Representatives:

- TAMMARO of Baileyville
- WILLEY of Hampden
- ZIRNKILTON of Mount Desert
- MCHENRY of Madawaska
- BEGLEY of Waldoboro
- HALE of Sanford
- RUHLIN of Brewer
- HEPBURN of Skowhegan

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-119).

Signed:

Senator:

- ANDREWS of Cumberland

Representatives:

- JOSEPH of Waterville
- RAND of Portland

Comes from the House the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-119).

Which Reports were READ.

Senator DUTREMBLE of York moved to ACCEPT the Majority OUGHT NOT TO PASS REPORT Report in NON-CONCURRENCE.

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

Senator ANDREWS: Thank you Mr. President, this was a Bill that came before the Joint Standing Committee on Labor and it isn't very often that the good Senator from York, Senator Dutremble, and myself differ on an issue before that Committee, but this is one of those very infrequent times. The Senate recognized the problem of compensation for substitute teachers in the state of Maine when it passed to be engrossed L.D. 1725, "An Act to Improve the Qualifications and Compensation for Substitute Teachers". As all you you hopefully noticed on your desk today, this Bill will not become law because of circumstances beyond the control of this Body. The issue of adequate compensation for substitute teachers remains. The Joint Standing Committee on Education conducted a study of the issue of substitute teachers and their compensation in 1986. The findings reflected the findings of this Chamber with respect to the inadequacy of compensation for substitute teachers. It said in the report, "that traditionally the minimum compensation for substitute teachers have been set by statute and many school boards rely on the statutory minimum to establish the pay level for substitute teachers. That minimum has not been increased since 1983 and that report was conducted in 1986 and that level has not been changed since that report was issued." It goes on to say that "substitute teachers are not part of local teacher bargaining units. The teachers unions cannot at present represent substitute teachers and since substitute teachers salaries are not a mandatory item for bargaining, it is unrealistic to expect either the local teacher union or school board to take the initiative to resolve the problem of low pay for substitute teachers through collective bargaining. The minimum pay for substitute teachers has not been adjusted for increases for the cost of living. While individual units have raised their minimum since that time to account for inflation, the statutory minimum which many school boards rely on has not been adjusted."

We have, in this state, a system in place for part time teachers in our University system to have their working conditions and compensation negotiated in the bargaining table, through the collective bargaining process. It has worked well. This Bill before us, will allow for those substitute teachers on the local level to bring their concerns, priorities and problems to the bargaining table like other teachers. Using the collective bargaining process and on the local level have those issues resolved.

The report is quite clear about the inadequacy of the state establishing those minimum standards which many of those school systems rely upon. The failure of that to adequately deal with the compensation level and I am suggesting that we, as a Body, not increase that minimum standard in this legislation, but to allow for the collective bargaining process on the local level to address that concern. That is what this legislation does. I urge you to vote against the pending motion. Thank you.

Senator ANDREWS of Cumberland requested a Division.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. I agree with the good Senator from Cumberland that substitute teachers probably

ought to receive more pay. However, it seems to me that generally part time employees, both in the public and private sector, have not belonged to bargaining units. That has been the case in the public sector for some time. It isn't very often that the good Chairman of the Labor Committee and I are on precisely the same side on some of these issues and I am happy today that we are. I would urge you to support his motion to Accept the Ought Not to Pass Report. Thank you Mr. President.

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

Senator ANDREWS: Thank you Mr. President, men and women of the Senate. Let me just reiterate what comment I made in my initial presentation. That is part time employees at the University system do have the right to collective bargain for their compensation and working conditions.

On motion by Senator ANDREWS of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. I do have some concerns that I do want to raise at this point. I have been in the past opposed a statutory mandates that we increase pay to substitute teachers. I believe that the collective bargaining process can and should work well in this area. I think there is consensus this morning that the substitute teachers in our state are inadequately compensated for the services that they perform. I am not unaware of the possible fiscal pressures which enhance compensation might bring to our local bodies of this state. It seems to me we have a truly anomalous situation, where we recognize that we are not properly compensation substitute teachers now. Those teachers have no inherent support through the current collective bargaining process to raise this issue and to be fairly compensated for their services. It seems to me that the collective bargaining process, which has worked so well in this country, ought to be extended to afford to substitute teachers the same opportunity which other workers have.

That is of course to advocate and to make their case for enhance compensation through the collective bargaining process. Frankly, if we do not pass this Bill, I think what we are saying is, although we recognize these people are being inadequately compensated we are satisfied with doing nothing whatsoever to address that problem.

Given the nature of the problem, as I see it, seems to me that only responsible course of action to take is to afford these individuals an opportunity to take part in the collective bargaining process. It is for these reasons that I would urge you to reject the pending motion so we can go on and accept the Minority Report. Thank you.

