

# 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

On motion of Representative Martin of Van Buren,  
Adjourned until Wednesday, June 10, 1987, at  
nine-thirty in the morning.

In Senate Chamber  
Tuesday  
June 9, 1987

Senate called to Order by the President.

Prayer by the Honorable N. Paul Gauvreau of  
Androscoggin.

SENATOR GAUVREAU: Let us pray. Lord, as we  
embark upon a new Legislative Day, we ask You to give  
us the strength to perform the days tasks with vigor  
and vitality. We ask You to give us the wisdom to  
address the days issues with reason, understanding  
and intellect. We ask You to give us the patience to  
deal with one another and those who come before us  
with respect and kindness. We ask You to give us the  
courage to make our difficult decisions based upon  
our common principles and ideals. We ask this in the  
name of Christ our Lord. Amen.

Reading of the Journal of Yesterday.

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Improve the State's Capability to  
Respond to a Hazardous Materials Incident"  
H.P. 1125 L.D. 1528

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 Concerning Eligibility Levels for  
the Elderly Householders Tax and Rent Refund Act"  
H.P. 100 L.D. 110

Bill "An Act to Encourage Employers to Assist  
their Employees in Meeting Their Child Care Needs and  
Expenses"  
H.P. 102 L.D. 112

Bill "An Act to Establish a Dependent Care Tax  
Credit"  
H.P. 153 L.D. 194

Bill "An Act to Undedicate the Alcoholism  
Prevention, Education, Treatment and Research Fund"  
H.P. 159 L.D. 200

Bill "An Act to Extend the Homeowner  
Weatherization Program"  
H.P. 160 L.D. 201

Bill "An Act to Increase the Personal Needs  
Allowance for Supplemental Security Income Recipients  
who are Residents of Nursing Homes"  
H.P. 161 L.D. 202

Bill "An Act to Provide Energy Grants to Schools  
and Hospitals Under the 'Institutional Conservation  
Program'"  
H.P. 274 L.D. 357

Bill "An Act to Increase the Amount the State  
Contributes to the Supplemental Security Income  
Program for those Living in the Community"  
H.P. 328 L.D. 427

Bill "An Act to Allow Nonprofit Youth Recreation  
Organizations to be Exempt from Sales Tax"  
H.P. 393 L.D. 527

Resolve, to Appropriate \$5,000 for the Mother of the Year Program

H.P. 434 L.D. 587

Bill "An Act to Establish a Tax for the Possession of Illegal Drugs"

H.P. 464 L.D. 619

Bill "An Act to Appropriate Funds to Create a Pilot Employment Program for Refugees"

H.P. 633 L.D. 856

Bill "An Act to Provide an Exemption on Personal Property Tax for Handicapped Individuals Running a Business"

H.P. 729 L.D. 981

Bill "An Act to Provide Property Tax Relief for Homestead Property"

H.P. 838 L.D. 1129

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Limit on Increases in the Local Property Tax

H.P. 843 L.D. 1134

Bill "An Act to Protect the Health of Maine Citizens by Providing Improved Monitoring Capability for Radiation Levels around Nuclear Power Facilities"

H.P. 943 L.D. 1266

Bill "An Act to Develop a Client Support Services System for Individuals Infected with the Human Immune Deficiency Virus"

H.P. 1013 L.D. 1366

Senate  
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 Substance Abuse Prevention, Education and Treatment Services to Native Americans in Maine"

S.P. 114 L.D. 287

Bill "An Act Providing a Sales Tax Exemption for Nonprofit Boarding Care Facilities Providing Treatment for Persons Suffering from Alzheimer's Disease or Related Disorders"

S.P. 138 L.D. 377

Bill "An Act to Exempt from Use Tax Tangible Personal Property Used in the Construction of Portable Classrooms for Lease to School Districts in Maine" (Emergency)

S.P. 209 L.D. 580

Bill "An Act to Raise the Compensation of District and Assistant District Attorneys"

S.P. 219 L.D. 586

Bill "An Act to Exempt Alcohol and Drug Programs from the Sales Tax"

S.P. 226 L.D. 620

Bill "An Act to Include the United States Internal Revenue Code, Section 457, State Deferred Compensation among the Retirement Plans which are Exempt from the Maine Premium Tax"

S.P. 260 L.D. 741

Bill "An Act to Abolish and to Reorganize Certain Portions of the Department of the Secretary of State"

S.P. 544 L.D. 1646

Ought to Pass in New Draft

Senator ERWIN for the Committee on UTILITIES on Bill "An Act Relating to Significant Energy Agreements and Contracts by Electric Utilities"

S.P. 338 L.D. 993

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

S.P. 604 L.D. 1779

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.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator DUTREMBLE of York, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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.

The Chair laid before the Senate the Tabled and Later Assigned matter: (6/8/87)

Bill "An Act to Require the Members of the Maine Turnpike Authority to be Confirmed"

H.P. 885 L.D. 1186  
(C "A" H-264)

Tabled - June 8, 1987, by Senator CLARK of Cumberland.

Pending - ADOPTION of House Amendment "A" (H-272) (In House, June 8, 1987, the OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-272).)

(In Senate, June 8, 1987, the OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. Bill READ ONCE. Committee Amendment "A" (H-264) READ and ADOPTED in NON-CONCURRENCE. House Amendment "A" (H-272) READ.) House Amendment "A" (H-272) ADOPTED, in concurrence.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-264) in NON-CONCURRENCE.

On further motion by same Senator, Committee Amendment "A" (H-264) INDEFINITELY POSTPONED, in concurrence.

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

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

Emergency Resolve

Resolve, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute

S.P. 588 L.D. 1742

Tabled - June 8, 1987, by Senator CLARK of Cumberland.

Pending - FINAL PASSAGE

(In House, June 8, 1987, FINALLY PASSED.)

(In Senate, June 4, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator BUSTIN of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-139) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BUSTIN: Thank you Mr. President and members of the Senate. Just in way of explanation of what is going on here is that in the Bill on the commission established we failed to put in public members and what this resolve does is add three members of the public to that commission, which we have been doing on all of the boards and commissions that we set up.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. It is with some reluctance this morning that I rise in opposition to the amendment offered by the good Senator from Kennebec, Senator Bustin. L.D. 1742, is an unanimous report from the Joint Standing Committee on Human Resources and it is calling for a rather extensive and comprehensive review of the entire mental health delivery system in the state of Maine, over a period of two years. The first part of that study will address the urgent issues of overcrowding at our mental health institutions in Augusta and Bangor. As many of you are aware, there is endemic overcrowding currently in those facilities which is compromising the quality of care in those facilities and it is stressing the resources we have to the utmost.

The Committee worked in diligent fashion in trying to determine the appropriate composition of the study commission, we are calling for professionals from the psychiatric and psychological community, from the administrators that are in Augusta and Bangor and as well as all of those who are active in the mental health delivery system throughout the state of Maine. The membership represents a Committee compromise and this morning as Chair of the Committee it is my duty, I think, to oppose pending any additional language.

I must indicate to this Body that the suggestion was brought up in work shop and was rejected by the Committee and I do believe that if we were to append this language, we would not have unanimous support amongst the Human Resources Committee members for L.D. 1742. This is a very significant Bill, we clearly have profound major difficulties in our mental health delivery system, as you know, later this week we will be having confirmation sessions on the new Commissioner of Mental Health and Retardation. It is urgent we go about our tasks as soon as possible to address these mental health issues and I would hope that nothing would get in the way of our mission. It is for these reasons that I stand before you this morning and urge you to reject the proposed amendment. Thank you.

Senator GAUVREAU of Androscoggin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BUSTIN of Kennebec, to ADOPT Senate Amendment "A" (S-139).

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending the motion of the same Senator to ADOPT Senate Amendment "A" (S-139). (Division requested)

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 EDUCATION on Resolve, to Establish a Task Force on Post-secondary Education Financing

H.P. 887 L.D. 1188

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

H.P. 1294 L.D. 1772

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

Which Report was READ and ACCEPTED, in concurrence.

