

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

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-210) in non-concurrence.

Representative Priest of Brunswick moved that the House recede and concur.

On motion of Representative Murphy of Berwick, the House voted to recede.

The same Representative offered House Amendment Senate called to Order by the President.

House Amendment "A" (H-340) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment allows Class A restaurants and hotels holding liquor licenses to sell liquor on Sundays starting at 10:00 a.m. and this will allow these licensees to serve liquor with their Sunday brunches. The liquor must be sold in conjunction with the sale of food.

Representative Priest of Brunswick moved the indefinite postponement of House Amendment "A."

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of Representative Priest of Brunswick that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 40 in the negative, the motion to indefinitely postpone did prevail.

Subsequently, the House voted to concur.

On motion of Representative Willey of Hampden,

Adjourned until Monday, June 15, 1987, at nine o'clock in the morning in honor of Old Glory, the Flag.

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

In Senate Chamber
Friday
June 12, 1987

"A" (H-340) and moved its adoption.

Prayer by the Honorable Robert R. Gould of Waldo.

SENATOR GOULD: Let us be in the spirit of prayer. O Lord, on this last day of the week, we pause and thank You for the strength You have given us. Thank You for the wisdom and knowledge You have imparted to us. Grant us continued strength, wisdom and knowledge to finish the work that we have been entrusted with by the people of the state. Through Christ our Lord. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Ensure Safe Abatement of Asbestos Hazards" (Emergency)

H.P. 1286 L.D. 1762
(S "A" S-150; H "A"
H-278)

In House, June 8, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-278).

In Senate, June 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-278) AND SENATE AMENDMENT "A" (S-150) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-150) AND HOUSE AMENDMENTS "A" (H-278) AND "B" (H-322) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

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

S.P. 606 L.D. 1796

In Senate, June 9, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-323) in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Allow Aroostook County to Contract for Services for the Operation of the County Jail"

S.P. 607 L.D. 1797

In Senate, June 10, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-321) in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Create a New Major Policy-influencing Position for the Department of

Defense and Veterans' Services, Namely, a New Civilian Position of Deputy Commissioner"

H.P. 1330 L.D. 1814
Committee on AGING, RETIREMENT AND VETERANS suggested and ORDERED PRINTED.

In House, June 11, 1987, referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

In Senate, June 11, 1987, referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

Senator CLARK of Cumberland moved that the Senate ADHERE.

Senator TUTTLE of York moved that the Senate RECEDE and CONCUR.

Senator BERUBE of Androscoggin requested a Division.

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

A Division has been requested.

Will all those Senators in favor of the motion of Senator TUTTLE of York to RECEDE and CONCUR, please rise in their places and remain standing until counted.

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

7 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator TUTTLE of York to RECEDE and CONCUR, FAILED.

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

Sent down for concurrence.

House Papers

Bill "An Act to Create an Additional Section to the Maine Code of Military Justice Penalizing False Official Statements"

H.P. 1329 L.D. 1813
Committee on AGING, RETIREMENT AND VETERANS suggested and ORDERED PRINTED.

Comes from the House COMMITTED to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

June 11, 1987

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Name the Finback Whale as the State Marine Mammal" (H.P. 368) (L.D. 482).

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

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Resolve, Authorizing Alton Dishon to Bring Civil Action Against the Maine State Retirement System

S.P. 622 L.D. 1829

Presented by President PRAY of Penobscot
Cosponsored by: Representative MICHAUD of East Millinocket

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

Which was referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED.

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

Bill "An Act to Authorize Androscoggin County to Raise up to \$8,900,000 to Renovate and Expand Jail Facilities for Androscoggin County"

S.P. 623 L.D. 1830

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by: Representative CALLAHAN of Mechanic Falls, Representative COTE of Auburn, Representative STEVENS of Sabattus

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27

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

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

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Fund Statewide Community Response Programs to Reduce Spouse Abuse in Maine Communities"

H.P. 340 L.D. 439

Bill "An Act Permitting Private Mediation of Divorcing Couples"

H.P. 346 L.D. 445

Bill "An Act to Create Housing Options for Homeless Mentally Ill People"

H.P. 610 L.D. 828

Ought to Pass As Amended

The Committee on HUMAN RESOURCES on Bill "An Act to Alter the Makeup of the Maine Health Care Finance Commission"

H.P. 222 L.D. 290

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-324).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-324)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-324) 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.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate on the Record.
Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. We have just given Second

Reading this morning to item 5-4 on today's calendar, L.D. 290, which represents the work product of the Human Resources Committee this year on our most significant piece of legislation dealing with a review of the Maine Health Care Finance Commission.

As I believe many of you are aware, there is significant concern and controversy in the state regarding the current tenure of hospital regulation. The hospital industry has made a rather significant and vociferous case to deregulate. The Human Resources Committee, this year, spent a great deal of time receiving evidence not only from the hospital community but also from health care planners. We have decided that due to the complexity of the issue involved in hospital cost containment, that the most appropriate method for us to adopt was to recommend a blue ribbon commission to conduct a very thorough and comprehensive analysis of the experience to date in this state regarding hospital rate making regulation. To see whether that type of regulation ought to continue or whether we should explore some other modalities of regulation or in fact deregulate in whole or in part. The Commission will be reporting its findings to the First Regular Session of the 114th Maine Legislature.

I need not remind you that there are some very significant issues involved in this debate. Clearly, we have seen in past years a meteoric increase in health care expenditures which surpassed the capacity of state governments to properly fund health care. Certainly, with changes at the federal level, it is appropriate that at mid term we take a look at our regulation to see whether or not we are to maintain the current level of regulation.

It is instructive to note in this regard that federal policies adversely effect the capacities of the state to properly fund health care programs. The Medicare program has been frozen for the last couple of years, the state has received a downward adjustment in its Medicaid reimbursement this year. Because almost half of every dollar which is spent for hospital care is public, the states have a compelling interest to monitor and control costs. It is hoped that the blue ribbon commission, which will be set up in L.D. 290, will be able to conduct its work in a thoroughly professional and appropriate manner. We have seen over the last three or four months a debate, which in my view, at times has surpassed the level of reasonableness. It has become shrill and in fact, in my view, proponents and opponents of regulation have perhaps even transcended the balance of decent debate and have introduced patently absurd allegations into the debate.

Having said that, I must express my sincere thanks to all the parties who appeared before the Committee this year. I think we were able, in the last two weeks of the session, to moderate the tone of debate. Cooler heads did in fact prevail. What we have come out with is a resolution which is satisfactory and agreeable to all concerned parties. It is my hope when we reconvene in the 114th Legislature we will be able to have a truly disinterested and professional evaluation of the experience in hospital cost containment. Thank you very much.

The Committee on HUMAN RESOURCES on Bill "An Act to Require Community Mental Health and Mental Retardation Involvement in Social Services Planning"

H.P. 386 L.D. 520

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-316).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-316) 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 HUMAN RESOURCES on Bill "An Act Requiring that Informed Consent be Given to those Persons Tested for the Presence of Antibodies to HTLV-III"

H.P. 1099 L.D. 1490

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-325).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-325)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-325) 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.

Under suspension of the Rules, all matters ordered sent forthwith.

The Committee on LEGAL AFFAIRS on Bill "An Act to Clarify the Organizational Status of the Bureau of Lottery within the Department of Finance"

H.P. 1256 L.D. 1714

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-312).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-312) 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 TRANSPORTATION on Bill "An Act to Clarify Certain Sections of the Motor Vehicle Laws"

H.P. 1164 L.D. 1590

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-310).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-310)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-310) 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.

Ought to Pass in New Draft under New Title
The Committee on AGRICULTURE on Bill "An Act to Increase Maine Agricultural Market Research and Development"

H.P. 801 L.D. 1075

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Create an Agricultural Market Research and Development Fund Program"

H.P. 1337 L.D. 1827

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 MARINE RESOURCES on RESOLVE, to Study the Human Health and Environmental Hazards of Tributyltin in Antifouling Products

H.P. 942 L.D. 1265

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning the Use of Tributyltin as an Antifouling Agent"

H.P. 1335 L.D. 1825

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-326).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "A" (H-326) READ and ADOPTED, in concurrence.

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

Senate at Ease

Senate called to order by the President.

The Committee on UTILITIES on Bill "An Act to Repeal the Jurisdiction of the Public Utilities Commission over Transportation by Water in Casco Bay"

H.P. 79 L.D. 82

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Revise the Laws Concerning Transportation by Water in Casco Bay and to Study Related Issues"

H.P. 1336 L.D. 1826

Comes from the House, with the Report READ and ACCEPTED and the Bill in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-327).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

House Amendment "A" (H-327) READ and ADOPTED, 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, as Amended, in concurrence.

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Clarify the State's Responsibility to

Establish Competitive Pay Schedules for State Teachers and Related Classifications"

H.P. 884 L.D. 1185

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-305).