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

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BLACK, BRAWN, CAHILL, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, GOULD, KANY, KERRY, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WHITMORE,

NAYS: THE PRESIDENT - CHARLES P. PRAY  
Senators ANDREWS, BRANNIGAN, BUSTIN, DOW, ERWIN, ESTES, GAUVREAU, MATTHEWS, PEARSON

ABSENT: Senators GILL, WEBSTER  
24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator DUTREMBLE of York, to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE, PREVAILED.  
Sent down for concurrence.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

S.P. 585 L.D. 1736

In Senate, June 3, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-247) in NON-CONCURRENCE.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Amend the Laws Relating to the Maine State Museum"

S.P. 502 L.D. 1519

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-134).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-134) 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:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA 04333

June 4, 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 Provide Adequate Compensation for Substitute Teachers and to Take into Account Local Ability to Pay" (H.P. 118) (L.D. 143).

Sincerely,  
S/Edwin H. Pert  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

ORDERS  
Joint Order

On motion by Senator CLARK of Cumberland the following Joint Order: S.P. 593

ORDERED, the House concurring, that 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, be recalled from Engrossing to the Senate.

Which was READ and PASSED.

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 TAXATION on Bill "An Act Relating to the Base for the State Excise Tax under the Motor Vehicle Laws"

S.P. 80 L.D. 166

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-133).

Signed:

Senators:

TWITCHELL of Oxford  
DOW of Kennebec  
SEWALL of Lincoln

Representatives:

SEAVEY of Kennebunkport  
DUFFY of Bangor  
INGRAHAM of Houlton  
ZIRNKILTON of Mount Desert  
JACKSON of Harrison

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

Signed:

Representatives:

CASHMAN of Old Town  
SWAZEY of Bucksport  
NADEAU of Saco  
MAYO of Thomaston  
DORE of Auburn

Which Reports were READ.

On motion by Senator TWITCHELL of Oxford, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-133) READ and ADOPTED.

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

Sent down for concurrence.

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 4, 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, the Committee Reports READ.

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

Senator DOW: Thank you Mr. President and members of the Senate. I had the Secretary read the report so that you would all be familiar with the fact that I was on the Minority side of the report. I signed that report for two reasons. One of them being that the argument all through the discussion that federal law pertained to most of the things that we were doing and it was not states ability to handle this situation. After getting a letter from the Attorney General's office that in fact and after the Supreme Court decision we had this week, the fact is the state, unless the federal law specifically says we can't do it, have as much right to enter into some of these areas that this Bill covers, as does federal law.

Senator DOW of Kennebec moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

At the request of Senator CAHILL of Sagadahoc a Division was had. 18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator DOW of Kennebec to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, PREVAILED.

The Bill READ ONCE.

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

Senator CAHILL: Mr. President, would you tell me where we are at this point?

THE PRESIDENT: The Chair would respond that the Bill has received it's first reading, the next action by the Senate will be the reading of Committee Amendment "A" (S-125). The Chair would assist the Senator. If it is here desire to defeat the Bill, then the motion to Indefinitely Postpone would be in order, which would be the same as the acceptance of the Minority Ought Not to Pass Report.

Senator CAHILL of Sagadahoc moved the INDEFINITE POSTPONEMENT of the Bill and all Accompanying Papers.

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

Senator THERIAULT: Thank you Mr. President and members of the Senate. I was only on that side of the report, initially, so I got a few remarks ready in case I would have to use them. I guess I want to begin by saying that there is a railroad company in this state that found a unique and effective way of circumventing the labor laws that we have in this state. I want you to understand that I am not here to debate the attributes of labor nor of management this afternoon, but rather to debate what I think is fair. It is a rather unique system that has been developed. What it is, is the company will say what I own in the right hand, I will transfer to the left hand and in the process of this happening I erase all the obligations that I have to the people that work for me. All it is it is the same owner, just switched hands. It has been effective, it has worked, but is it fair? That is what I am asking you. What happens to the individuals involved here? All of the labor contracts are terminated, all of the obligations that this employer has to the employees is also terminated. Consequently, they lay off their older employees because those are the ones that are most expensive, but is it fair? To add insult to injury they will hire brand new employees to replace those who they release.

This Bill that is before us does a number of things and I would like to elaborate. I will read what it does, subsection 1, under section 2072, would require any new leased subsidiary to grant the prior employees of a divested rail company, the first right of hire. Further, it would require all protection



obligations, regulations or contracts which exist under the previous company to be accorded under the new holding company.

In addition, it would require all previous seniority rights under the prior company be accorded under the new subsidiary. It would accord those railroad employees receiving unemployment under the railroad unemployment act to be given priority hire.

In addition, this section affords an employee who under previous section, the hiring priority, to bring action against a new subsidiary if it is found in violation of the act in the Superior Court with damages to be afforded. It also affords back pay and all costs of litigation expenses to the employee if the new subsidiary is found in violation. That has been amended to the old carrier rather than the new carrier.

So, I think, that there is a story that needs to be told here this afternoon. There are some individuals here who are much more qualified and knowledgeable in doing that. Before I close, I would urge you to defeat the motion before us, which is to Indefinitely Postpone the Bill.