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

The Committee on UTILITIES on Bill "An Act to Require the Installation of Telecommunication Devices for the Hearing and Speech Impaired in Public Facilities"

H.P. 791 L.D. 1063

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

H.P. 1295 L.D. 1773

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 Resolve 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

Joint Resolution

The Following Joint Resolution: H.P. 1307  
JOINT RESOLUTION HONORING THE SESQUICENTENNIAL OF THE SETTLEMENT OF ASHLAND

WHEREAS, from the beginning of settlement in Maine until now, its forests have been the greatest national resource, a priceless heritage of growth and beauty; and

WHEREAS, deep within this vast wooded tract on an oxbow in the eastern bank of the Aroostook River, a settlement called Ashland was formed in 1837 at the height of the Aroostook War; and

WHEREAS, this town, named Ashland, for the Kentucky estate of Henry Clay, prominently stood amid heavy growth of the king pines until the State's eastern boundary was officially established; and

WHEREAS, in 1842, after the boundary war, the town flourished and, by the 1900's, it became an important shipping center for potatoes and lumber, exceeding 100 carloads daily; and

WHEREAS, the inhabitants of this remote northern community have much to be proud of, a legacy to be shared and celebrated in this, the 150th year since settlement; now, therefore, be it

RESOLVED: That We, the members of the Senate and House of Representatives of the 113th Legislature of the great and sovereign State of Maine pause in our deliberations to congratulate the Town of Ashland for 150 years of advancement since its first settlement and offer the good citizens of this fine community our best wishes and continued support as we look to the future; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the officials of this proud

community as a tangible token of the sentiments expressed herein.

Comes from the House READ and ADOPTED.  
Which was READ and ADOPTED, in concurrence.

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

COMMITTEE REPORTS  
House

Ought to Pass in New Draft

The Committee on JUDICIARY on Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime"

H.P. 817 L.D. 1091

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

H.P. 1297 L.D. 1775

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

Which Report was READ.

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

The Committee on JUDICIARY on Bill "An Act to Enhance the Marketability of Titles"

H.P. 239 L.D. 307

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

H.P. 1298 L.D. 1776

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.

Off Record Remarks

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

COMMITTEE REPORTS  
House

Ought to Pass in New Draft

The Committee on HUMAN RESOURCES on Bill "An Act to Provide for a Prospective Payment System for State Reimbursement of Boarding Care Facilities with More than 6 Beds, to Allow for Periodic Cost-of-living Adjustments and for Other Purposes"

H.P. 266 L.D. 349

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

H.P. 1305 L.D. 1784

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.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Alter the Fee on the Registration of Underground Tanks"

H.P. 509 L.D. 682

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

H.P. 1306 L.D. 1785

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

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

COMMITTEE REPORTS  
House

Ought to Pass in New Draft under New Title

The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Provide More Equitable Benefits for the Surviving Spouse and Children of Deceased Members of the Maine State Retirement System"

H.P. 935 L.D. 1251

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Provide More Equitable Benefits for the Surviving Spouse, Children and Parents of Deceased Members of the Maine State Retirement System"

H.P. 1296 L.D. 1774

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

Which Report was READ and ACCEPTED, in concurrence.

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

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

H.P. 674 L.D. 907

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Clarify and Limit Personal Liability of Volunteer Firemen and Volunteer Ambulance Drivers" (Emergency)

H.P. 1299 L.D. 1777

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Bill in NEW DRAFT under NEW TITLE 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:

COMMITTEE REPORTS  
House

Ought to Pass in New Draft under New Title

The Committee on HUMAN RESOURCES on Bill "An Act to Require Mandatory Certification of Adult Day Care Services in Maine"

H.P. 431 L.D. 576

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Require Licensing of Adult Day Care Services in Maine"

H.P. 1304 L.D. 1783

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Bill in NEW DRAFT under NEW TITLE 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:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Limit Contributions which Candidates may Receive from Political Action Committees"

H.P. 1014 L.D. 1367

Reported that the same Ought Not to Pass.

Signed:

Senators:

KANY of Kennebec  
DILLENBACK of Cumberland

Representatives:

PRIEST of Brunswick  
TUPPER of Orrington  
MURPHY of Berwick  
MARTIN of Van Buren  
HARPER of Lincoln  
JALBERT of Lisbon  
STEVENS of Sabattus  
PAUL of Sanford  
PERRY of Mexico

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Contributions by Political Action Committees"

H.P. 1300 L.D. 1778

Signed:

Senator:

ESTES of York

Representative:

STEVENSON of Unity

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

Which Reports were READ.

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

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 BANKING AND INSURANCE on Bill "An Act to Clarify the Authority of the Superintendent of Insurance to Assign Risks for Workers' Compensation Insurance"

H.P. 1127 L.D. 1537

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

H.P. 1301 L.D. 1780

Signed:

Senators:

THERIAULT of Aroostook  
BUSTIN of Kennebec  
COLLINS of Aroostook

Representatives:

CLARK of Millinocket  
TARDY of Palmyra  
RYDELL of Brunswick  
TRACY of Rome  
ERWIN of Rumford  
SIMPSON of Casco

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

Signed:

Representatives:

BOTT of Orono  
GARLAND of Bangor  
WEBSTER of Cape Elizabeth  
CURRAN of Westbrook

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

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT Report was 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:

ENACTORS

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

An Act to Improve Funding for Communicatively Impaired Maine Residents Served by Community-based, Private Nonprofit Speech and Hearing Centers

H.P. 722 L.D. 973  
(C "A" H-255)

(See Action Later Today)

An Act to Amend the Laws Governing Diagnostic Evaluations of Juveniles for Juvenile Court Proceedings

S.P. 497 L.D. 1514  
(C "A" S-136)

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  
(S "A" S-135)

Bill "An Act Concerning the Taking of Fingerprints and Submission to the State Bureau of Identification

S.P. 587 L.D. 1739

(See Action Later Today)

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

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it ENACTED:

An Act to Improve Funding for Communicatively Impaired Maine Residents Served by Community-based, Private Nonprofit Speech and Hearing Centers

H.P. 722 L.D. 973  
(C "A" H-255)

(In Senate, June 9, 1987, PASSED TO BE ENACTED, in concurrence.)

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

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it ENACTED:

Bill "An Act Concerning the Taking of Fingerprints and Submission to the State Bureau of Identification

S.P. 587 L.D. 1739

(In Senate, June 9, 1987, PASSED TO BE ENACTED, in concurrence.)

On motion by Senator BERUBE of Androscoggin, 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:

Emergency

An Act to Implement the Recommendations of the Driver Education Evaluation Program Study

H.P. 962 L.D. 1291  
(C "A" H-254)

Comes from the House Bill and Accompanying Papers RECOMMITTED to the Committee on HUMAN RESOURCES.

On motion by Senator GAUVREAU of Androscoggin, the Bill and Accompanying Papers RECOMMITTED to the Committee on HUMAN RESOURCES, in concurrence.

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 TAXATION on Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax"

H.P. 543 L.D. 727

Reported that the same Ought Not to Pass.

Signed:

Senators:

DOW of Kennebec  
SEWALL of Lincoln

Representatives:

NADEAU of Saco  
ZIRNKILTON of Mount Desert  
DUFFY of Bangor  
DORE of Auburn  
SWAZEY of Bucksport

INGRAHAM of Houlton  
JACKSON of Harrison

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-274).

Signed:

Senator:

TWITCHELL of Oxford

Representatives:

MAYO of Thomaston  
SEAVEY of Kennebunkport  
CASHMAN of Old Town

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-274).

Which Reports were READ.

Senator TWITCHELL of Oxford moved ACCEPTANCE of the Minority OUGHT TO PASS AS AMENDED Report, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator TWITCHELL of Oxford to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, 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 Relating to the Maine Transportation Capital Improvement Planning Commission"

S.P. 598 L.D. 1758

Committee on TRANSPORTATION suggested and ORDERED PRINTED.

In Senate, June 5, 1987, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED.

Comes from the House with the Bill COMMITTED to the Committee on TRANSPORTATION in NON-CONCURRENCE.

Senator DOW of Kennebec moved to RECEDE and CONCUR.

Senate at Ease

Senate called to order by the President.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending the motion of Senator DOW of Kennebec, to RECEDE and CONCUR.