Signed:

Senators:

ESTES of York
KANY of Kennebec
RANDALL of Washington

Representatives:

PARADIS of Frenchville
GOULD of Greenville
NORTON of Winthrop
HANDY of Lewiston
KILKELLY of Wiscasset
BOST of Orono

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

Signed:

Representatives:

SMALL of Bath
MATTHEWS of Caribou
O'GARA of Westbrook
LAWRENCE of Parsonsfield

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-305) 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.

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

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

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code"

H.P. 1051 L.D. 1414

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

H.P. 1332 L.D. 1822

Signed:

Senator:

BLACK of Cumberland

Representatives:

PARADIS of Augusta
VOSE of Eastport
MARSANO of Belfast
HANLEY of Paris
COTE of Auburn
MACBRIDE of Presque Isle
BEGLEY of Waldoboro

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. 1333 L.D. 1823

Signed:

Senators:

BRANNIGAN of Cumberland

GAUVREAU of Androscoggin
Representatives:

THISTLE of Dover-Foxcroft
CONLEY of Portland
WARREN of Scarborough

Comes from the House the Majority OUGHT TO PASS
IN NEW DRAFT Report READ and ACCEPTED and the Bill in
NEW DRAFT (H.P. 1332) (L.D. 1822) PASSED TO BE
ENGROSSED.

Which Reports were READ.

Senator GAUVREAU of Androscoggin moved to ACCEPT
the Minority OUGHT TO PASS IN NEW DRAFT (H.P. 1333)
(L.D. 1823) Report.

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

Senator WEBSTER: Thank you Mr. President, ladies
and gentlemen of the Senate. I would like to have
someone explain to me the difference between the
Minority and Majority Report so I would have an
intelligent way of voting on this matter.

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

The Chair recognizes the Senator from
Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President, men
and women of the Senate. There is little difference
between the Majority and Minority Reports, except in
the area of sentencing of those individuals who have
been successfully prosecuted and convicted for
felonious trafficking of controlled substances other
than marijuana. The subject matter of L.D. 1414,
which is the predecessor legislation submitted by the
Governor, added what I referred to as presumptive
weights in the area of trafficking and controlled
substances. In other words, the legislation which we
are submitting for your review today, both in the
Majority and Minority Report, would authorize a court
to convict an individual if that person were in
possession of a certain weight, depending upon whether it
be cocaine or other types of controlled substances.
In that area, the Committee was unanimous.

The significant difference between the two
reports, as I alluded to earlier in my remarks, is in
the area of sentencing. There, there was a fairly
significant philosophical rift between the majority
and the minority. The Minority Report, which I
recommend for your approval this morning, would
delete that language in the original Bill which would
have imposed mandatory prison sentences for
individuals convicted of felonious trafficking and
controlled substances other than marijuana. The
reason for our approach is as follows: First of all,
I have a rather strong philosophical animadversion to
mandatory sentencing. It seems to me that we ought
not to impose a Legislative straight jacket on the
third branch of government, our Judiciary. In fact,
we ought to accord appropriate respect and deference
to that branch of government, when it fashions
appropriate sentences on an individualized basis.
That in fact is a fundamental tenant of our system of
jurisprudence and I take strong objection to those
who would divert from that approach, especially so in
this particular area. I am gravely concerned as an
individual who has devoted his life to the practice
of law and the ideals which those of us in the
practice of law aspire to. I take exception to those
persons due to perhaps transcendent passions in the
public would subordinate sound principles of
jurisprudence to advance particular short term
objectives, however, laudable. In other words, I am
certainly aware that all of us are opposed to the use
of drugs in our society and harbor severe concern and

would oppose in fact the trafficking of controlled
substances.

We are all too painfully aware of the mischief
and trauma which is visited upon those who abuse
controlled substances, certainly in my capacity as
the chair on the Committee on Human Resources, I am
painfully aware of the consequences of abuse of
drugs. I suppose axiomatic that none of us in this
Body support the abuse of those drugs.

However, having said that, that is not a
sufficient basis or an adequate basis for us to
discard appropriate respect for our judiciary and to
deviate in a somewhat mischievous fashion from
appropriate sentencing patterns. I can indicate and
represent to this Body that in my experience as a
trial attorney, the courts in Maine deal very harshly
with individuals who traffic in controlled
substances. The mandated sentencing as called for in
L.D. 1414, I believe is as follows: Four years for a
Class A trafficking, two years for a Class B
trafficking and one year mandatory for a Class C
trafficking. Certainly, courts could and, in fact,
usually do impose much higher sentences than those
called for. That language is contained in the
Majority Report.

However, there are always cases with which we are
confronted and I am referring now to prosecutors,
judges, as well as defense counsel, probation
officers, social workers who have cases where there
are appropriate circumstances, when a modicum of
lenience is required, and in fact we do explore and
use alternative sentencing mechanisms. It just makes
good common sense. It is for this reason that I take
really strong exception in mandating sentencing. I
understand the concerns of the majority who want to
send a very clear and loud message to the community
in Maine that we ought not to abuse substances and we
certainly ought not to traffic in these substances.
I can assure you that the overall result both in the
Majority and Minority Reports tightens up our drug
trafficking laws and really enhances the law
enforcement of communities capacity to vigorously and
effectively prosecute drug trafficking. But, it is
on this area of mandating prison sentences that the
minority takes strong exception.

If it were not enough, as far as my opposition in
general to mandatory sentencing, we have other
practical concerns that you must be aware about this
morning. The Maine prison system is significantly
overcrowded. A system designed for 1,000 individuals
currently is housing close or in excess of 1,450
individuals. The Legislature last year did
authorize, and the people of Maine did approve, a
bond issue in the amount of \$16 million to construct
new prison facilities. I worked with many in this
Chamber, certainly the good Senator from Cumberland,
Senator Gill, in persuading the public to adopt that
bond issue and of course the issues allocation Bill.
That Bill will provide 300 new beds over the next
three years, but that will simply meet the projected
increase in our prison population. The effect of
that is we are still going to have a severely
overcrowded prison system when those new beds come on
line. This is not to suggest that just because we
have a population in our prison system in excess of
what it provides for, that we ought not to deal
harshly with crime.

But it is to suggest that, in fact, if we are to
act reasonably and responsibly in the discharge of
our legislative duties that we coordinate our
criminal code and the sentencing provisions of the
criminal code with our prison system and its capacity
to service those individuals who have been convicted
of crime in this State.

You may be aware that three times in the last ten years, the state of Maine has been a defendant in the federal District Court due to alleged violations of the 8th amendment, dealing with prison conditions. You may also be aware that in 1986, Judge Gignoux, at that time an active District Court judge, did rule on a major prison law suit and he granted partially for the plaintiffs, it is true that he did vindicate to some extent the prison system in Maine, but he also indicated very clearly that unless significant reforms were effected, that may be grounds for a federal court to intervene. This is a very serious matter. Other states have faced the unpleasant reality of having federal courts intervene and impose trusteeships in the state prison systems. In those situations, we have federal courts interfering with state policy. We have federal courts deciding how many beds should be available and I would point out that when the federal courts take over prison systems, their concerns are to vindicate constitutional rights to reduce overcrowding, to provide appropriate nutrition, and appropriate recreational programs, those goals are not the same and the federal courts will not consider appropriate correctional goals, when they fashion their orders. Their concerns are totally constitutional in nature.

It seems to me that as Legislators we have an obligation to coordinate our criminal code and our sentencing provisions with the capacity of our prison system to service those individuals who have been convicted of crime. I would also point out, finally, that, by and large, prosecution of serious drug traffickers does not go on for the state level. That occurs in the federal courts. Well over 90% of your major drug traffickers are prosecuted in the federal courts in Bangor and Portland. In fact, those individuals to some extent are detained in federal correctional facilities. I understand the goal of L.D. 1414, was to make state courts more attractive to prosecutors in bringing criminal prosecutions in state courts as well as federal courts. But until such time as we have an appropriate prison system which can accommodate the increase in population, which will increase with mandatory sentencing, I submit to you that we ought not to adopt the mandatory sentencing approach in L.D. 1414, which is the Majority Report. It is for these reasons that I recommend to you today acceptance of the Minority Ought to Pass in New Draft Report. Thank you.

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

Senator MATTHEWS: Thank you Mr. President, I would like to pose a question through the Chair. Am I not correct in stating that the Congress of the United States is now considering a mandatory jail sentence for drug traffickers? Is that not correct? Or did I misunderstand a report that I heard? I believe that mandatory sentencing applies to drug trafficking with respect to youth and teenagers.

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

The Chair recognizes the Senator from Cumberland, Senator Black.