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Off Record Remarks

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

Senator MATTHEWS: Thank you Mr. President, distinguished men and women of the Senate. I stand before you today as a sponsor of this L.D., L.D. 1529, the Railroad Employees Equity Act. As all you are aware, the concerns of Guilford Industries and their leased company, Springfield Terminal, I have mentioned time and time again in this Body and I know all of you understand those issues. But, I want to tell you a little bit about this Bill and why I believe this Bill represents what America is all about. Fairness and justice. The arguments and concerns that have been waged by many employees of Maine Central, that have been laid off, their jobs abolished, through a particular maneuver by the company, remind me, and I guess as a teacher and a student of American history, remind me of the debate waged nearly a century ago at the height of railroad reform in this country. Let me read to you what one or more notable historian, Henry Steele Commager said about the railroad reform of the 1900's. "By 1900, labor had won their basic rights, the right to organization, to strike, to bargain collectively and it made some progress in this campaign for better working and living conditions.

Yet, it was clear that these gains were limited to a small segment of the working population and that these gains hardly touched the larger questions of security for workers and the welfare of the society as a whole.

It was gradually becoming clear that the labor problem was not isolated from social and economic problems and that society and government had a legitimate stake in the welfare and security of working people. Where industry had failed to pay a living wage, society had to try to make us that difference.

Where it failed to provide employment, society had to take care of the unemployed. Where is maimed working men and women, wore them out prematurely, society had a right to redress. Through two methods of collective bargaining and legislation, labor vastly improved its' position. Business and the railroads too began to take a more enlightened view of the labor concerns and to set their own houses in

order. No longer would the railroad manipulator, Jay Gould, say "labor is a commodity that will in the long run, be governed absolutely by the law of supply and demand". The law of supply and demand had been amended on the behalf of business, manufacturers, bankers and railroad companies. Now it was to be amended on behalf of working men and women. That was nearly a century ago.

Mr. President, men and women of the Senate. The hour is late for the railroad workers of Maine. For years the people of our state and our country benefited from their work, material for our homes, our furniture, even our clothing and food, was brought into Maine by the hard working employees of our railroads. Our major industries have longed survived and flourished because of the regular and dependable rail service which more high quality products made by the hands of all Maine working people supplied to markets around the world. Our railroad workers have never asked you or I for nothing. You know who they are, they are the ones who pay the taxes, pass the basket in church, coach little league, some of these men and women are Democrats, some of these men and women are Republicans, some are Independents. All of them deep in their hearts are as tough and as strong as our state and nation itself. Yes, many laid off workers are in this Chamber, some are at home, they are sitting in their kitchens are living rooms staring out the window wondering what will happen to them and the lives of their children. They are wondering what they did wrong. They didn't miss work, they didn't drink on the job, they didn't call in late, they were not laid off by a company because the company was not making money, they were laid off because the company made too much money. They did everything that good americans are suppose to do and now they have been thrown out with no place to go, some with thirty, forty, fifty years of service. If I sound emotional today, I want you to know it is because I am. You see, I know these people, they are my friends and they are my neighbors. They are the reason I am in the Senate because like you I am here to represent not one interest group, but to represent the great majority who give so much and take so little back in return. Sometimes as I sit in this Chamber, I look up at the walls and into the eyes of those famous americans whose faces look down upon us and I think about the founder of the Democratic party Thomas Jefferson, who was a young man who wrote our Declaration of Independence that gave us all the right of equality before the law.

I think of Abraham Lincoln, who founded the Republican party, who risked the dismemberment of this country to guarantee that no person was another's property to be bought, to be pushed around, manipulated, humiliated and whipped into submission.

And, I think of F.D.R. Franklin Delano Roosevelt, his voice crackled over the millions of radios throughout America in fireside chats during times of times or war and unemployment. He made America believe that the government should be there to help those that needed to help themselves.

The provisions of my Bill are straight forward, we know that the railroad industry, like many others, has exercised their rights and laid people off regardless of their skills and abilities. My Bill extends a helping hand to those people. It establishes over the millions of radios throughout America in fireside chats during times of times or war and unemployment. He made America believe that the government should be there to help those that needed to help themselves.

A hiring priority and some training assistance for a new beginning for those who have given so much. Opponents of this Bill are trying to hide behind a smoke screen of legal "mumbo jumbo" to make us think that the railroad labor act passed years ago to protect working people somehow stops here in Maine from taking care of our own citizens. I am sure the high paid lawyers and lobbyist of the Maine Central Railroad Company and Guilford Industries, if they look hard enough will find a judge insensitive enough somewhere in the United States, sometime in the last sixty years to agree with their position. I am also sure that there are other judges somewhere else in this country that will disagree with them. I think it is time that we stopped trying to guess what some judge is going to do someday in the future and do what we think and know is right. I am proud that our United States Supreme Court just this week upheld severance pay for my constituents in Winslow who spent their lives working in poultry I hope and I pray they do not, that the courts will once again see them the same way they saw the people of my town that worked at Fort Halifax. I thank the good Lord above, to be a members of this Body and to work with the concerned people of this Body, men and women that I believe in my heart and soul have the courage to do what is right. Let's do what is right today. Thank you.