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 Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products"

H.P. 1280 L.D. 1753

In Senate, June 5, 1987, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-279) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

On motion by Senator PEARSON of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

S.P. 415 L.D. 1273

(C "A" S-119)

In Senate, June 3, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY HOUSE AMENDMENT "A" (H-280), thereto in NON-CONCURRENCE.



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

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

SECOND READERS

The Committee on Bills in Second Reading reported the following:

House

Bill "An Act to Alter the Fee on the Registration of Underground Tanks"

H.P. 1306 L.D. 1785

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending PASSAGE TO BE ENGROSSED, in 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 Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants"

H.P. 1310 L.D. 1788

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

Senate at Ease

Senate called to order by the President.

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

Under suspension of the Rules, ordered sent down forthwith.

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 AGRICULTURE on Bill "An Act to Continue the Potato Marketing Advisory Program"

H.P. 1183 L.D. 1613

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-282).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-282)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-282) 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.

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Trade-in Credit for Loaders used to Harvest Lumber"

H.P. 728 L.D. 980

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-281).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-281) 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.

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 Authority for Recruitment and Retention Stipends

H.P. 1192 L.D. 1624

(C "A" H-266)

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

Emergency

An Act to Provide Assistance to Development Organizations in Labor Market Areas Facing Sudden and Severe Economic Dislocation

S.P. 592 L.D. 1747

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

Emergency

An Act to Establish an Exemption from the Waste Water Discharge Licensing Requirements for Owners and Operators of Marine Aquaculture Operations

S.P. 594 L.D. 1751

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Reestablish the Vehicle Rental Agency in the Department of Conservation

H.P. 1078 L.D. 1465

(S "A" S-138 to C "A" H-251)

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

Emergency

An Act to Amend the Sardine Tax

H.P. 1253 L.D. 1711

(H "A" H-258)

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:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow Aroostook County to Contract for Services for the Operation of the County Jail"

S.P. 380 L.D. 1156

Reported that the same Ought Not to Pass.

Signed:

Senators:

TUTTLE of York

BALDACCI of Penobscot

Representatives:

CARROLL of Gray

HUSSEY of Milo

ROTONDI of Athens

LACROIX of Oakland

BOUTILIER of Lewiston

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title.

S.P. 607 L.D. 1797

Signed:

Senator:

GOULD of Waldo

Representatives:

ANTHONY of South Portland

BICKFORD of Jay

STROUT of Windham

LOOK of Jonesboro

Which Reports were READ.

Senator TUTTLE of York moved to ACCEPT the Majority OUGHT NOT TO PASS Report.

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

Senator COLLINS: Thank you Mr. President, men and women of the Senate. I would oppose the pending motion and I would like to discuss briefly the input of this particular legislation. As you may know, this is what is referred to as a private and special Bill, in other words, it applies to Aroostook County only. The sponsors of this legislation are all of the Senators from Aroostook County. The sponsors are acting upon this because we have a condition in Aroostook County where we are having difficulty in handling the costs of operating our jail. Because the county officials think that they ought to have the opportunity to explore new methods. It appears that present legislation would forbid the contracting of the management and operation of jails. As a result, the county commissioners have requested that we seek this enabling legislation which is permissive only and not mandatory, but it would allow the county commissioners to explore the possibility of contracting the operation of the jail in Aroostook County.

It seems to me that this is a reasonable request and I am sure that the commissioners will not enter into any agreement lightly and I am sure that they will not do it unless it is in the best interest of the county. In the mean time I can tell you that there are areas throughout the country that are exploring this type of operation. This is our opportunity in Aroostook County to at least explore it, to see if it is feasible and to determine what

kind of a trade we might make. I think that many of you know that jails throughout Maine and throughout many counties are having a very difficult time operating within the constraints of their budget. In Aroostook County last year, we over ran the budget for jail operation by about \$50,000. Thus, this Bill is presented as sort of a trial, a pilot Bill if you will, to determine whether this might work. I hope that you would oppose the motion so that we could support the other view point and then go onto the House and let them debate whether they see it in the same light as we do. Thank you.

THE PRESIDENT: The Chair would again remind the members that debating actions of the other Body are not appropriate.

The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Thank you Mr. President, men and women of the Senate. When the Bill first came to the Committee on State Government, there was a lot of indecision as to how we were going to vote on this issue, I was undecided myself. But, essentially the Bill allows county commissioners to contract with a private firm to run the county jail. In spite of it's title the Bill refers to all counties, but that was changed in the amendment only to Aroostook. Under the provisions of our laws, the commissioners of the Aroostook County, last winter contracted with a private firm to run the county jail. The legislative delegation questioned the legality of this move and requested an opinion from the Attorney General's office. In a non-binding opinion the office stated that contracting for running a jail would represent an illegal delegation of the sheriff's statutory responsibility. The Attorney General's opinion further pointed out that this contract apparently agreed to, without going through the required system of competitive bidding. This move on the part of the commissioners also drew some comments from jail employees about the lack of state in which the jail was currently managed. And the poor treatment they received from the jail management.

As a result, the Attorney General's office decision, the county nullified the contract and the legislative delegation, certain members, have submitted a Bill before this Body today. The advantages apparently, in contracting with a private firm are said to be less expensive in management and fixed costs. The contract for Aroostook County was \$680,000 per year, which was estimated to be a savings of \$20,000 per year. This Bill is not to be confused with some other counties, particularly Kennebec in having a jail build, but not run by a private firm.

Where I basically stand, as being Chairman of the Committee, I did a poll of the Committee members of Aroostook County. Historically the Committee on State and Local Government, in the past, Local and County has pretty much gone along with the majority members of the delegation. After having polled them, I found that the majority, the Senators from Aroostook, are in favor of it, as the other Body is not. Therefore, the majority of the delegation is against this Bill. I was reading an article in "State Government News" on contracting out and I would like to share it with you. It says, "it looks good on paper, but", and it refers to the Phoenix City Council contracting out trash collection for 50,000 homes. "The five years, 9.8 million dollar contract went to a company called Serv-All, Inc. of Indiana, the problems in garbage began piling up almost immediately. Serv-All had financial difficulties, it had to use 1 million dollars worth of formerly city owned trucks as collectibles for

about a \$400,000 bank loan. Twelve of the trucks were eventually striped for spare parts and Serv-All was cited for operating unsafe vehicles."

Proponents to contracting out often say that privatization of costs is less and it provides better service to the public. But the truth is, in my opinion, contracting out usually ends up costing more not less. For that reason I would ask that you support the Majority Report.

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

Senator COLLINS: Mr. President and members of the Senate. I think the good Senator from York has outlined the situation that we were, in fact, involved in, in Aroostook County. I think the thing, however, to bear in mind here is that this legislation is before us only because we would like to make it possible to consider and talk about the privatization of jail management. It doesn't suggest that it will actually come to pass. It seems to me that it is an avenue that is worth exploring. There is no way that it can be explored without the passage of this Bill. I am sure that the commissioners of Aroostook County, who seek this, will not enter into any agreement lightly. I am sure that they will safe guard everything possible to make sure that a contract is entered into which is advantageous to the County. In the mean time, I think all of the counties in Maine might learn something if this were to come to bat. Every now and then we have to try something new. Even conservatives, like myself, occasionally get to the point where we are willing to do this sort of thing. It seems to me that this is a reasonable approach. It is not mandatory, it isn't going to happen unless it has substantial support, but it does create the possibility. I am sure that there are many counties in Maine that would like to learn more about this particular method of managing jails. Thank you Mr. President.

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

Senator KANY: Thank you Mr. President and members of the Senate. I rise to ask a few questions. Number one, is why couldn't the Aroostook County Commissioners on their own go ahead and contract for a study of the possibilities? Secondly, the Legal Affairs Committee just had a very tricky case before it in which someone was seeking permission from the Legislature to sue because of a problem that occurred in Cumberland County, in which someone who was in the state's custody, was handed over to county custody and some employees of that county allowed this person to go out on his own and ended up committing some crimes against individuals. I wonder if they would seek to pass on their general sovereign immunity to private contractors? Would they seek to comply with the current tort claims act, in which individual employees of the state or other governmental entity should be sued for \$10,000 each and so on? I do think there are simply a lot of problems with this and I would urge the people of Aroostook County not to jump into such a contract, but instead, perhaps, to really study it in advance of such a contract.