Senator BLACK: Thank you Mr. President and fellow Senators. Our noble colleague, Senator Gauvreau from Androscoggin has been my seat mate for years on the Judiciary Committee and we agree on many things. There really isn't much competition for this eloquent and experienced attorney in debate to this poor old dumb farmer. I am going to do the best I can for you. I am very pleased that he has given part of my debate here for me, as well as for himself, as he stated that these two reports are

essentially the same. I am going to compare him and myself. If we had a large bowl and filled it with lettuce, avocados and various things, and it had a lot of color and flavor, but it took a lot of volume to get to the substance. Compare me with a little honey and whiskey and something nice that you can enjoy drinking quickly.

I am just going to confine my remarks to the sentencing part which is the difference between these two reports. It is very hard for me in a way to substantiate the Majority Report, because I essentially, in most instances, would agree with my noble colleague that mandatory sentencing is really not the way to go, but in drugs we must send a message to these people. It is creating habit with our young people, we have this AIDS disease going around with the use of drugs and prostitution which goes along with it. What we are really trying to say is, if you are dealing in drugs and you are caught, you are going to spend a lengthy sentence in jail. The Committees worked very hard and we have agreed most of the time, we have come to consensus and the issue that we have before us is mandatory sentencing is sending a tough message to drug dealers or leave the judge with the flexibility. Any other arguments really don't need to be brought into this. It is strictly that point. So, I thank you people for listening to this poor old dumb farmer. Thank you.

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

Senator MATTHEWS: Thank you Mr. President, I take it from my question and lack of an answer that no one in this Chamber knows. Maybe I am mistaken, but it seems to me that I heard of reports from the Congress that they were looking at mandatory sentencing and I was hoping that someone on the Judiciary Committee could give me some help here. My other concern that I would like to state on this Bill is that number one, and I am not an attorney and do not understand the laws as well as some here in this Chamber, but I have no problem with mandatory sentencing and I have some real concerns with drug traffickers and especially in the youth. Because I work with a lot of the young people that we are talking about here that have drug abuse problems. It is a serious issue and I know all of us here in this Chamber agree with that.

My one concern about this Bill is that in either of these two reports do I see it mentioned anywhere that many of those people that are trafficking in illicit drugs, themselves, have drug abuse problems. I wonder if that issue was discussed by the Committee, because if we are going to send these people to jail and that may or may not be okay, are these people going to get help for their drug abuse problem, once they leave the institution? I would surmise they probably will be back out doing the same thing.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. I will try to respond to the concerns addressed by the good Senator from Kennebec, Senator Matthews, as well as my esteemed colleague from northern Cumberland, Senator Black. I would note in passing that the Judiciary Committee has reached consensus on many issues, there in fact are few black and white issues, so to speak, but on this particular issue I do take difference with the good Senator from northern Cumberland.

First, to address Senator Matthew's questions, I am not aware, personally, of any proposals at the Congressional level that would introduce mandatory sentencing. I am aware over the last three years

there has been extensive debate in the federal system on sentencing guide lines. That debate is still continuing. With respect to therapeutic programs to address drug addiction, we do have programs operating in our prison facilities to assist those individuals who are incarcerated and who do present substance addiction problems. It is probably fair to say, that due to the lack of popular support for prison programs in general, that the Department of Corrections has had a good deal of difficulty in attracting funding for those programs. I think my colleague from Cumberland, Senator Gill, would probably echo my remarks that those of us on the Human Resources Committee are not satisfied with the extent of programs in the prison system, we are certainly mindful of the restraints on state government. And speaking frankly, many individuals, Legislators, do not have high on their legislative priorities of funding additional monies to inmates and prison populations, which I suspect has contributed in major part to the prison overcrowding as I earlier alluded.

With respect to Senator Black, of Cumberland, a very important point must be raised here. During the entire hearing before the Committee on Judiciary on L.D. 1414, and in subsequent work shops, there was no evidence, no evidence, brought to our attention which would suggest that Maine judges were abusing the trust and distress which we have reposed in them, in fashioning appropriate sentences for drug traffickers. In other words, we are being asked to order the third branch of government, the Judiciary, to impose minimum mandatory sentences, and yet, there was no evidence that the Judiciary in Maine was providing of meeting our lenient or liberal sentences. In fact, from my personal experience the exact reverse is true.

Individuals who are convicted of Class A trafficking, don't receive four years, quite often they received five, six, seven and eight years. I would point out to this Body, that there is a significant distinction between the Maine criminal code and its sentencing provisions and its counterpart at the federal level. We do not have parole in Maine, we have determinant sentencing. The person who is sentenced to six years in Maine, the person gets six years. A person who is sentenced to six years at the federal level, the person is out on parole in about eighteen months. So, that in fact, sentences in Maine courts are more strict, are more harsh, than those at the federal level.

There is simply no need to pass this legislation. I will grant that there is probably political support to pass this legislation, but if we are going to predicate our decisions upon reason and intellect and with appropriate respect for the Judiciary, there is no need to pass out the Majority Report. It is for these reasons, that with as much compassion as I can generate, I urge you to accept the Minority Ought to Pass in New Draft Report. Thank you.

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

Senator GILL: Thank you Mr. President, ladies and gentlemen of the Senate. I don't usually get involved in matters that come before the Judiciary Committee, I have a great deal of respect for my colleagues, Senator Black from Cumberland, and Senator Gauvreau from Androscoggin, who I serve on Human Resources with. But I want to send a clear message to people who peddle drugs to minors. I think it is the most heinous crime. I think it is despicable for them to attempt to sell their wares to people who are minors in the system. Senator

Gauvreau, of Androscoggin, mentioned that the prisons were overcrowded, yes, the prisons are overcrowded, but they are overcrowded because of people who are multi-abusers who have committed crimes quite often under the abuse of one drug or another. We have a crowded situation. I believe that if some of these people were not sold drugs as children, as minors and did not go to the Maine Youth Center, which is in my district, and then go on to the graduate facilities of the Maine Correctional Facility and the prison, that we would not have the crowding that we do today.

Most of you know I serve on the Human Resources Committee, I also serve on the Joint Select Committee on Corrections, and when I look at the two committees that I serve on and see the amounts of money that we spend in state government on drug abuse and trying to prevent it and on the family problems that occur because of abusers in families, the social workers that we hire, the social services that we buy, to try to remedy home situations because of what drugs have done to situations in homes, it is appalling. I think it is the time right now to send that message loud and clear throughout this whole state of Maine that anyone who is going to come in and try to sell drugs to children, to minors, is going to get a mandatory sentence.

They know right up front where they are going to end up. They are going to end up in prison and maybe that will send a message to people not to come into this state and not to do that. Thank you.

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

Senator BLACK: Thank you Mr. President and fellow Senators. My colleague, which I have much respect and regard for his professional ability, the salad bowl had to get bigger, my cup still has room for a few more words. To bring back to the point that this is strictly a question of mandatory sentencing or the judge's ability to use judgment. I respect judges and their ability, but there is a message to be sent with mandatory sentencing. If you are caught, you are going to get it and that is all there is to it.

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

Senator PERKINS: Thank you Mr. President, ladies and gentlemen of the Senate. I think because of the geography of our state, that we are the victims of a larger degree of trafficking than in some areas of the country. For this reason, I think is one demanding reason that perhaps mandatory sentencing will be helpful to those of us along the coast, because of the little inlets and little harbors that lend themselves very nicely to the trafficking and the inward traffic of the drugs that, while I have to purchase a license to distribute, those who we are discussing for mandatory sentencing, do not.

I heard some mention of the problem with our jails and I guess I know that Senator Gill and those on the Corrections Committee are addressing this problem and for us to be reluctant to pass a mandatory sentence because of this problem would be like not trying to get sick on Thursday because the doctor isn't working. I think we should deal with this problem today, I think if you ask the people in this state what we are not addressing, the number one problems will be drugs. We can spend huge amounts of money for education, but if our youth are tainted with drugs, our education is for naught. Let us today help send this message that Senator Black has asked us to send and let's send it loud and clear.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I don't understand the debate at all to the degree that it has gone so far. You read your Bill, statement of fact, and I understand where the Senator from Androscoggin County is coming from, but if you read the statement of fact are these the things that you do not want to have mandatory? Trafficking with or furnishing a child under eighteen years of age, or trafficking or furnishing after having been previously convicted of a drug felony for created Class D crime for furnishing a hypodermic apparatus.

The last part, which is the most important, to provide mandatory sentences for persons convicted of aggravated trafficking or furnishing scheduled drugs. It seems to me that if we are to be serious about the drug problem in the state of Maine, particularly in our school yards and the children of this state, we better put these people in jail and we ought to do it. There is always a possibility that somebody may be innocently convicted, but that is pretty remote today for the courts that we have. I think we have got to enforce this, we have to accept it and let's be tough about it because if we aren't going to do that you are going to continue to have the problem. Thank you.