On motion by Senator KANY of Kennebec, supported by a Division of at least one-fifth of the Members present and voting, a Roll call was ordered.

The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President, men and women of the Senate. I will be very brief today because I know the hour is late. I would like to begin by extending my sympathy, if you will, to the good gentlemen from Kennebec, Senator Matthews, I really believe in what he is saying. I think he has convictions in what he says.

But I believe the Bill before us today is bad legislation, because I believe it penalties one railroad and that is Guilford Transportation. While I find it a little difficult and a little uncomfortable to stand up here today and defend Guilford Transportation for some of their actions, I feel that I must.

Because what we are discussing today is a matter of principle. One part of the legislation that I totally disagree with is that it makes hiring priorities retroactive to January 1, 1987. It changes contract rights that were already entered into by collective bargaining agreements. I believe that the Legislature's power to enact retroactive legislation is limited to procedural matters and I think this is a matter of great substance. I think that is one area where the legislation is wrong.

Second, I am concerned about the re-training laws of the legislation. It refers to selling or leasing carriers, it requires them to re-train their employees. Jobs become lost because of abandonment, no re-training is necessary. I think it encourages abandonment rather than leasing or selling and I don't think is in the best interest of the state of Maine.

Another area that I am concerned about is that currently these people are under a union contract that is regulated by federal law. So, I think this Bill attempts to legislate what could not be successfully negotiated. The last area and probably the most important area of disagreement in this legislation is in section 4 of the Bill where it discusses conclusively presume. I went down to the Law Library earlier today and looked up the

definition of conclusively presumed and I found out that it means that a question of capability of a former employee cannot be raised and even if that employee had a disabling stroke or something of that, you can't bring the fact of the stroke as evidence. That employee would be entitled to damages as described in section 207 of the Bill. So, for these reasons I have asked for Indefinite Postponement.

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

Senator KANY: Thank you Mr. President and members of the Senate. I urge you to vote against the pending motion. First of all, I would like to call your attention to some of our Central Maine press reports on this topic. It has been a matter of headlines at least once a week, often almost daily, over the period of the last two years. Often the headline might read something like, "Shop closed, plans for Guilford to do such and such, twenty more workers laid off". The most recent headlines were "MCRR nears end of 125 year line".

Some of those press reports include items like on June 6, or perhaps a little later according to F. Collin Pease, a Guilford Vice President, "MCRR will lease all of its six hundred miles of active track and operations to Springfield Terminal, except for the Portland Terminal subsidiary of MCRR.

Springfield Terminal currently leases all but forty eight miles of MCRR track, that section runs from Leeds junction to Portland. Of course, the laid off workers have many things to say about Guilford under the circumstances that the company is destroying money making railroad, has and is jeopardizing the lives of its workers, isn't properly maintaining its track, thereby putting Maine residents at risk.

It is hiring Massachusetts people to run Springfield Terminal, throwing Maine workers out on the streets. After 125 years of operation, the Maine Central Railroad will near the end of the line of June 6. On that date the railroad will have leased all but forty eight of its six hundred miles of active track in operations to the Springfield Terminal Company, a wholly owned subsidiary of Guilford Transportation." It goes on to talk about the other lines that Guilford owns and of all three railroads, 2,000 jobs have been abolished by Guilford since the beginning of the seven month strike which began March 3 over job security and severance pay. Today, MCRR has 147 employees out of a work force that once numbered about 850. According to Pease, it is not certain that there will be any more Maine Central Employees left after June 6. Of course, that has been called union busting appropriately in my opinion.

I too feel very strongly about this issue and I strongly urge you to reject the motion and to vote in support of the good Senator from Kennebec, Senator Matthews, fine Bill. When I first began in the Legislature in 1975, the one place that I took visitors in Waterville was to the Maine Central Railroads shops and yards. It was with great pride I took visitors there largely because of the great pride of the workers, smiling, friendly, workers busy at work and the only shops east of the Mississippi that really could take care and repair an entire railroad line and cars. I wondrous thing and I have stopped giving those tours over the last couple of years as the number of workers dwindled, as the mean spirited strike labor dispute occurred. It is with displeasure that I drive by and see now empty buildings where our Maine people once worked. I believe that Guilford Transportation since it purchased the railroad, has been arrogant and

disrespectful of the state of Maine and of its' future. It has been arrogant and disrespectful of the people of Maine and most of all it has had total disregard for its' workers, which it fired and treated as if they were non-human. We need the railroad, we need those lines, we need them to move our raw materials for our industries and rail travel can be much safer if the rail is maintained. The least we can do today is to vote against the pending motion and vote in favor of this Bill, which will get our good railroad workers well trained, back on the railroads, and train those that do not have that available to them.

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

Senator MATTHEWS: Thank you Mr. President, has a Roll Call been requested?