Third, I would point out that often a county or another entity is asked to take other prisoners from elsewhere and certainly that would be part of any study if there is one.

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

Senator BALDACCI: Thank you Mr. President, men and women of the Senate. Very briefly, in regards to this particular piece of legislation, being the second Senator on the Committee and signing the

Report with the Chairman, I just want to re-support those comments that Chairman Tuttle made in regards to this Bill. But even more explicitly the fact of the matter is that there are sixteen counties in the state of Maine and one cannot operate separately from the others. The laws that are being proposed here for the sheriffs, the jail administrators and the commissioners really can't be different from those that are applied to other counties throughout the state. The sheriffs have opposed this Bill when it was introduced to the Committee for that reason the Bill was amended to pertain just to Aroostook County, but the feeling is, that if this is proper to do, there should be study that should be done and then with that study, the legislation proposed from that study to be implemented statewide throughout all of the counties if it makes sense. Not just on a particular pilot program with nobody at the wheel.. Thank you Mr. President.

On motion by Senator TUTTLE 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 TUTTLE 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 ANDREWS, BALDACCI, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, RANDALL, TUTTLE, USHER

NAYS: Senators BERUBE, BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, EMERSON, ERWIN, GILL, GOULD, LUDWIG, MAYBURY, PERKINS, THERIAULT, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator SEWALL

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senators being absent, the motion of Senator TUTTLE of York, to ACCEPT the Majority OUGHT NOT TO PASS Report, FAILED.

Senator COLLINS of Aroostook moved to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT Report.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending the motion of Senator COLLINS of Aroostook to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT Report.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator GOULD for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow Increased Participation of State Employees in the Electoral Process"

S.P. 348 L.D. 1040

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

S.P. 606 L.D. 1796

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 CAHILL for the Committee on TRANSPORTATION on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

S.P. 201 L.D. 558

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

S.P. 605 L.D. 1793

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.

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 Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour

H.P. 547 L.D. 734

(H "B" H-252 to C

"A" H-212)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 2 Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Study the Relationship between Nonprofit Service Agencies and Professional Liability and Other Hard-to-obtain Lines of Liability Insurance

S.P. 595 L.D. 1752

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

Senate at Ease

Senate called to order by the President.

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

ORDERS

Joint Orders

On motion by Senator DOW of Kennebec the following Joint Order: S.P. 611

ORDERED, the House concurring, that Bill, "AN ACT to Provide Health Care Benefits to Uninsured Individuals," H.P. 1292, L.D. 1770, be recalled from Engrossing to the Senate.

Which was READ and PASSED.

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

On motion by Senator DOW of Kennebec the following Joint Order: S.P. 612

ORDERED, the House concurring, that Bill, "AN ACT to Ensure Safe Abatement of Asbestos Hazards," H.P. 1286, L.D. 1762, 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

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 576 L.D. 1717

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-147).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-147) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

Senator TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Prevent Abuse of Handicapped Parking Spaces"

S.P. 458 L.D. 1402

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-148).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-148) 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:

ENACTORS

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

An Act to Amend the Law Pertaining to the Department of Corrections' Responsibility to Pay the Board, Care and Mental Health Treatment Costs of State Agency Clients in Residential Placements

S.P. 602 L.D. 1765

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

An Act to Ban the Use of Nondegradable Plastic Connectors for Containers

H.P. 912 L.D. 1224

(C "A" H-261)

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

An Act to Provide for the Issuance of Summonses

H.P. 977 L.D. 1324

(C "A" H-260)

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

An Act to Strengthen the Laws Relating to Food Safety

H.P. 1023 L.D. 1381  
(C "A" H-262)

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

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

COMMITTEE REPORT  
Senate  
Divided Report

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists"

S.P. 252 L.D. 703

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

S.P. 608 L.D. 1798

Signed:

Senators:

THERIAULT of Aroostook  
COLLINS of Aroostook

Representatives:

RYDELL of Brunswick  
CURRAN of Westbrook  
SIMPSON of Casco  
WEBSTER of Cape Elizabeth  
BOTT of Orono  
GARLAND of Bangor  
TARDY of Palmyra

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title.

S.P. 609 L.D. 1799

Signed:

Senator:

BUSTIN of Kennebec

Representatives:

ERWIN of Rumford  
CLARK of Millinocket  
TRACY of Rome

Which Reports were READ.

Senator THERIAULT of Aroostook moved to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT (S.P 608) (L.D. 1798) Report.

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

Senator THERIAULT: Mr. President and members of the Senate. I would like to explain the Bill to you. I hope that the way this report is printed on this supplement is not an indication of its' future. If you notice, it is printed at a steep incline, at least mine is. I would like to say that the Committee heard a total of five Bills on mandatory auto insurance. This report that you have before you is really a computation of all five of these Bills. We took, from each Bill, what we thought would be the best and we incorporated it into this one Bill. I would like you to know that the Committee worked long and hard on this report. I also want you to know that there were some members on the Committee that were completely dug in, regardless of what would have been presented before the Committee, they would have been opposed to it. So, I hope you will consider that in your deliberations.

Actually, this Bill is an expansion of what we already have on the books. We have, on the books, a financial responsibility law, which says in essence, that if you are ever involved in an accident, and you are responsible for that accident, in order for you

to continue to drive, you need to acquire insurance coverage. We used that statute to build this Bill. I would like to begin by saying that all those individuals that have an insurance policy will be issued an identification card, indicating that they have a policy with a particular company. We have indicated in this Bill that no policy can be sold in this State for less than three months. The purpose of that is to stop an individual from buying a policy one day, satisfying the requirements of the law, and then the following day, cancelling the policy. I understand that in some states, this has become a real serious problem. So, we decided that if we did this, then it probably would take care of that problem.

Also incorporated in this Bill, is an enforcement provision which states that a law enforcement officer could request evidence of insurance, if you are stopped for a moving violation or if you are involved in an accident, at fault or not at fault.

If you do not have evidence of insurance, you will be issued a uniformed traffic ticket, summoning you to court. During that period of time awaiting court, if you desire to purchase insurance for your vehicle, you can do so and notify the court at least twenty-four hours ahead of trial time and they will drop the charges. If you do not procure the insurance and you appear before a judge, you will be fined \$100. In addition to that, you will be given a grace period of thirty days to acquire insurance. If you do not acquire the auto insurance within that thirty day period, then the financial responsibility law that we presently have on our books, would be invoked. This means that you would lose your drivers license until you do get insurance.

In our deliberations, and also during the hearing, it was established that we have roughly thirty thousand accidents per year, in Maine. Those are reported accidents which have a damage of three hundred dollars, or more.

By the way, the damage amount has been raised this year to five hundred dollars. Of those thirty-thousand, ten-thousand of reporters are insured. When we started the hearings and deliberations on this Bill, I initially was opposed to any type of insurance requirements. During the hearing, and in contact back home with some of my constituents, I became convinced that we do need this coverage. Prior to this determination and based upon my discussion with my constituents, I was opposed to it because I thought that maybe some of the less affluent people could not afford to buy auto insurance. Well, in talking with some of those people, they convinced me that we need the insurance because they already have insurance on their cars, well, most of them have insurance on their vehicles. What they are concerned about is being involved in an accident with an uninsured motorist, and having to come up front with the money to repair the damages on their vehicle. That was adding insult to injury because they already had purchased the insurance for themselves, but they would have to pay because they got involved in an accident with an uninsured motorist, and have to come up with the deductible.

When I stopped and thought about what they had said, it did make a lot of sense. In addition to this, we have to think of the victims. We have so many individuals that are victims of uninsured drivers, who will forever be in a wheelchair or worse, they have no recourse, they have no coverage and what happens is, those individuals in their condition, some of them might be what you would call in the middle class. By the time they get done with all of this, they are completely impoverished because

that is the way our system is. You have to eat away at all the assists you have before you get any assistance. For some of those reasons, I changed my position and became a supporter and an advocate of mandatory insurance and I would urge you to support the Majority Ought to Pass Report, because I really think that the time has come when we need this Bill. Thank you.