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

Off Record Remarks

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. First of all, a point of personal privilege, I would take umbrage to the remarks from my colleague from Cumberland, Senator Dillenback, suggesting that perhaps I had some sort of financial interest in opposing mandatory drug trafficking. As a practical matter, my practice involves very little criminal defense in the area of drug trafficking, but as a practical matter, I suppose if one were to impute nefarious motives to my practice to sponsoring the Minority Report today, one would think that I would be in favor of mandatory sentencing because obviously that would provide a greater need for those individuals who were being prosecuted for drug trafficking to have legal services to avoid lengthy prison terms. I do stand here to rebut the points raised by the good Senator from Hancock, Senator Perkins, and others regarding trafficking to minors. The Committee was very sensitive to that problem and in fact if you would refer on L.D. 1822 to page 2, section 3, lines 10-28, you will see in fact that the Committee unanimously agreed that we should heighten the classification for those individuals who do traffic to minors. We have increased the classification, which will clearly mean that those people who do traffic to minors will receive harsher sentences and that in fact is appropriate.

Let me just reiterate one point that I made earlier in my remarks. I am certainly cognizant of the political support to send a message that we certainly oppose drug trafficking, but that really isn't the issue here.

The issue here is are we going to be responsible in discharging our duties as Legislators and actually as appropriate and respect to the third branch of government, our Judiciary, perhaps that wasn't cut out to be a politician, I feel strongly that we have

to adhere to the sound principles on which our government was derived. That we have three branches of government, that we have to have the appropriate respect for the branch of government. If we feel that a judge or a justice of our courts is not properly discharging his or her duties, we have appropriate mechanisms currently in place to remove that individual from office which we certainly are aware that the Judiciary Committee reviews periodically all the judges and justices who sit in our state. If we felt that a judge was abusing his or her discretion, we would not hesitate to take appropriate action.

Let me point out one more time, there has not been one shred of evidence submitted by any proponents for the Majority Report, and we have heard no evidence here today in the debate that our courts are in any way abusing their discretion. It is for these reasons that I would urge you to accept the Minority Ought to Pass in New Draft Report. Thank you.

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

Senator GILL: Thank you Mr. President, ladies and gentlemen of the Senate. I have a great deal of respect for my chairman on the Committee on Human Resources, Senator Gauvreau, and I am not impugning the judges' discretion, the judges' authority. But I think that all of us have heard when cases come to court there is a lot of plea bargaining that occurs, we have a small percentage of people who have been sentenced to the facility at Thomaston for trafficking, I think the percentage runs like 3.5% of people have been sentenced to prison. I know that there have been other attempts at sentencing people but I think that the plea bargaining enters into it. I think the Judiciary would welcome the Legislature of this State, telling that we think this is a horrible situation that we want something done, we want mandatory sentencing for our area because we are talking about minors, we are talking about young children, we are talking about children any where from ten, twelve, thirteen who all of us have heard about have been approached with drugs and offered them to use. I think that we have to put a stop to this once and for all. There is no one impugning the judges' discretion or authority. What this Legislature has said many times that we think that this sentence is appropriate, this class of crime is appropriate and I think again the Legislature will speak and say that when it comes to drug trafficking with minors involved that we want mandatory sentencing. I would hope that you would vote that way.

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

Senator CLARK: Thank you Mr. President, men and women of the Senate. I would like to pose two questions through the Chair to anyone who would care to respond. The first question is admittedly I have not read the Bill, other than the statement of fact, and not having attended the hearing, may appear rather naive, admittedly naive.

But if the person who is selling the controlled drug is himself or herself a minor, for example, ten years old, to still another minor, would that be included in this scope of mandatory sentencing, or mandatory incarceration? And if so, where? Secondly, I would pose a question, should this Bill ultimately pass, has there been provision in the Majority Report for a fiscal note? For indeed, it would appear that there would be some significant cost if not presently, at least in the future.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. I will directly address the question posed by the good Senator from Cumberland, Senator Clark, in respect to prosecution of minors, who in fact engage in aggravated trafficking and controlled substances. Those individuals would be subject to proceedings in our juvenile courts in our district court. Upon adjudication of a civil violation of a juvenile offense, would perhaps be sent to the Maine Youth Center. The District Attorney would have the discretion to bind that juvenile over to Superior Court for trial as an adult offender based upon certain factors set forth in our juvenile code. If in fact the district court found that the minor should be prosecuted as an adult, obviously, the minor would be subject to the same mandatory minimum sentences which would be called for in the Majority Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator GAUVREAU of Androscoggin to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT (H.P. 1333) (L.D. 1823) Report in NON-CONCURRENCE.

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, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ESTES, GAUVREAU, KANY, PEARSON, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BERUBE, BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, EMERSON, ERWIN, GILL, GOULD, KERRY, LUDWIG, MATTHEWS, MAYBURY, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE

ABSENT: Senators None

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, with No Senators being absent, the motion of Senator GAUVREAU of Androscoggin, to ACCEPT the Minority OUGHT TO PASS IN NEW DRAFT (H.P. 1333) (L.D. 1823) Report in NON-CONCURRENCE, FAILED.

THE PRESIDENT: The pending question before the Senate is the ACCEPTANCE of the Majority OUGHT TO PASS IN NEW DRAFT (H.P. 1332) (L.D. 1822) Report, in concurrence.

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

THE PRESIDENT: A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators ANDREWS, BRANNIGAN, GAUVREAU

ABSENT: Senators None

32 Senators having voted in the affirmative and 3

Senators having voted in the negative, with No Senators being absent, the Majority OUGHT TO PASS IN NEW DRAFT (H.P. 1332) (L.D. 1822) Report, PREVAILED, in concurrence.

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, the Bill in NEW DRAFT READ TWICE and the NEW DRAFT (H.P. 1332) (L.D. 1822) PASSED TO BE ENGROSSED, in concurrence.

(See Action Later Today)

ORDERS OF THE DAY

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

Emergency

An Act to Strengthen the Lobster Hatchery Program" H.P. 1055 L.D. 1425 (H "A" H-121)

Tabled - May 18, 1987, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, May 15, 1987, PASSED TO BE ENACTED.)

(In Senate, May 13, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-121), in concurrence.)

On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby House Amendment "A" (H-121) was ADOPTED.

On further motion by same Senator, House Amendment "A" (H-121) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-180) READ and ADOPTED.

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

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

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Reassign the Duties of the Office of Energy Resources"

H.P. 1091 L.D. 1482

Reported that the same Ought Not to Pass.

Signed:

Senator:

TUTTLE of York

Representatives:

BOUTILIER of Lewiston

ROTONDI of Athens

LACROIX of Oakland

HUSSEY of Milo

CARROLL of Gray

ANTHONY of South Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-320).

Signed:

Senators:

BALDACCI of Penobscot

GOULD of Waldo
 Representatives:
 BICKFORD of Jay
 LOOK of Jonesboro
 WENTWORTH of Wells
 STROUT of Windham

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

Which Reports were READ.

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

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. I think where I would like to start is this Bill was introduced to the Committee on State Government a week before the deadline was in terms of getting Bills out of Committee. And it was introduced in the reorganization to be proposed was to shift the Office of Energy Resources, some of its divisions, to the new State and Community Development Office and the planning functions to be put into the Office of Planning, to combine the planning functions together. I thought that seemed to make some sense, because when you are doing planning and developing growth figures and that sort of thing, that you would want to combine the energy figures and the economic figures together, because they are a large part of our lives. It was a big Bill, it was fifty or sixty pages, and we had gotten it a week before and the Committee had requested to hold it over so that we could look at it and become more versed in it. Most of the members on the State Government Committee are all new and most are freshman, but it was important. We had a new Governor, it was an Executive Branch appointment, and I thought out of courtesy we should review this and try to see if it was something that we could make sense out of, but it was denied to be held over and we were forced to deal with the situation that was left.

I sat down and I tried to negotiate developing a cabinet level state planning and energy office, which would be responsible to the Legislature, maintaining the connection with the Legislature. At the same time it was discussed that about cabinet level positions, then we mentioned about putting energy and planning together and retaining the office of Energy Resources as a conduit for public response, for questions on conservation, so we would maintain that office. So, that in fact we weren't abolishing the Office of Energy Resources but we were establishing it as to run the conservation programs, the rebate programs and help the local communities in filling out grant forms that they had to do. We would shift the planners, the fore planners, over to the office of Planning, where there were thirty-six. I seem to think that was a good compromise because we were not abolishing the office. Realizing that it is one of those things that is a little bit more than we can deal with towards the end of the session, I would hope that the Governor re-introduce the Bill so that we would get it at the beginning of the session in January and the Committee members themselves would become more versed in what the Office of Energy Resources was all about and what the State Planning Office is all about.

I think it does deserve a fair hearing, but I think at this time, realizing the action that has already been taken on this matter, I would be willing to support the Majority Ought Not to Pass Report with the request that the Governor would re-introduce the Bill in January. Thank you very much.

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

Off Record Remarks

Senate

Ought to Pass As Amended

Senator USHER for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Enhance Public Access and Outdoor Recreation Opportunities"

S.P. 427 L.D. 1307

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-186).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-186) 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.