THE PRESIDENT: The Chair would answer in the affirmative the Senator from Kennebec, Senator Kany, having requested a Roll Call.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President and members of the Senate. I usually don't like to get involved in situations where you are involving a private firm and its' negotiations and its' reorganization and getting the state involved in that sort of thing. I try to shy away from that. I remember two or three years ago, we passed a bond issue which allowed some monies to be going to Guilford Transportation so that they would be able to abandon some lines, the state would pick it up and then they would go out to bid and see if some shop line operators could pick up those abandoned lines, because it so important to have transportation in northern and eastern Maine on those lines. I went out on a limb and I supported that and I supported tax breaks at that time for the railroad industry which weren't very popular at that time, but I thought it was important that we have a balanced transportation network. It is very important in the transportation of goods, but you know, this company has acted so unbelievably it is a one way street. I gave them the benefit of the doubt and all they have done continually is draw out of the state. They have milked the lines, they have not repaired the lines, there have been bad accidents on the railroads themselves. We had a bad accident in Bangor a couple of weeks ago, where if there were toxic chemicals which they usually carry it spilled right in front of Bangor Rye right next to the Penobscot River, we would have had a terrible situation. Safety has gone down tremendously, the railroads themselves are dangerous and are carrying dangerous chemicals. I seriously think that whatever we can do to get Guilford Transportation out of the state, this state will be a lot better off. Take those lines over, either through the employees or through itself and get that fixed up, re-bedded and retooled to go to the future, because it is just hurting us. It is putting too much pressure on the roads and trucks and tearing up the roads. It is just a terrible situation and I would encourage all of you to support this measure and any measure which will bring this railroad situation to a head in this state. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. I am one of the cosponsors of this legislation. At first, we had hoped that this Bill would have gone to the Labor Committee because of the process and whether or not it belonged to

Transportation or Labor, eventually it went to Transportation.

When I went to testify at the hearing on this Bill, I made it clear that I was not concerned about which Committee heard this Bill, simply because it is such a righteous issue that which ever Committee heard it, it would come out with at least a Majority Ought to Pass Report, if not a unanimous report and that regardless of whether the Bill went to Transportation, Labor or Judiciary Committee or any other Committee in this Legislature. We deal with Labor issues many times we discuss and we argue on what could possible happen, we are never really sure and we use rhetoric, both sides, on issues.

This is going to happen, no it won't, and we sort of debate issues on that manner. This is not such an issue. This has happened. We have seen the people who work for this particular railroad treated in a very unfair manner. The only way you can describe it is shoddy. Shoddy treatment of these workers, and it has been done. It is not something that is going to happen or might happen, it has happened.

We, as a Legislature, when we take this vote have to make clear that to every employer in the state of Maine not only Guilford, but any employer, that we are not going to allow that. If there are people voting against this Bill on principle, I would think that the principle that you would be keeping in your mind is whether or not we are going to allow this sort of treatment to Maine workers. Any Maine worker. Maybe some people think it is unfortunate that it is unfortunate that the owners of Guilford feel uncomfortable and bad because of what we are doing here, but I have no sympathy for Guilford or for their owners for the way they have treated the people in this State, especially of course the railroad workers. So, I would hope that we would support the good Senator from Kennebec, Senator Matthews on this and pass the Bill.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I don't want to keep this going much longer, but I do want to say a few things. I feel just as badly as anybody else about how the railroad has treated their employees. I think it is terrible. I also know how big corporations operate and I hate to offer false hope to the people who are sitting here today. I know that the lawyers will drag these things out, it will take a long period of time, I doubt if the training will ever be done and the most dangerous thing in this Bill is that it may end railroads in the state of Maine permanently. I feel sad about that. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. I also know that in the past when we have discussed the issue, we have also discussed how Bills could be interpreted by lawyers and dragged on and on and we shouldn't act because of that and sit back and do nothing.

I am sure when the discussion of severance pay was taken ten years ago, that sort of discussion was made. It lasted ten years, but I am glad to report today that the Supreme Court said that we were right. When we worked the Workmans' Comp four years ago, people said the same thing and that went to court and I am glad to report that we were right on that too. I am sure we are going to be right on the strikebreaker and I am sure we are going to be right on this Bill, because we are doing the right thing. We are protecting the people of the state of Maine.

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

Senator PERKINS: Mr. President, ladies and gentlemen of the Senate. I come from an area which used to have railroads. So, unfortunately, I find myself defending an employer who used all of the poor tactics that the gentlelady from Kennebec and the good Senator from Kennebec have described here today and I find it as repugnant as they do. But I also must say that when you paint with a wide brush you cover a wide area. So, if things we enact today should in one way or another prevent or predetermine the closure of what now exists as a very frail rail system within this state, then this does very little for these people who are sitting here. Like the nursery rhyme of Humpty Dumpty, all the kings horses and all the kings men, cannot get these jobs back without railroads. So, unless we are careful, we will then destine them to not following their chosen profession forever within the state of Maine. I dislike very much being put in the position of even thinking that I would concur with the type of treatment they have had. It is wrong, but we are late, ladies and gentlemen, we are too late. I don't like it, they don't like it and I don't know anybody in this Chamber who does like it, but do we over kill to the point where we may hazard any development in the future that might be helpful to them?