The President requested the Sergeant-At-Arms escort the Senator from Cumberland, Senator CLARK to the Rostrum where she assumed the duties as President Pro Tem.

The President retired from the Senate Chamber.  
Senate called to order by the President Pro Tem.

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

Senator BUSTIN: Thank you, Madam President. I appreciate all of the lauds that the Senator from Aroostook, Senator Theriault has said. I am very geared into those words because I think the Senator is sincere and is sincere in his changing from not wanting mandatory insurance to wanting mandatory insurance. I have, despite the fact, it was alleged that I was completely dug in on having no mandatory insurance, I have a great deal of feeling for the victims of those insured motorists. The fact of the matter is, whether or not a motorist is insured is not going to stop an accident from happening. Insurance is not going to stop an accident from happening. Whoever has died in that accident is going to remain dead. Whoever is injured in that accident, is going to remain injured. Whoever is permanently disabled in that accident, is going to remain permanently disabled. There is nothing we can do about that, it is in other hands than ours. The issue is not that you had the accident, the issue is whether you get compensated monetarily for the accident. That is a very real issue. What we have to weigh here, is whether or not the amount of increased insurance that one must pay on their insurance, of those of us, an 85% percent of the people in the State of Maine buy auto insurance, non mandatorily. The issue is whether or not we can get those 15%, other people, under this kind of a Bill, to buy that insurance and every kind of evidence that you have in every other state that has tried this, is that you might, you just might get 6% more. More likely will settle down to 2% or 3%. You then must weigh what the finances are that are involved in this. Would we be better off as a State to set up a fund to compensate the victims? Which is the more less expensive way to take care of that? I don't know. That is why the Minority Report is the one that asks for a study of those figures. Give us the advantage of knowing what that is so that we can make a reasonable decision as to whether or not we should have mandatory auto insurance or we should go for victims compensation fund. In point of fact, Maine right now is 42nd of the fifty states having the lowest insurance rates. In point of fact, since 1975, for those states, and this is a sampling, those states who have changed to mandatory insurance, the over all change in pure premium, if I may, in California was 52.2%. An average annual change in pure premium of 11.1%. Idaho, 54.5%. Average annual is 11.8%. Louisiana, 44% over all change, with 9.6% annual. Maryland, 49.9%.

I could go on and on in that same time period, Maine's over all change in premium was 27.5%, annual average was 6.7%. The lowest of any of those I have

on my sheet here. That is something that you need to consider. A 52%, 54%, 44%, 49%, 46%, 38%, 46%, 53%. 37% change is not realistic. Take a look at the 85% of the people in the State of Maine who now buy insurance, who must then increase their premiums by that amount of money. Consider putting that into a fund. You wouldn't need all of it. Put it into a fund to compensate those victims. That is what we're looking at in this particular Bill. I would like to see the figures of what the victims have suffered monetarily so I might be convinced at that point, if the figures are so astronomical, if we have so many uninsured motorists, that are causing so many accidents, then I would be convinced that we needed mandatory auto insurance. I am not convinced at this point.

Another issue that was brought up by the good Senator from Aroostook, Senator Theriault, was the fact that whether or not you caused the accident, whether or not you were stopped for any moving infraction violation, you had to show your insurance card. If you had let your insurance lapse, if you did not have that card, you would get a ticket to appear in court and you would have to go and prove it. Another little card that you have to carry. We had a harassment issue about police and the young people in this Chamber not very long ago. That is another card that they are going to have to carry. Another reason to stop them. The other point that was brought up was that whether you're the one that caused the accident or not, if you do not have your insurance and you're the one that has been injured by that other person, you don't carry insurance, then you are also going to be issued a summons. That is mandatory insurance.

We step one step short of that in order to get this Bill passed. That is not to call it mandatory insurance, it is called "An Act to Require Maintenance of Financial Responsibility by All Motorists". In fact, what the law says, it is illegal to drive uninsured. That is what it says. I would urge you to vote against the Passage of the Majority Report.

Senator BUSTIN of Kennebec requested a Roll Call.

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

Senator THERIAULT: Thank you, Madam President. I would like to say that none of the figures that were thrown out here today were verified nor were we able to verify any of them. As a matter of fact, we called some states and they asked us what we were talking about. Well, we said, we have this information here and we would like to know and clarify and verify these figures, if they are accurate. They just laughed at us because of how off these figures were.

Consequently, we could not use these figures as valid information. So, this is why I did not mention any. Initially, we were very concerned about the increase in premiums but we had some insurance companies that were willing to put it into law, that their premiums would not increase because of this legislation. Actually, I didn't want that to happen because I thought it would be very irresponsible to do that. The reason that in some locations, in some states, the premiums go up so high is because they have what is really known as mandatory auto insurance. That is, in order for you to register your car, you have to have proof of insurance. Now, can you imagine the administrative burden and work load involved with the insurance agencies? They have to have some kind of a suspense system in order to keep track of everyone, to make sure that their insurance would not lapse. Can you imagine the

additional cost involved? That is why, in some states like Massachusetts, the cost is so cumbersome.

I understand that they have one big, gigantic building the sole purpose for being is to administer the insurance program that they have in that state.

This is not what we're looking at here. We're looking at being able to do all that we have to do with four additional people in our Secretary of State's office. Is there any additional expense to that? As a matter of fact, we would have a positive income from this legislation. We'd take in more than it would cost us. Additionally, it was mentioned that there would be a study of victims. I don't think we need that to determine that there are victims. There are victims all the time. To make sure that we take care of those victims in this little Bill that we've put together, there is a provision for a study to determine how serious, how severe, how extensive, the victims are. So that at some point in time, in the future, we will also be able to take care of the victims of accidents. I am not just talking here of hospital costs or compensation. I am also speaking of property damage. Before we can take that kind of action we have to have facts. This little Bill has provision for gathering these facts. I urge you to vote for this Bill. It is a good, effective and reasonable Bill. If we reach just one-third of those individuals who are not insured, we will have made great strides because we will have touched ten thousand motorists in this State. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you, Madam President and members of the Senate. This is an issue of responsibility. All other arguments aside, all other discussion aside, I believe and have believed for many years, in debating this issue that is an issue of responsibility. I believe that we have the responsibility here, this late afternoon, to say that responsibility shall reign. Right now and for years, this state has said it was all right to drive without insurance. I believe they have been saying that it is all right to drive irresponsibly.

Take all of those people who have insurance, all of us, the 85% that has just been mentioned and you pole those people about what they want. I'll tell you and you know that the response is 70, 80 and I have heard one person say even 90%, of their response to questionnaires, was that they believed there should be a mandatory, compulsory financial responsibility. Whatever you want to call it. What they mean is the State should say it is wrong to drive without insurance. This Bill says that it is wrong to drive without insurance. It is irresponsible and that is what we're discussing here this afternoon.

Never before, I believe, and I have been working on this issue for nine years, never before has there been such support. I always think the support has been there but never has it been brought out, vocalized by the questionnaires, by the work of representatives throughout this State. We have for the first time, as the Senator from Aroostook, Senator Theriault has said, an insurance company has broken away from the pack and now tells us that there will not be increases in costs because of this type of Bill.

It will not be onerous for them to produce a card because most of them produce anyway for us, and they write in thirty-eight other states where they already produce a card. The Hanover Insurance Company is the sixth largest writer in the State of Maine and writes in all other states and writes in the thirty-eight

states that now have a mandatory type insurance. They are supportive. They have been supportive. Some of the people who work for that insurance company have worked for Travelers and some of the other big insurance companies. They are telling us this will not be a significant cost. Even if there is, we made a major push to get this Bill through in 1984 and it didn't pass, close in this Body one night, but it didn't pass. Other insurance rates have gone up since then. If it had passed, that increase would have been blamed on this Bill. I feel certain of that. Others have joined us in a coalition, the Association of Retired Persons, and they asked the question themselves. "What about poor people?" The answer is that poor people are hurt by insured motorists and probably are hurt more than the rest of us because they have a harder job to make up the cost from their limited income. The Maine Trial Lawyers are with us. Mothers Against Drunk Drivers are with us. The people who answered your questionnaires are with us. The Secretary of State has often been opposed to this type of legislation, that we have found a more simple formula.