ENACTORS

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

An Act to Provide Health Care Benefits to Uninsured Individuals

H.P. 1292 L.D. 1770

(S "A" S-151)

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

On motion by Senator DUTREMBLE of York, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENACTED.

On motion by Senator CLARK of Cumberland, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following matter:

An Act to Provide Health Care Benefits to Uninsured Individuals

H.P. 1292 L.D. 1770

(S "A" S-151)

Tabled - June 12, 1987, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, June 11, 1987, ENACTED.)

(In Senate, June 12, 1987, RECONSIDERED ENACTMENT.)

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 Specially Assigned matter:

Bill "An Act to Revise the Harassment Law"

H.P. 1309 L.D. 1787

Tabled - June 11, 1987, by Senator GAUVREAU of Androscoggin.

Pending - PASSAGE TO BE ENGROSSED

(In House, June 9, 1987, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, June 10, 1987, the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED in NON-CONCURRENCE. READ A SECOND TIME.)

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "C" (S-188) READ.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. L.D. 1787, represents a Minority Report of the Committee on Judiciary regarding legislation which would prohibit and strengthen our laws prohibiting harassment of individuals. This legislation had substantial support in the Committee, however, the Committee was considering the matter in the waning days of work shops and we were unable to reconcile our differences of opinion at the time all Bills had to be reported out of Committee. Consequently, we took an oral vote in terms of our positions on the Majority and Minority Report and frankly I was somewhat surprised when I had an opportunity to review L.D. 1787, which was the Minority Report I signed onto regarding harassment.

In fact, the language in 1787 was much broader than I or my colleagues had intended. It has been pointed out by other individuals in this Chamber and in the other Body the language would, to some extent, represent the second coming, if you will, of the gay rights Bill. That was never the focus or the intent of those who sponsored the harassment Bill and nor was the intent of the signers of the Minority Report regarding the harassment Bill. Our intent was simply to provide a quick, simple and flexible mechanism for individuals who are legitimately in fear of immediate physical harm or intimidation who are being subjected to severe emotional distress as a result of harassment to be able to apply to our courts in our state and secure injunctive orders to prohibit the offender from harassing those individuals.

I had asked this matter to be set aside the last few days and I am happy to report this morning that I have had conciliation with my colleagues on the Judiciary Committee and we now have been able to harmonize our differences and the Senate Amendment "C", which I am submitting to you and urging your adoption this morning, represents a compromise position. I might also add I think the language in the amendment makes the Bill a much better Bill than when it first came out of Committee. I am very pleased to offer it to you for your consideration, I would be pleased to answer any questions you may have, but I do indicate to you that this now is supported by all members of the Committee on Judiciary. Thank you.

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

Senator BLACK: Thank you Mr. President and fellow Senators. The last issue we discussed, Senator Gauvreau and I were in some disagreement, this issue we are in agreement of. As he stated, this Bill certainly was in no time frame that we could do justice to the Bill and the reason for being on the Majority Ought Not to Pass Report is because we thought it should be set aside and worked on in the next session.

However, due to the diligence of Senator Gauvreau and Representative Marsano, they came up with the compromise which I support and the Committee was not that far apart on some issues, but it is a very complex Bill and I urge you to support this amendment.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "C" (S-188) ADOPTED.

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

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY
RECALLED FROM ENGROSSING

Bill "An Act to Create the Department of Economic and Community Development, to Establish Consistency among Economic Development Laws and to Establish a Capital Budgeting and Planning Process"

H.P. 1324 L.D. 1808
(In Senate, June 11, 1987, PASSED TO BE ENGROSSED, in concurrence.)

(RECALLED, pursuant to Joint Order S.P. 621.)

On motion by Senator USHER of Cumberland, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED.

On further motion by same Senator, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED, in concurrence.

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

RESOLVE, to Provide a One-year Moratorium on School-based Health Clinics and Establish the Commission to Study Clinics in Public Schools which provide Counseling and Services Relating to Pregnancy
H.P. 802 L.D. 1076

Tabled - June 11, 1987, by Senator GAUVREAU of Androscoggin.

Pending - ADOPTION of Committee Amendment "A" (H-306)

(In Senate, June 11, 1987, Committee Amendment "A" (H-306) READ.)

(In House, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-306).)

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. I am speaking this morning in my capacity as Chair of the Joint Standing Committee on Human Resources, from which this L.D. emerged. On page two of the Committee Amendment, bearing a filing number of H-306, there are two typographical errors and rather than go through the expense of preparing a new amendment, I suggest that we simply put on the Record the intent of the Committee on Human Resources. This is a unanimous Committee Report. On page two, line 14-15 pertaining to the commission which is recommended in this legislation, the Committee intent was to insert a school nurse on the commission, the language in the amendment refers simply to nurse, but the intent is to have a school nurse on the commission and further that nurse is to be selected by the Maine School Nurses Association. Thank you.

Committee Amendment "A" (H-306) ADOPTED, in concurrence.

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

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

Bill "An Act to Require Maintenance of Financial Responsibility by All Motorists"

S.P. 608 L.D. 1798

Tabled - June 11, 1987, by Senator WEBSTER of Franklin.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE (Roll Call ordered)

(In Senate, June 9, 1987, PASSED TO BE ENGROSSED.)

(In House, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-317) in NON-CONCURRENCE.)

(In Senate June 11, 1987, RECEDED from PASSAGE TO BE ENGROSSED. House Amendment "B" (H-317) READ and INDEFINITELY POSTPONED in NON-CONCURRENCE. Senate Amendment "A" (S-185) READ and ADOPTED.)

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

Senator THERIAULT: Thank you Mr. President and members of the Senate. Last evening, I am sure everyone was confused with everything that was happening. This morning, I am going to make another attempt to explain this a little better. Actually, the only thing that is involved in this amendment here is so minuet that it could be referred to as a technical amendment. The only thing it does is change the name of the agency that is going to be processing this data that is going to be collected by virtue of this Bill if it passes. Actually, the Bill that is before us is the same Bill we voted on a few days ago. One of the, I think, important parts of this Bill is the sunset. This Bill will self destruct after three years if it proves to be unworthy. Again, it requires that all automobiles that will be on our highways, will be covered by insurance. Also, like I mentioned in passing a few minutes ago, there is a data collection that is going to take place and the purpose of this data is so that at a future date we could consider if it would be advisable for this state to set up some kind of a fund to assist those individuals who are victims of uninsured drivers, to possibly include both hospitalization and also property damage.

At some point in the future we will take a look at that data and make that consideration. I will say in passing that based on public demand that we should really pass this Bill. I think this Bill is crisp, it is manageable and it is going to be effective. So, I hope that you support the motion. Thank you.

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

Senator SEWALL: Thank you Mr. President and members of the Senate. I oppose this Bill and I hope you will oppose this motion. I would like to speak briefly to it. Mainly, I have opposed mandatory insurance because these Bills never do what they are presented to do. This Bill does not make sure that everyone on the highway has insurance. Don't be fooled by that. It is after they have been picked up, after they have injured someone and after they have done the damage and there is no way to collect it. After all of that has happened then they will have to get insurance, and you know what? The law says that now. The other thing in this Bill that you don't hear about is it is going to raise insurance rates on the consumers. In Maine we have a very high compliance rate. Most people in Maine buy insurance. More people by percentage in Maine buy insurance than in most other states, they buy it anyway. When you take the high risk people and add them to the pool, there is no way around it. In the thirty-eight states that have adopted some sort of insurance this way, the rates have gone up thirty to fifty percent in that range.

So, you are going to raise the rate for those people who always buy it. The mechanism in this is so that you really can't regulate it, someone has an

accident, perhaps they are picked up for speeding and they haven't injured anyone and they don't have insurance, they go and buy a three month policy, that runs out. There is no reporting mechanism after that, they pay for their three months and then they are back driving again. What you have really done is you have given a lot of false hope to people who think we are doing something about mandatory insurance. I have dealt with this issue for more than a decade now and I thought what could you possibly do? How could you possibly make it so that everyone would have mandatory insurance? Because I support that idea and that concept completely. I figured out a way, I am glad to say today, how you could do it. The only problem with it is the same thing that is the problem with this Bill is that it costs money.

Let me explain to you how you could do it. You could have the insurance go with the automobile. When you buy an automobile, you have to buy insurance up front, pay for it in cash for the life expectancy of the automobile, adjust it when you trade it in and everything else. You couldn't do that on time, because then you could let the whole thing lapse. If you did that it, we are talking about liability insurance, would cost people a couple extra thousand dollars up front. That way you could have mandatory insurance because the car couldn't be registered, couldn't be sold, couldn't be on the road without insurance.

It would be a terrible thing for people who have a tough time buying a car as it is. But on the other hand, it would do it. If they have a tough time buying insurance that way, what makes you think that that same group of people are going to have insurance. When you pass a Bill like this, you are saying to people, you are raising hopes, that no matter what happens when someone hits you they are going to have insurance and you are going to be taken care of.