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

Senator DUTREMBLE: Thank you Mr. President and members of the Senate. The good Senator from Hancock, Senator Perkins, makes a good point. It all boils down to one question. When is the appropriate time? If we can't do it now, after it has happened and whenever we bring legislation in here to deal with things before they happen, you consider that to be the inappropriate time, then when is the appropriate time? We have had plenty of issues that dealt with similar situations and people argue that it is not the appropriate time. Now you are saying after it has happened, it is not the appropriate time. I think now is definitely the right time to do this.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. To respond to the good Senator from Hancock, Senator Perkins, this Bill is very tightly worded.

I will just read for the Record, under section 2072 of the Bill, hiring priority, "effective January 1, 1987, any person, corporation or other entity purchasing, acquiring, leasing or otherwise obtaining from a financial related entity, the right to operate a rail line or abandon rail line in this state, shall give a first right of hire to fill any subordinate official or non-management position in the staffing of the new rail operation to the former employees." That is as tightly worded a Bill as could be.

My response to the other comments by the good Senator from Hancock, and I appreciate his concerns and I know that they are shared by all of us in this Chamber. But, it is time to either fish or cut bait.

A gentlemen, and I will not mention because of the constraints of mentioning the other Body in this Body, but the question that the good Senator from Hancock asked about not getting involved in this situation although we are concerned and the problems that he has mentioned. That was exactly the statements or there about by the Vice President, Mr. Pease, before the Transportation Committee. After he got done ramping and raging, a Republican member of the other Body, excuse me Mr. President, said we have

heard enough and so be it, let the courts decide and let the people, citizens and workers of this state, have their day in court.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CAHILL of Sagadahoc to INDEFINITELY POSTPONE the Bill and all Accompanying Papers.

A vote of Yes will be in favor of INDEFINITE POSTPONEMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, EMERSON, GOULD, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, WHITMORE

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

ABSENT: Senators GILL, WEBSTER

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator CAHILL of Sagadahoc, to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, FAILED.

Committee Amendment "A" (S-125) READ and ADOPTED.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator CLARK of Cumberland, RECESSED until 5:00 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:

ORDERS

Joint Order

On motion by Senator ESTES of York the following Joint Order: S.P. 596

ORDERED, the House concurring, that Bill, "AN ACT Relating to Adult Education," H.P. 893, L.D. 1194, be recalled from Engrossing to the Senate.

Which was READ and PASSED.

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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Improve Enforcement Procedures under the Land Use Regulation Law"

H.P. 1273 L.D. 1740  
Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS

AMENDED BY HOUSE AMENDMENT "A" (H-248), without reference to a Committee and ORDERED PRINTED.

Under suspension of the Rules, READ ONCE.

House Amendment "A" (H-248) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, without reference to a Committee and ORDERED PRINTED, in concurrence.

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Bill "An Act to Conserve Agricultural Production Capability and to Promote Harmony between Agriculture and Adjacent Development"

H.P. 1276 L.D. 1746

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

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

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Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Laws Governing Statements Made to a Juvenile Caseworker"

H.P. 1279

Committee on JUDICIARY suggested and ORDERED PRINTED.

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

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

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Resolve, to Name the Androscoggin River Bridge in Honor of United States Servicemen who were Prisoners of War and Missing in Action

H.P. 1275

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

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

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. I was unable to locate L.D. 1745 in my packet of materials on my desk and I would just ask a question to any one who may care to respond as to where the location of this particular bridge is. What bridge are we talking about?

THE PRESIDENT: The Chair would advise the Senator that the Bill has not yet been printed.

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Senate at Ease

Senate called to order by the President.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. I have located the bridge in question, it is not in my district, I am satisfied. Thank you.

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

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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 Require Written Contracts for Home Construction Work

S.P. 352 L.D. 1044  
(C "A" S-108)

Comes from the House, Bill and Accompanying Papers RECOMMENDED to the Committee on BUSINESS LEGISLATION.

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Senate at Ease

Senate called to order by the President.

On motion by Senator CLARK of Cumberland, the Bill and Accompanying Papers RECOMMENDED to the Committee on BUSINESS LEGISLATION, in concurrence.