That simpler formula that is being presented today is similar to one that has been accepted in ten other states since we made our big push in 1984. I believe that today is the day for this Senate to lead the way for responsible people. In this State, we must say that it is wrong to drive an automobile without insurance. Thank you.

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

Senator BALDACCI: Thank you, Madam President and members of the Senate. We have been debating this particular issue for a very long time in this Body over the years. One thing that I can not stand is the misrepresentation of a point. The people who have been responding to the surveys that some members are sending out, the people that you run into in the grocery stores, or in the shopping malls have mentioned to you that they want mandatory auto insurance, are the same people. The retired people that have been talked about requiring insurance when they're driving on the road because some dummy hit them and didn't have insurance, and it was taken out of them. They didn't like that, they didn't think it was fair and it was not responsible. Now, I have heard discussion here today, that would lead me to believe that this Bill, either one of these Bills, or the first one is mandatory insurance. It is the best that we can do.

What I would like to know is if people are driving on the roads, are they being required before they drive, when they get their registration, as to whether they have insurance or not, or is it after the fact when there is an accident and there is nothing that you can do about it and you turn the police officer into an enforcement agent for the insurance companies? That's what I would like to know.

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

Senator WHITMORE: Thank you, Madam President, men and women of the Senate. I guess on the onset, let me say that when I'm not sitting at this seat, I make my living as an insurance agent. A general lines agent. I have been doing that since 1969. Prior to that, I spent five years as a claims adjuster. When you people talk about victims, when you people talk about accidents, and those people who suffer, I have seen those. They walk through my office all the time. I am not about to stand in front of you and say that I condone any driving on the road without carrying insurance. But, I also

want to tell you that there is no way, picking up on the remarks of the good Senator from Cumberland, Senator Brannigan, that this Body can legislate responsibility. Either people are responsible or they are not. The 15% of the people that have been referred to earlier in various remarks, those are the responsible people. They have already indicated that, they have shown it in their actions, being to carry insurance. Why does one carry insurance? Do they carry it to protect you in the event that they hit you? They don't carry insurance to protect you. They carry insurance to protect themselves because the whole basis of insurance is to protect yourselves from financial disaster. That is the reason and the basis for insurance.

Earlier in the session, it was evident that mandatory insurance or some form of insurance was going to be discussed, I had numerous occasions to talk to several of you and other members of the Legislature. One of the things that they kept falling back on and I have heard it again here today, is the low income or the person that falls into that category.

This particular Bill, and I am addressing the one, 1798, that has received the motion of Not to Pass in New Draft, specifies that it will only be a three month, that will be the minimum payment term of that policy.

Well, from where I sit most of the year, the people who walk through my office and the people who have to pay for the types of premiums, the reason that they are not carrying insurance today is because they walk through my door and they say that they have had two speeding violations and an accident or an OUI, and I tell them that it is going to be \$1800 to carry minimum limits, 20/40/10. They don't have \$1800 bucks. What are they going to do? They still aren't going to carry insurance. Heck, it is cheaper for them if they get stopped by John Law down on the street, to be called in and pay the \$100 fine and go along their merry way. It is not going to solve a thing.

You currently have today, on the books, mandatory insurance. It has been here since the 1930's, ladies and gentlemen and the reason that we have the problem today is because there is a department within the State Government that is not enforcing, with all the teeth that they have currently. We haven't done a thing by passing this piece of legislation except say that you carry a card and we're really going to penalize the guy that really doesn't deserve to be penalized.

You carry a card and if you don't, you're going to get fined \$100. It is still invoked after the fact with regard to an accident. It is today and will be following enactment of this legislation. It still doesn't say that you're going to carry it and neither did I hear it referred to, except briefly, and that wasn't explained, the difference between mandatory and compulsory insurance. I think that is key. Mandatory insurance, which is on the books since the 1930's, and that's all this Bill is, says that once you have had an accident, once you've proven not to have insurance, then you will obtain it. Generally, that is after the fact and after some one is injured and after the accident has happened. The other way is to have compulsory insurance, which is a real horror show, and that is when people talk about Massachusetts' auto insurance problems, New Jersey, they both have compulsory insurance. It says that you purchase a policy, then you go register your vehicle and you have in hand the policy and say I have insurance, let me have my registration. Then the bureaucratic system begins. It is filed with the

State bureau. The fellow person attaches the plates to their vehicle, goes down the highways and byways of the State, decides that the insurance is too expensive, stops payment. The system is so cumbersome, that by the time they catch up with you, they have probably gone nearly a year uninsured.

Is that going to solve the problem? I submit to you that it is not going to solve the problem. That is where the problem lies. That is not going to solve it either. I don't have a good answer. There isn't a state in the union where there is 95% or even 90% compliance. You still have the stolen vehicle. Someone goes out and steals a vehicle.

The insurance policy, in case you don't know it, even if there is a policy on that vehicle, does not cover the damage that is done with any accident that occurs through that theft. So, you're still going to have a victim. I might continue further. If you're really not addressing the injury to the people, the only thing that this Bill will do is pick up property damage.

Property damage to someone else's vehicle. No, not everybody today carries collision and therefore there would be some victims that would not have full coverage and they would be out a vehicle if struck by an uninsured motorist. A number of years ago, was enacted an uninsured motorist bill. I believe the good Senator from Aroostook, Senator Theriault referred to the person of middle income means that was injured in an accident and was left holding the bag. I guess I would question that because I think that most people of middle income are probably people with vehicles and I would guess they were responsible people, and therefore they would have insurance, which would include uninsured motorist coverage.

The minimum uninsured motorist coverage required by the State of Maine, if in fact there is a liability policy in place, is 20/40 limits, which people can increase, based upon your needs. Based upon your desire for the protection. If somebody is injured by an uninsured motorist, they can yield to their own policy and collect the amount of damages that this policy of mandatory insurance would allow them to collect.

Again, I think I should reiterate, because I am from the industry, the industry itself is divided. I think that the reason the industry is divided is because they see that there is a wave. A wave if you sample the people, and I guess that I would follow up on the remarks from the good Senator from Penobscot, Senator Baldacci. That when you survey someone, and they have heard the horror stories and then they think everyone should have insurance. I opened my remarks by saying that I think everyone should have insurance. Well, they don't and they won't. Regardless of what you pass, I don't believe that you will exceed 90%. There are 10% out there that are always going to be floating around that can create a real tragic situation for any one of us, any one of our family or friends. I don't think that we do it by passing hollow legislation. I really consider this to be hollow legislation because the only thing you're picking up, is your asking them to issue a card and when or if they are stopped, the officer has the right to ask to see your insurance card. If you can't produce it, there is \$100 fine. No other penalties. Just a \$100 fine and you continue on your merry way.

I don't think that really does anything. I don't think it gets to the root of the problem. I don't have the answer, unfortunately. I wish I could stand up here today and say that I do have an answer. I have a crystal ball and it tells me to do A, B, and C, D, E and we're going to have a 100% compliance. I



can't do that. I can tell you horror stories right within my own agency that have happened with uninsured motorists. Some of them would make you cringe.

They take place and they are going to continue to take place. I would like to close the door as well as the rest of you. I don't happen to think that this is the vehicle that can do it. I think that we can get much more compliance and a tighter reign on this thing, if we would just insist that the body that has the enforcement ability today, under the current law, enforce that law. Pull those licenses. Get them off the roads. Do it in that manner.

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Senate at Ease

Senate called to order by the President Pro Tem.

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

Senator COLLINS: Madam President and members of the Senate. I am pleased to rise this late, late afternoon, in support of the good Senator from Aroostook, Senator Theriault's position on this Bill. I know we've had a good lesson on insurance from the good Senator from Androscoggin, Senator Whitmore, and I appreciate all the things that he has said and have learned a great deal.