What are you going to say if you pass this Bill and go home proudly and say I passed a mandatory insurance Bill and now everyone on the highway is going to have insurance? And then some constituent of yours hears that and says this is marvelous and then they get in an accident and they are badly hurt. The person didn't have insurance and they say that is okay, because after you are hurt, after you didn't get any damages although you do have uninsured motorist and your insurance would pay that percent. After the damage is done, then you say now the person is going to have to have insurance to operate, which by the way if they were at fault in the accident, they would have to do, under current law.

I think when you set public policy, you have either got to say, we are not insisting everyone have insurance, but we are going to make it a little more difficult. We are going to have all of this rigmarole of getting little identification cards to carry and everything else. What percent, I would like to ask the proponents, do you think they will gain? Seeing as in Massachusetts where they have mandatory insurance now, their compliance rate for having insurance is less than Maine's, what does that tell you? I hope you will oppose the motion and eventually kill this Bill.

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

Senator BRANNIGAN: Thank you Mr. President and members of the Senate. This Bill, for the first time, will say that everyone in the state of Maine must have insurance on their cars. What if your constituent gets hit, or you get hit, by an uninsured motorist right now? That person is within the law,

that person is doing what the state says. It is okay for you to do, it is all right for you to drive without insurance. The state has been saying that for years. Once this Bill is passed, that person will be a lawbreaker. That is the first and main purpose of this Bill. The state will go on Record as saying that the responsible way to drive is to drive with insurance. It will be mandated.

The second thing is how that is enforced. People bring up Massachusetts all the time, because that is the nightmare of enforcement and we are not proposing that, we have no intention of proposing that. People bring up that prices will go up thirty to fifty percent, because they have gone up that way in other states. I have to respectfully say that is not true. For the first time, the insurance company has broken away from the associations that represent them and has joined this effort.

The Hanover Insurance Company, located in Westbrook, for Maine has joined this effort. We have talked with those folks, not only the executives working for Hanover, but many of them have worked for other large insurance companies, such as Travelers. They were willing to put in this Bill, had the Committee been willing, that there would be no increases and there could be no increases because they don't believe there will be. The states that have been contacted laughed at these thirty to fifty percent figures, as I understand it.

Surely if we put in a Bill such as they have in Massachusetts where there is cumbersome no fault system, and its' cumbersome and reporting and chasing system, yes, rates would go up. No, says Hanover, they will not go up from this. In the thirty-six states that now have different forms of mandatory insurance, they issue ID cards, I get an ID card, I am sure most of you do right now. They are the sixth largest writer in the state of Maine and they are on our side.

Surely there will be people who will drive without insurance. There are people now driving without licenses, but we don't abandon our licensing law. There are people driving without valid stickers, but we don't abandon our sticker law. We should have licenses to drive, we should have safe cars to drive and we must have insured cars to drive. Thank you very much.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. I just want to share with you an editorial from my favorite newspaper, "The Bangor Daily News". It says, "mandatory insurance: Lawmakers should pass a Bill mandating automobile insurance and Governor McKernan should sign it. Such a measure is long over due. Opponents of the change argue that Mainers can't afford insurance, they are right, but they can't ignore the fact that driving is a privilege, not a right. It entails certain financial responsibilities, not the least of which should be the ability to pay damages in case of an accident. Otherwise responsible drivers end up paying the bill through the insurance, or worse yet, out of their own pockets. If society decides that access to an automobile is as crucial as housing and food, then insurance should be subsidized through the welfare system. But, the problem posed by uninsured drivers should not be ignored because of the expense." Finally, "most responsible drivers wouldn't dream of going without insurance because of the knowledge that they would lose a great deal financially if they had an accident. The thought of higher insurance rates, makes them drive more carefully to avoid even minor accidents. People who

don't have such worries cannot be expected to take the same degree of care on our highways. It certainly is not asking too much that they do so." I wholeheartedly agree.

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. I have been here since the 107th Maine Legislature and we have discussed a number of Bills dealing with mandatory insurance. I have insurance on my car, I have always had insurance on my car, ever since I was fifteen years old. I was lucky that I had insurance on my car because I had a father who could afford to help me pay for insurance on my car. At first, of course, it was his car and eventually I was able to buy my own and he helped me out, through college and whatever.

There are a lot of young people in this state that cannot afford to buy insurance at the rates that they are offered. You may very well say, well that is too bad, they will have to say off the highway and I say to you, they can't stay off the highway. If you live in Burlington Maine and you have to work in Lincoln and you are nineteen years old, you have got to get to work. The rates are apt to be \$2,200 a year or more. You are just starting out in life and you don't have a window to throw it out of, I maintain that this is a very cruel hoax on the people of the state of Maine and to require somebody who cannot afford \$2,200 or \$2,400 or \$1,900 or whatever the price might be, if you are a young man it is awfully high, if you are a young girl it is a burden also. "The Bangor Daily News", Senator Matthews, from Kennebec, which you said they said in their editorial that driving is a privilege not a right. I would just like to remind you that the people who write those editorials are privileged people too. They probably drive into "The Bangor Daily News" everyday in a Buick or a Mercedes, or whatever and make a good salary, but there are a lot of people who don't.

It is very comfortable for those of us who have "made it" in the world, though I am still trying to "make it" in the world, but a lot of you have "made it" in the world and drive up in an Olds Toronado with a ten gallon hat on or whatever. To be able to say that everybody else ought to have drivers insurance, because you can say that, you have enough money to buy it. You know if you are a young man in Maine and even some young ladies in Maine and get picked up for speeding once or twice and who in here has not? Your rates will go sky high. You can't afford insurance at these rates.

If you want to offer a Bill that has a solution in it for the rates for people to get started out in life, then I can buy it, something that is somewhere near reasonable. Do you know what it is like, I don't think I do, I don't think anybody here does really, but just try to imagine in your mind what it is like to start out in life right now, from some lower middle class family, who maybe is making somewhere between \$15,000 and \$25,000 a year for a family income. You are a young man and you decide at the age of eighteen, nineteen, twenty, twenty-one, whatever it is, that you want to get married, which is not abnormal. That you want to have your own home and you want to start your own family and you need a car in order to do that. Do you know what it costs for a house nowadays? Have you priced a house nowadays? Those of you who are in the bigger cities and on the coast have been telling me that you are talking in the terms of \$100,000 to \$200,000 for a home. In my area of course that is very, very high.

It is not unusually for \$60,000 or \$70,000 homes in my area.

So, you start with that burden on your shoulder and you know you have got to go to work everyday and somebody says, well you know, we are going to need \$2,300 a year in insurance. Something has to be done, yes, everybody ought to have insurance. That has been drilled into me since I was a little kid, you don't drive without insurance.

Do you remember, almost everyone in here probably does, the first day they got their drivers license. It is a big event, I see it every year at school, juniors in high school that I teach. We make a big thing out of it, somebody comes back and they just got their drivers license and I announce it to the class and the person just grins all over. They expect that first day they are going to drive, but what happens the day before that is dad has to go to the insurance company and pay some money, or the kid does, and then the old truth comes rushing home and that is without any infractions. Sure enough within a year or two they are going to be picked up for some sort of offense, whether it be imprudent speed or driving a little fast or whatever it is, and their rates go right up. It is just not fair to ask these people to pay that much money for insurance. It wipes them right out. You know there are a lot of poor people in this state, a lot of poor people in this state, and I don't think we ought to forget them, because they are trying to make a living by themselves. They are not on welfare, they are just trying to climb up out of that pit by themselves and when you slap something like this on them, they are not going to be able to cope.

What would I feel like if somebody hit me that didn't have drivers insurance, I would feel terrible. Frankly, I don't have a lot of money myself, but nevertheless, I see it from the other angle too. There are a lot of people who at the very beginning of their lives cannot afford it because of the rate structure.

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

Senator WHITMORE: Thank you Mr. President, men and women of the Senate. We had some debate on an earlier occasion and I will try to skip over and not touch on every facet of what the earlier debate consisted of. This noon, I have heard a number of comments made that I think are sending out a false signal. The good Senator from Lincoln, Senator Sewall, made a statement regarding false hope and I think that passage of this Bill is doing exactly that. We are sending out false hope. We heard earlier people in this Body make statements about their questionnaires coming back that they had sent out earlier on in the session. A high percentage of those came back where the question was asked if they felt we should have mandatory insurance, because that was the question asked. I ask you and I wish I could ask you individually what is mandatory insurance? Or better yet, what is compulsory insurance? Then following those two questions, what are you trying to accomplish? I submit to you that what you are trying to accomplish is not in this Bill. I too believe that every vehicle on the road of the state of Maine should have a liability policy. As far as I am concerned that is basic responsibility.