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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 Authorizing Restitution in Civil Penalty Actions

S.P. 323 L.D. 951

An Act to Clarify the Department of Conservation Laws

S.P. 452 L.D. 1379  
(H "A" H-220 to C  
"A" S-98)

An Act to Extend the Sunset Provision of the Maine Revised Statutes, Title 5, section 17004

S.P. 498 L.D. 1515

An Act to Ensure that the General Public does not have Access to Licensed Games of Chance

S.P. 525 L.D. 1577  
(C "A" S-113)

An Act to Amend the Laws Relating to Community Living Arrangements

S.P. 580 L.D. 1723

An Act to Revise and Update Certain Fish and Wildlife Laws

S.P. 581 L.D. 1724

An Act to Extend the Boundaries of the Presque Isle Sewer District and the Presque Isle Water District

H.P. 952 L.D. 1281  
(C "A" H-214)

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

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An Act to Create the Maine Health Policy Council

H.P. 496 L.D. 666  
(H "A" H-219; C "A"  
H-206)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, 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 to Clarify the Requirements for the Payment of Insurance Claims

H.P. 1159 L.D. 1585

An Act to Regulate Freshwater Fisheries in Coastal Waters

H.P. 1252 L.D. 1710

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

S.P. 570 L.D. 1703  
(H "A" H-233)

An Act to Increase Local Control of Certain Waste Water Discharges

H.P. 114 L.D. 139  
(C "A" H-216)

An Act to Amend the Potato Marketing Improvement Fund Law

H.P. 815 L.D. 1089  
(C "A" H-222)

An Act Making Changes to the Dietitian Registration Act

S.P. 169 L.D. 473  
(C "A" S-112)

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 Revise the Percent for Art Act in Public Buildings

H.P. 498 L.D. 668

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

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

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, 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 to Improve Disclosure of Consumer Leases

H.P. 1122 L.D. 1525

An Act to Create Immunity from Liability

H.P. 1137 L.D. 1547

An Act to Amend the Maine Condominium Act

H.P. 1157 L.D. 1583

An Act to Amend Maine's Abandoned Property Laws

H.P. 1198 L.D. 1633

An Act Relating to Local Bridges

H.P. 1259 L.D. 1718

An Act to Provide for the Preservation and Care of Burial Places and Memorials for the Dead

H.P. 1258 L.D. 1719

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 a State Cost-share Program for Salt and Sand Storage Facilities

H.P. 1135 L.D. 1545  
(C "A" H-221)

On motion by Senator DOW of Kennebec, placed on the SPECIAL HIGHWAY TABLE, pending ENACTMENT.

An Act Concerning Property Tax Exemptions for the Blind, Veterans and Disabled Veterans

H.P. 1260 L.D. 1720

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, 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:

Resolve

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)

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

Resolve, Compensation to Sharon Trafton Duthie for Damage to her Car Caused by an Escapee

H.P. 471 L.D. 638  
(C "A" H-210)

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

Emergency

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

H.P. 1061 L.D. 1436  
(C "A" H-215)

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

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

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 Clarify the Definition of Intermittent State Employees"

H.P. 1118 L.D. 1521

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Converting West Forks Plantation into the Town of West Forks"

H.P. 1132 L.D. 1542

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

Emergency

An Act to Correct an Incorrect Personnel Description in the Law Relating to the Board of Pesticides Control"

H.P. 1200 L.D. 1635

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

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 Androscoggin County for the Year 1987

H.P. 1269 L.D. 1733

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 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, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1987

H.P. 1270 L.D. 1734

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORT - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the State Bureau of Identification as an Independent Bureau within the Department of Public Safety"

S.P. 68 L.D. 135

Report - Ought to Pass in New Draft under New Title Bill "An Act to Authorize the State Bureau of Identification to Charge Nongovernmental Agencies for Services and to Provide for the Computerization of Records"

S.P. 579 L.D. 1722

In Senate, June 2, 1987, 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.

Comes from the House Original Bill SUBSTITUTED for Committee Report and PASSED TO BE ENGROSSED in NON-CONCURRENCE.

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

Off Record Remarks

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 As Amended

Bill "An Act to Establish the Railroad Employee Equity Act"

S.P. 505 L.D. 1529  
(C "A" S-125)

Which was READ A SECOND TIME.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act to Amend the Laws Governing Diagnostic Evaluations of Juveniles for Juvenile Court Proceedings"

S.P. 497 L.D. 1514

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-136).

Which Report was READ.

Senate at Ease

Senate called to order by the President.

Which Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-136) READ and ADOPTED.

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

Sent down for concurrence.

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

RECALLED FROM ENGROSSING

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

(In Senate, June 3, 1987, PASSED TO BE ENGROSSED, in concurrence.)

(RECALLED, pursuant to Joint Order S.P. 593.)  
On motion by Senator USHER of Cumberland, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Senate Amendment "A" (S-135) READ and ADOPTED.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Relating to the Base for the State Excise Tax under the Motor Vehicle Laws"

S.P. 80 L.D. 166

(C "A" S-133)

In Senate, June 4, 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-133).

Comes from the House the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator TWITCHELL of Oxford, the Senate INSISTED.

Sent down for concurrence.

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Non-concurrent Matter

Bill "An Act to Provide for Election of the Public Advocate"

H.P. 524 L.D. 708

In House, June 3, 1987, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

In Senate, June 4, 1987, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED and ASKED FOR COMMITTEE OF CONFERENCE.