He did confuse me in one area when he suggested that the coverage involved in this legislation would provide for just property damage. I do not see the legislation that way. The way I read it and understand it, it does provide for payment for personal injury where the driver responsible for the accident up to the limits of the policy. I hope that those of you who interpreted as I did understand that it does provide some protection in personal injury cases. A couple of other things that I think were mentioned that perhaps ought to be detailed a bit. It has been suggested that the penalty in this legislation is a \$100 fine if the person does not obtain insurance and doesn't show up in court to confirm coverage. It also provides for a suspension of the license within thirty days if he has not provided coverages during that time and there is an additional provision that provides for filing requirements in the event of a second incident of a situation where he is stopped again and doesn't have coverage.

The penalties are a bit more than has been suggested. Further, I would like to point out that we all agree that this Bill is a compromise proposal. It doesn't suit those of us who would like to have a mandatory, compulsory type of coverage that would be before the fact.

Nevertheless, it probably is a situation that has some possibilities of advancing in this Body. It is, I think, something in the right direction. It does have a sunset provision so it gets all knocked to pieces in three years and you'll have a chance to learn whatever you may have to learn. It collects data, that is provided for in the legislation.

It seems to me that it is a step in the direction that most of us really want to go in. I concur with the good Senator from Cumberland, Senator Brannigan, the results of all of our inquiries in our questionnaires indicates that the people that we represent want this type of legislation. I hope you will support us in passage of it. Thank you.

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

Senator WHITMORE: Thank you, Madam President. In response to the good Senator from Aroostook,

Senator Collins question. I believe my remarks were addressing a point that Senator Theriault brought up with regard to the person of middle income means that would be out. I guess that I followed through and maybe this is where the confusion developed, pointing out the fact that through previous action by this Body, or another Body, that the uninsured motorist bill was passed, then that person could be compensated for any injuries from their own uninsured motorist provision for bodily injury. It does not provide, however, is damage to one's property from being in an accident with an uninsured motorist. That is the only thing I was trying to point out. Sorry for any confusion that has developed.

It's a little difficult for me to stand and the good Senator from Aroostook, Senator Collins pointed out that the penalty was also the suspension and I am debating a Bill that I do not have possession of, unfortunately. Bill number L.D. 1798, nor do I have L.D. 1799.

So, I have to rely pretty well on a draft which I had observed some time ago. Not having even that in my possession, I was unable to make complete reference to that part. I don't want to drag this thing out much further. I just want to point out one incident that happened this weekend to try to make my point. Who is still going to be on the road? Obviously, this person is still going to remain nameless. For a number of years, I had as a client, a fellow who imbibed a little bit, in fact, he imbibed a lot and seemed to like to get behind the wheel. He was arrested for OUI and lost his license. Following that suspension, he came in and wanted to buy an insurance policy. Under current Maine law, I had to sell him an insurance policy. It was through an assigned risk plan and he paid a lot of money for it. He had a vehicle and he had a family and so we sold him the policy and he was on the road. He probably was good for six or eight months and then he got picked up again. Following the second suspension, he got his license back and came in. Well, this has been going on for years. He had one spell where he stayed clean for three years and he was at the point because at the end of 3 years, on the assigned risk plan, the company has to offer to renew it at a regular rate. I was kind of shaking in my boots because I knew darn well that he was going to go out and do the same thing again. Here's a guy that shows responsibility in one respect because he never had been without insurance, even before he had gotten picked up the first time for OUI. Over a period of years, he has had so many of these, he has now been ruled to be a habitual offender.

He has lost his license and sometime over the weekend, I happened to hear on my scanner that I have in my house, that the police had picked him up again. He is out there running around with no insurance because he doesn't have a license. If he did have a license, he can't even get an assigned risk policy. He is still out there operating under the influence, driving after suspension, operating without insurance, and he was just cruising the street waiting to run into you, your father, your brother, your children or someone. We're not going to touch him at all with this Bill. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you, Madam President. There are many ways to go when a state decides that it is going to tell every driver that they must have insurance. The one you have before you is the way that has been decided by the Banking and Insurance Committee. There has been for the first time, and I

say we have been working on this for a long time, there's confusion of taking terms that have been used interchangeably in the past, mandatory, compulsory. These never had specific terms assigned to them before that mandatory is one way, compulsory is another. This is, for the first time in 9 years, certain terms are being applied to them in the debate here and in the Committee. People do drive without a license. We don't take away the law that says people have to have a license. People shouldn't drive without insurance and we should drive with insurance and we should tell them that they do, at least.

One member has said that he tried to interpret what the people have said that answered our questionnaires wanted. I will try to answer that question. At least they want the State of Maine to make sure everyone has to have insurance. At least we should mandate that people must drive with insurance. Thank you.

Senator WHITMORE of Androscoggin moved the INDEFINITE POSTPONEMENT of the Bill and all Accompanying Papers.

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

Senator THERIAULT: Thank you, Madam President. First I would like to request a Roll Call on the motion and I would urge you to vote against the motion to Indefinitely Postpone. I would like you to consider carefully what it is we're doing today. I think we would make one giant step forward. If we just looked in the laws of Maine, a law that says that you have to have auto insurance in order to use a vehicle on our roads. By putting this law into the books, we will get, based upon statistics, based on history elsewhere, we should get an additional 30% of those individuals who operate without insurance, to get auto insurance. So, I think that is a worthwhile step forward and I hope you will take it with me. Thank you.

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

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

Senator BALDACCII: Thank you, Madam President. Members of the Senate, I would like to reiterate, which I feel to be a very important issue here. First of all that I felt that the Committee has done a very hard and a very studious job in regard to this particular legislation. I think it does fall short of the mark. I was just trying to calculate. You know, we have 15% of the motorists that don't have any insurance and if we pass this legislation, we're going to get 30% of those 15%. That is what the good Senator from Aroostook, Senator Theriault has said. I would submit to you, again, that this is not a mandatory or compulsory insurance.

It isn't going to be. It never will be, as it is proposed here. I can not, in good faith, tell people back home when they have an accident occur to them, that that other person will have insurance. Until we do that, until we take that step, I think what we're talking about here is really a charade and I think it is an injustice and I think it is a public relations job on the people of the State of Maine to try to convince them that they have mandatory liability insurance, when they, in fact, don't. I think we should deal with the issue as it is, not as we would like it to be. Thank you.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator WHITMORE of Androscoggin 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 BALDACCII, BUSTIN, DILLENBACK, EMERSON, PEARSON, RANDALL, TWITCHELL, WEBSTER, WHITMORE

NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, CAHILL, COLLINS, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, PRAY, THERIAULT, TUTTLE, USHER, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

ABSENT: Senator SEWALL

9 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 1 Senator being absent, the motion of Senator WHITMORE of Androscoggin to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, FAILED.

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

Senator THERIAULT: Thank you Madam President, is the pending question before the Senate the Acceptance of the Majority Ought to Pass in New Draft Report?

THE PRESIDENT PRO TEM: The Chair would answer in the affirmative.

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 PRO TEM: The pending question before the Senate is the motion of Senator THERIAULT of Aroostook to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT 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 ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, CAHILL, COLLINS, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, THERIAULT, TUTTLE, USHER, THE PRESIDENT PRO TEM - NANCY RANDALL CLARK

NAYS: Senators BALDACCII, BUSTIN, DILLENBACK, PEARSON, PRAY, TWITCHELL, WEBSTER, WHITMORE

ABSENT: Senators EMERSON, SEWALL

Senator BLACK of Cumberland, requested and received Leave of the Senate to change his vote from NAY to YEA.

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator THERIAULT of Aroostook, to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, PREVAILED.

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

Sent down 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 Joint Select Committee on CORRECTIONS on Bill "An Act to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities" (Emergency)

S.P. 488 L.D. 1470

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

S.P. 610 L.D. 1800

Signed:

Senators:

- BUSTIN of Kennebec
- MATTHEWS of Kennebec
- GILL of Cumberland

Representatives:

- BAKER of Portland
- STROUT of Windham
- MAYO of Thomaston
- MANNING of Portland
- TAYLOR of Camden
- ANTHONY of South Portland
- MELENDY of Rockland
- THISTLE of Dover-Foxcroft
- KIMBALL of Buxton

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

Signed:

Representatives:

- GREENLAW of Standish

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE.