The good Senator from Penobscot, Senator Pearson, made reference to his first vehicle, and how his parents or his father insisted that he have a policy. I was in that same situation, I had my first car when I was fifteen years old and I could not get behind the wheel of that car, or even stick the

ignition key in that car until I had an insurance policy.

Contrary to Senator Pearson, I didn't have any help to do that, I had a part time job and it was my responsibility to buy the insurance. I will tell you that occasion was over thirty years ago and at that time, and I have never forgotten this number, I paid \$164.00 a year and that today would probably equate to \$1,500 a year. Yet, I paid it if I was going to use that car. Because my parents instilled in me a sense of responsibility to my fellow citizens and that is I was to protect them. If you remember my comments the other day, why do I buy insurance? I buy insurance to protect me. Although I was sold initially on buying the policy to protect the third party.

I buy insurance to protect me, I don't want to jeopardize whatever I may have accumulated, nickels and dimes, quarters and dollars and what have you, and go out and injure somebody and have them come in and take everything that has taken me ex-number of years to accumulate. That is exactly what takes place when you injure a third party.

The false hope signal that we are sending out and I have already seen it because the media has been covering this issue, and I think we all subscribe to a number of newspapers and you have seen the columns in the last week or so that say Mandatory Insurance in headlines is going to be the saving grace. Well, compulsory insurance, if in fact they were enacted, might be the saving grace, because if you remember my comments the other day, compulsory versus mandatory. Compulsory is where you take the insurance policy to the registrar and you register your vehicle and you say here is my proof of financial responsibility, my insurance policy, now can I have my plates so I can go out on the road? That my friends and fellow Senators is exactly what I think you are trying to accomplish. That is not what this Bill does. Current law which has existed since the 1930's, states that people are mandated to carry insurance in the state of Maine. Only after the fact, the fact of the accident, where there is property damage or bodily injury, is the mandatory clause invoked. That is exactly what this Bill does. It is after the fact, so we are going to have one victim and then after the victim, then you have to have insurance. This Bill doesn't do a thing.

The good Senator from Cumberland, Senator Brannigan, said that this really has teeth in it. This has a \$100 fine. The \$100 fine is the difference between now and what currently exists. So, now they are going to have a criminal record. Well, if someone is going to pay \$1,700 or \$1,800 worth of insurance and they are saying they are already out there gambling now because they are not buying it, it is my feeling that same person, because they have already indicated that they are not responsible, otherwise they would currently have a policy. They are safe, there is an element of gambling that is going on today, they are gambling that they are not going to have an accident and thus won't need insurance.

But, if I do get caught, or if I do get stopped, I will pay a \$100 fine and then I will have to buy a three month policy. After that lapses I can take my chances again and if in fact I do get caught, or if in fact I do have an accident, I will pay another \$100 fine.

Well I ask you, ladies and gentlemen, if you were an irresponsible person which direction would you take? I personally don't think that they ought to take a different route than they are taking today. In fact, probably what is going to happen is you are

going to catch some innocent person and as you all here know I am in the insurance business and I deal in this product. Today, I would guess that probably 90% of the policies issued are on a direct bill basis. Which means that the agent writes a policy, you pay the agent a down payment for whatever period it might be, or you pay the entire term of the policy and then the company does the billing from then on, the company bills the insured direct. If in fact, you are in Prince Edward Island and you are gone for three weeks and that bill arrives, just before you leave and it gets lost in the shuffle and you don't pay that premium and the policy lapses and you are driving back home down Route 9, and you are stopped and they ask to see your insurance card and your insurance card has expired, are you going to be subject to a \$100 fine?

For years you have been a law abiding citizen, you have been carrying insurance, you have been responsible, but are you now going to be subject to a \$100 fine? The three month policy, I don't believe that I heard any member of the Committee discuss the three month policy, but I have already received some calls from people that are saying that I have a hard enough time as it is because I am subject to a high risk type insurance that I am now paying in the \$2,000 bracket per year. Now, you are asking me to come up with a quarter of that. That is the minimum and I am paying it on a monthly basis, or if I can get a policy through a speciality company that does it one month at a time. Are they really going to penalize some of those people that were referred to here earlier that already don't have the money or there already is a strain? Again, I don't think that the fact that it is a strain is any reason not to carry insurance. I will harken back to my earlier statement as I believe firmly that every vehicle that is on the road today have an insurance policy. No if's, and's or but's about it. My only point is that this particular piece of legislation, in front of us today, does not do what is being lead to believe that it does and unfortunately the citizens that are picking up the reports of what is going on in Augusta are reading it from the media and their being sent a wrong signal. Once this piece of legislation is passed that everyone out there will have insurance and they have no fears. That is not going to happen.

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

Senator COLLINS: Thank you Mr. President and members of the Senate. All good issues have two sides and valid arguments are made by parties on both sides. I would like to suggest for your consideration that this is a concern that has bothered Maine people for a long time. I have my own particular viewpoints and they are not precisely the way this Bill is written, but I think you have to go forward at times with same steps rather than giant steps.

I happen to prefer a situation where everybody would have liability insurance up front, before the fact, and at the time they register their vehicle. But I am a bit of a realist and think that we aren't yet to the stage where we can all do that. We have heard today a lot of discussion and concern about young people in particular, who might not be able to easily afford insurance. I suggest that we have to consider at the same time all of those people who may be victims of uninsured motorists and their plight. It seems to me there is a true public responsibility here that we have to address. I suggest that this is a small step in the right direction. I admit that we won't get 100% compliance, but I think we will move

forward from where we are. It has been suggested that perhaps 85% of the people that drive are covered in the state of Maine and that perhaps 15% are not. I suggest to you that if we move that figure forward to 90%, 5%, or to 92%, we will have done yeomans service and I would urge you today to support this Bill as a step in the right direction, realizing as I do that it is not perfect.

But in my view, it is an improvement over the situation that we are now in, which has only very limited financial responsibility after your involved in an accident. Keep in mind that you do move to the point that if you have any infraction moving violation whatsoever, and are not able to produce evidence of insurance, that you are in fact in a position where you will be fined and your license will be suspended. I think we are going gradually, slowly in the right direction. I urge you to support this legislation today. Thank you Mr. President.

Off Record Remarks

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. The good Senator from Aroostook, Senator Collins, has done a very good job talking about the Bill and understanding it I think. The last time this Bill came up his predecessor voted the same way I am going to vote. I would like to put out a thought to Senator Collins of Aroostook and others here today. He says that he realizes that it is not perfect, but it is a step in the right direction. Let's suppose you have some young man who lives in Easton or Fort Fairfield or Limestone and the only jobs he can find are in Caribou or in Presque Isle. Or let us suppose that you are a young man living in Princeton and the only job you can find is in Calais. You don't have any money and you scrape together enough to buy your first car, probably not all that great, but nevertheless, like almost all of us did, our first car and the insurance costs about twice as much as the car does.

You say to them, you have to pay the insurance and the kid says to you, I can't afford to pay the insurance. I just simply can't. You look at them and you say, I knew the Bill wasn't perfect. If it was a perfect Bill we would have passed it. You are just one of the ones that fall into the crack of not being perfect so I guess you are not going to be able to drive. Well, you know, as I know Senator Collins does and a number of others do, that the economy of Fort Fairfield has been sort of slowly ebbing away. So, you sent the kid back to Fort Fairfield or Easton or Princeton to look for another job and there are none to be had. Simply because the rates are so astronomical that you can't afford to pay them. It is easy for you to go home and it would be much easier for me to go home and say to somebody, boy, you can count on the fact that everybody on the road is going to have insurance now, but as the Senator from Androscoggin pointed out to you, that isn't true either, because you only have insurance after the accident occurs, since it is required afterwards. So, that is kind of a false hope.

The fact of the matter is, there are a lot of people in this state, and if you served on the Committee that I do or on the Committee on Human Resources you would know it and I am sure you do anyway, that are poor. Most everyone of us that campaigned door to door, and a good portion of this Senate has, have probably encountered some of that

poverty. Have you ever knocked on a door of a couple with a couple of kids, have the door open and look in and see a dirt floor? I have, three different times. A dirt floor in the 1980's. That is poverty people and there isn't any amount of AFDC or welfare or anything that can get a person out of that very fast. Well maybe some of those kids that are being raised in some of those homes want to do a little better in their life and everyone of those instances that I saw those things, they were in the rural parts of the state. I might add, one of them in southern Aroostook. When I used to be a member of the Aroostook delegation, you say to them, you can't have a car and you can't afford the insurance. In order to drive into Sherman to work at the lumber mill. You just grind them down a little bit more into poverty.

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

Senator BALDACCII: Thank you Mr. President and members of the Senate. We have discussed and debated this issue over and over again. The same salient points will remain. Are we going to pass a law for the 85% of the people that are already doing what is responsible and make them jump through more hoops, even though they are now responsible? Are we going to be saying to the people throughout the state that we are passing mandatory or compulsory insurance when in fact we are not? It is like polishing up that apple and presenting it as some luscious piece of fruit when it is rotten to the core. I would submit to you that the fact of the matter is that unless you are willing to pass compulsory insurance so me as a consumer and your neighbors and friends know when they go out on the road that it is compulsory insurance.