Senator TUTTLE of York moved the Senate INSIST and JOIN IN A COMMITTEE OF CONFERENCE.

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

Senator KERRY: Thank you Mr. President, ladies and gentlemen of the Senate. I rise to differ with my good colleague, the Senator from York, Senator Tuttle. I move that the Senate adhere.

THE PRESIDENT: The Chair would advise the Senator that the motion to Insist takes precedence over the motion to Adhere.

Senator KERRY of York requested a Division.

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

Senator TUTTLE: Thank you Mr. President, men and women of the Senate. I can understand my good seat mates concerns and it is my understanding in formation of this Committee of Conference on this issue, in my estimation, is going no where. We are doing it as a courtesy for a person who sponsored the Bill. In doing that I hope that would meet with my seat mates approval.

THE PRESIDENT: The Chair would caution the Senators in reference to the other Body, members of the other Body or action of the other Body.

The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you Mr. President, ladies and gentlemen of the Senate. I deeply respect the sensitivities of the good Senator from York, Senator Tuttle, in his desire to provide a courtesy for a member of the other Body on this matter. But, I for one have dealt with the issue on several occasions

and I feel that the individual that we are now considering has had more than enough courtesies extended to him regarding this issue. I think it is more important and I didn't realize the issue was going to arise at this time, nor the motion be made to Insist and Ask for a Committee of Conference, although it was requested of me as well. I think that this is an issue that does not belong in a politicized position, the issue itself is important enough to dispose of at this time. I think if we engage in a Committee of Conference, we are going to prolong the consideration. I also would say to my good friend and colleague, the good Senator from York, Senator Tuttle, that the person in the other Body who we have extended courtesies to would be able to accept as a mature individual the necessities of having this Bill disposed of in this Body here. Therefore I would maintain my position to have a Division and request that we defeat the motion.

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from York, Senator TUTTLE to INSIST and JOIN IN A COMMITTEE OF CONFERENCE.

A Division has been requested. 8 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator TUTTLE of York to INSIST and JOIN IN A COMMITTEE OF CONFERENCE, FAILED.

On motion by Senator PERKINS of Hancock the Senate ADHERED.

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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 Reestablish the Vehicle Rental Agency in the Department of Conservation" (Emergency)

H.P. 1078 L.D. 1465

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-251).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-251) READ and ADOPTED, in concurrence.

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

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ORDERS OF THE DAY

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour"

H.P. 547 L.D. 734

(C "A" H-212)

(In Senate, June 4, 1987, READ A SECOND TIME. RECONSIDERED INDEFINITE POSTPONEMENT of Committee Amendment "A" (H-212). Motion to INDEFINITELY POSTPONE Committee Amendment "A" (H-212) withdrawn. ADOPTION of Senate Amendment "A" (S-131) to Committee Amendment "A" (H-212) FAILED. Motion to INDEFINITELY POSTPONE Bill and all Accompanying Papers FAILED.



Subsequently, Committee Amendment "A" (H-212) ADOPTED, in concurrence.)

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

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

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Off Record Remarks

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

Resolve, Authorizing the Sale of Certain Public Reserved Lands

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

Tabled - June 4, 1987, by Senator CLARK of Cumberland.

Pending - Motion of Senator KANY of Kennebec to RECONSIDER whereby the Senate RECEDED and CONCURRED (Division Requested)

(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 and received Leave of the Senate to withdraw her motion to RECONSIDER whereby the Senate RECEDED and CONCURRED.

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

Bill "An Act to Amend the Laws Governing Statements Made to a Juvenile Caseworker"

H.P. 1279

Tabled - June 4, 1987, by Senator BRANNIGAN of Cumberland.,

Pending - REFERENCE

(Committee on JUDICIARY suggested.)

(In House, June 4, 1987, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED.)

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

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Off Record Remarks

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

SENATE REPORT - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the State Bureau of Identification as an Independent Bureau within the Department of Public Safety"

S.P. 68 L.D. 135

Report - Ought to Pass in New Draft under New Title Bill "An Act to Authorize the State Bureau of Identification to Charge Nongovernmental Agencies for Services and to Provide for the Computerization of Records"

S.P. 579 L.D. 1722

Tabled - June 4, 1987, by Senator TUTTLE of York.

Pending - FURTHER CONSIDERATION

(In Senate, June 2, 1987, 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 House, June 3, 1987, Original Bill SUBSTITUTED for Committee Report and PASSED TO BE ENGROSSED in NON-CONCURRENCE.

On motion by Senator TUTTLE of York, the Senate RECEDED from PASSAGE TO BE ENGROSSED.

On further motion of same Senator the Senate RECEDED from ACCEPTANCE of the OUGHT TO PASS IN NEW DRAFT under NEW TITLE Report.

On further motion by same Senator, RECOMMITTED Bill and Accompanying Papers to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

Sent down for concurrence.

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Off Record Remarks

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On motion by Senator PERKINS of Hancock, ADJOURNED until Friday, June 5, 1987, at 9:00 in the morning.