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

Senator PEARSON: Thank you Madam President, would somebody please explain this.

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

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Madam President, ladies and gentlemen of the Senate. This, as you can see, is a report from the Joint Select Committee on Corrections, which is allocating the proceeds of the bond issue of \$60 million to build the one hundred maximum security unit in Warren and made a determination that it shall be at Warren. They will be reporting back to the Corrections Committee to determine that. Thank you.

The NEW DRAFT PASSED TO BE ENGROSSED.

Sent down 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 Provide Discretion to the State Liquor Commission to Establish Temporary Agency Liquor Stores in Response to Natural Disasters" (Emergency)

H.P. 1311 L.D. 1789

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

On motion by Senator PRAY of Penobscot, under suspension of the Rules, the Bill READ TWICE, without reference to a Committee.

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

Senator PEARSON: Thank you Madam President. This would allow a temporary agency liquor store for how long in the case of a natural disaster? I get suspicious of liquor laws, sometimes because the history of placing agency stores in the state was one that wasn't all that great. We put a distance limit on them and they violated the distance limit on agency stores from time to time and I hate to be picky, but when something is going through without going to a Committee and has that kind of a title on it, I would like to know if when you have a flood they salvage an agency liquor store and she just spins onto the future forever.

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

Senator KANY: Thank you Madam President and members of the Senate. I will be happy to respond to the nature of this Bill. The Legal Affairs Committee in the work session, unanimous recommended that we ask the Legislative Council to accept this particular Bill because it was brought to our attention from the Director of the Liquor Commission that the state liquor store in Gardiner had been flooded. The building is damaged due to the flood so we inquired of the Attorney General's office if there could be a temporary agency store in Gardiner.

The Attorney General, James Tierney, indicated that he believed that it would be appropriate to have legislation and consequently, we had a Bill drafted quite quickly which would allow for 120 days only an agency store, only because of an act of God that destroyed the building. That is included in the legislation, which may be on your desk now. Only for that period would that agency store be in effect until the regular state liquor store could once again be started.

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

Senator PEARSON: Madam President, men and women of the Senate. An act of God, a flood, in Gardiner, it is not very far from Gardiner to Augusta, temporarily to pick up a bottle. You are going to establish a liquor store that is going to last for four months because of a flood that occurred over a period of one week.

Senator PEARSON of Penobscot moved the INDEFINITE POSTPONEMENT of the Bill and all Accompanying Papers.

At the request of Senator PRAY of Penobscot a Division was had. 11 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, FAILED.

Which was PASSED TO BE ENGROSSED, without Reference to a Committee and ORDERED PRINTED in NON-CONCURRENCE.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were 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

Resolve, to Authorize Extending the Issuance of Certificates of Good Standing to September 1, 1987 (Emergency)

H.P. 1317 L.D. 1801

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

ORDERS OF THE DAY

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

An Act to Amend the Law Pertaining to the Department of Corrections' Responsibility to Pay the Board, Care and Mental Health Treatment Costs of State Agency Clients in Residential Placements

S.P. 602 L.D. 1765

Tabled - June 9, 1987, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, June 9, 1987, PASSED TO BE ENACTED.)

(In Senate, June 5, 1987, PASSED TO BE ENGROSSED.)

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

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

An Act to Ban the Use of Nondegradable Plastic Connectors for Containers

H.P. 912 L.D. 1224

(C "A" H-261)

Tabled - June 9, 1987, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, June 9, 1987, PASSED TO BE ENACTED.)

(In Senate, June 8, 1987, PASSED TO BE ENGROSSED, as Amended.)

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

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

An Act to Provide for the Issuance of Summonses

H.P. 977 L.D. 1324

(C "A" H-260)

Tabled - June 9, 1987, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, June 9, 1987, PASSED TO BE ENACTED.)

(In Senate, June 8, 1987, PASSED TO BE ENGROSSED, as Amended)

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

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

The Sergeant-At-Arms escorted the Senator from Cumberland, Senator CLARK to her seat on the Senate floor.

Senate called to order by the President.

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

An Act to Strengthen the Laws Relating to Food Safety

H.P. 1023 L.D. 1381

(C "A" H-262)

Tabled - June 9, 1987, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, June 9, 1987, PASSED TO BE ENACTED.)

(In Senate, June 8, 1987, PASSED TO BE ENGROSSED, as Amended.)

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Authorize Hospitals to Use Magnetic Resonance Imaging Devices Located in Private Physicians' Facilities"

H.P. 1181 L.D. 1611

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

H.P. 1303 L.D. 1782

Signed:

Senators:

KERRY of York

GAUVREAU of Androscoggin

GILL of Cumberland

Representatives:

BOUTILIER of Lewiston

ROLDE of York

SIMPSON of Casco

TAYLOR of Camden

FARNUM of South Berwick

LAPOINTE of Auburn

DELLERT of Gardiner

PINES of Limestone

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title.

H.P. 1308 L.D. 1786

Signed:

Representatives:

MANNING of Portland

CLARK of Brunswick

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

Which Reports were READ.

The Majority OUGHT TO PASS IN NEW DRAFT Report was 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.

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

ORDERS OF THE DAY

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

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

S.P. 415 L.D. 1273

(C "A" S-119)

Tabled - June 9, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 3, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119).)

(In House, 9, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY HOUSE AMENDMENT "A" (H-280), thereto in NON-CONCURRENCE.)

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

Senator TUTTLE of York moved to RECEDE from ADOPTION of Committee Amendment "A" (S-119).

On further motion by same Senator, Tabled 1 Legislative Day, pending the motion of the same Senator to RECEDE from ADOPTION of Committee Amendment "A" (S-119).

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

SENATE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow Aroostook County to Contract for Services for the Operation of the County Jail"

S.P. 380 L.D. 1156

Majority - Ought Not to Pass.

Minority - Ought to Pass in New Draft under same title.

S.P. 607 L.D. 1797

Tabled - June 9, 1987, by Senator DUTREMBLE of York.

Pending - Motion of Senator COLLINS of Aroostook to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT Report.

(In Senate, June 9, 1987, Reports READ. Motion to ACCEPT Majority OUGHT NOT TO PASS Report FAILED.)

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

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator COLLINS of Aroostook to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT Report. (Roll Call Ordered)

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

Resolve, to Establish the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (Emergency)

S.P. 588 L.D. 1742

Tabled - June 9, 1987, by Senator BUSTIN of Kennebec.

Pending - Motion of same Senator to ADOPT Senate Amendment "A" (S-139) (Division requested)

(In House, June 8, 1987, FINALLY PASSED.)

(In Senate, June 9, 1987, RECONSIDER PASSAGE TO BE ENGROSSED. Senate Amendment "A" (S-139) READ.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator BUSTIN of Kennebec to ADOPT Senate Amendment "A" (S-139). (Division requested)

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

HOUSE REPORT - from the Committee on JUDICIARY on Bill "An Act to Prevent Criminals from Profiting as an Indirect Result of Their Crime"

H.P. 817 L.D. 1091

Report - Ought to Pass in New Draft under same Title

H.P. 1297 L.D. 1775

Tabled - June 9, 1987, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF COMMITTEE REPORT

(In House, June 9, 1987, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.)

(In Senate, June 9, 1987, Report READ.)

The OUGHT TO PASS IN NEW DRAFT Report was 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.

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

HOUSE REPORTS - from the Committee on TAXATION on Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax"

H.P. 543 L.D. 727

Majority - Ought Not to Pass

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-274)

Tabled - June 9, 1987, by Senator CLARK of Cumberland.

Pending - Motion of Senator TWITCHELL of Oxford to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in concurrence

(In House, June 9, 1987, 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-274).)

(In Senate, June 9, 1987, Reports READ.)

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

On motion by Senator TWITCHELL of Oxford, Tabled 1 Legislative Day, pending the motion of the same Senator to ACCEPT the Minority OUGHT TO PASS AS AMENDED Report, in concurrence. (Roll Call Ordered)

Senate at Ease

Senate called to order by the President.

On motion by Senator PERKINS of Hancock, ADJOURNED until Wednesday, June 10, 1987, at 9:00 in the morning.