It isn't, well if you get into an accident and the police are there or if you are stopped for a moving violation other than that, then it will be in fact enforced against you. I also submit to you that if it costs \$1,500, \$1,600 or \$1,700 for insurance you will gladly pay the \$100 fine and still those irresponsible drivers you are trying to get at and penalizing the 85% of the drivers are not going to get insurance. I know that a lot of the members of this Senate take polls, send out surveys, want to make sure that they are doing what most of the people in their district want them to do, trying to be responsible, but I would submit to you that there certainly is a difference between something being very showtimey, sometimes very glitzy and shiny and the blood and guts of the issue that are going to be decided here today. I would ask you to look beneath the surface and see what you are doing today, does it make sense?

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

Senator THERIAULT: Thank you Mr. President, men and women of the Senate. I would like to address some of the provisions of the Bill that have been mentioned in passing. It was mentioned that you could be a repeat offender and keep getting caught for a violation of not having a insurance policy, with no further penalty then the \$100 fine. I would like to say that is quite not the way it is. I would like to say that if you have subsequent violation of the same offense, that the present law that we have on the books known as the Financial Responsibility Law, would be invoked and what happens in that case is as follows: You will be required to have an insurance policy for a minimum of three years, that is law today, this is not new, this is the law today. If you do not comply with that law, you will lose your license and if that doesn't stop you, you

will lose your privilege to register the vehicle. That is law today, this is building up on the present law that we have on the books. Those of you who say that there is no teeth in this thing, I think should read the Bill again. There definitely is. It was also mentioned in passing that if you should be stopped for a violation and summonsed to court that you would be fined \$100 even though you had insurance coverage. That is not so. You have until twenty-four hours before the court appearance to prove that you do have insurance and the charges will be dropped. Another thing that is insinuated is that this Bill does nothing. It puts a law on the book that says you will have insurance in the state of Maine. It is the same type of law that says you will have a drivers license, you will register you vehicle and all of these other laws that we have on the books that are invoked only after the fact, such as to go to the extreme of some of major crimes. We passed those laws, not for the 99% of our people that comply without the law, but we pass if for those individuals who do not comply. This is the case again today. We say that we will reach only a few individuals, I fully admit before you today that we will not reach 100% of the people.

I admit to you that we have roughly 85% of our people that comply with the law that is not even written. What we will reach will be one-third of those individuals who are not presently insured and this is the case that happens in those states that have such laws on the books. Some of them have been rather recently, some have been on the books for a long time. We have roughly thirty thousand accidents in the state of Maine every year, but we have one-third of those will now be covered by insurance with this Bill, should it pass.

I would wish that for a moment we would look beyond the driver and look at the victim. In our hearing we saw some of those victims. Victims of uninsured drivers that have to spend the rest of their lives in a wheelchair, there is not assistance for those individuals, there is no one to pay the hospital costs associated with the accident, consequently, the families are responsible for that and in some families it takes care of all their assets. They end up with nothing. No one here is mentioning those.

I am not saying that if we pass this insurance that these individuals will be miraculously cured, or brought back to life, what I am saying is, at least it will take care of the immediate expenses involved for those that remain, or those who will have to pay the Bill. I think the time has come, I think Maine has to remain in the right century and pass this Bill.

It has also been mentioned in passing, that these insurance policies will cost a fortune. Sure, they are not cheap, I admit to that, but for a young driver that does not necessarily drive Jaguar, it is possible to get a policy for some \$600 to \$700. Depending if they have a good and clean record. If they don't have a good and clean record, that is another matter that we should probably talk about. Thirty-nine of our states have laws on the books. I think that the time has come for us to look beyond the eminent and immediate smoke screen and pass this law that is definitely wanted and asked for by our people. Before this Bill was ever before my Committee and before I even knew I would be on the Banking and Insurance Committee, I had a number of letters, a number of phone calls from victims saying when are you going to do something in the Legislature? When are you going to act responsibly and pass this law that requires insurance? I believe that the Bill we have before us is going to get that

extra 5%, one-third of all of those that are responsible for accidents, get them insured. In addition to that, there is provision in this Bill, to study, to collect data on victims and possibly with that data at some point in the future, we will be able to take care of them financially, to assist in case of accidents. This is a good Bill. It is a Bill that the state of Maine has been waiting for, for a long time, it has been attempted since the mid thirties I believe and I think the century has turned and that we should go with this and do what is responsible and right and foremost what our constituents want and pass this Bill.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. Just to add one more area that the good Senator from Aroostook, Senator Theriault, did not mention. I think it has been insinuated by some on this floor that those of us who support this Bill that we are somehow opposed to the poor and I take strong exception to that concern. I won't articulate the reasons for this Bill, for that 85%, for those that are victims, but I will say on the Record and I believe this in my heart, that what this Bill does say that you have to be a responsible citizen. You have to pull yourself up by the boot straps, but you have to be responsible also. That you should have a concern for other citizens out there. I don't know a Legislature that is more concerned about the poor than this one, both sides of the aisle and both sides of this issue. I have been up here three terms and the good Senator from Aroostook is right. I have heard these arguments from the opponents for three terms on this Bill and it is high time we do what is right.

Off Record Remarks

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

Senator ANDREWS: Thank you Mr. President, men and women of the Senate. As briefly as I can, I have nothing to add to the substance of the debate that we have heard today, excellently articulated by both sides. I am extremely impressed by the quality of this debate. I simply want to say on the Record that while I will be supporting this legislation today, I do have some concerns. Those concerns lie with the insurance industry and with those state officials who are responsible for over seeing and regulating that industry.

Not too long ago, I received in the mail an offer from my insurance company that insures my home. The insurance company said, because you have a homeowners insurance policy we can offer you automobile insurance at a lower rate if you decide to come with our company. So, I called the company and said yes indeed, I would like to know more about that. They said fine, we have a few questions to ask you. So, they asked me about my driving record, and my age, where I lived and so forth, and then they asked me if I was disabled. I just sort of passed over that and I gave them the rest of the information and they gave me a quote. And indeed it was lower than my car insurance policy. I said well, I am interested in it, but that question that you asked about my disability, I said, let me go back to that because in fact I am.

So, what difference does that make? The agent said, well, I am sorry we can't insure you. I said, why, and he said because you are disabled. I said

what difference does that make? And they said it is our policy not to insure disabled people, regardless of their driving record.

So, I said that is very interesting because I know that I had sponsored a piece of legislation in the 112th Legislature prohibiting by law discrimination against handicapped people in insurance. So, I said, I would like to take a look at the policy. I called an independent agent and I just asked the same basic questions, I am looking for automobile insurance, I would like you to review the various policies you have, the same list of questions and it included the question am I disabled? When I told the independent agent that I was, the independent agent told me that there was no insurance company that handled, that would insure a disabled person, at the rate that I would have had otherwise. In other words I would have had to go into a high risk pool and pay the top premium for a high risk driver because of that status. You know, there are various categories and various risks assigned to various categories of people depending upon a number of factors. The logic behind that is if you are a certain age, or you live at a certain place, or you drive a certain type of car, statistically the risks are somewhat higher that you may be in an accident.

That makes some sense, so I asked the question are there any statistics whatsoever or any studies whatsoever that justify this kind of treatment of disabled people and they said no, there are no statistics that we are aware of, it is just our company policy. I have insurance and I have an insurance company that does not subscribe to that form of discrimination. And in fact, it is outlawed in the state of Maine. The fact remains that there are insurance companies out there who are doing it nonetheless. I think it is incredibly important, particularly for those of you who may get some phone calls from disabled constituents who otherwise did not have insurance and suddenly they would have to have insurance now, that you know in fact that it is illegal under our state laws to discriminate in that way. I call upon the state officials responsible for our insurance policies to take a close and hard look at that piece of legislation to make sure that it is enforced. So, it is with that concern that I took a look at this legislation and that I considered not supporting it, because that part of our statute was obviously not being enforced and not being recognized by some of those insurance companies. I am convinced by the arguments of those who are supporting this legislation, that it is good policy for the state of Maine, not perfect, but that step in the right direction. I think about the low income people in my district who will have a very difficult time in paying any additional costs for basic necessities such as transportation. But I think about those low income people in my district who are the victims of an uninsured motorist and the position that they are put in if they are the victim of an uninsured motorist. Those people suffer more than any from those circumstances.

It is for those people who I will be casting my vote for, but I have a concern and I will have that concern and if it is a concern for any of your constituents, please know that according to what we passed last year, illegal and I ask from our state officials to look at that more closely, to look at all the insurance companies in the state and to make absolutely certain that in fact that kind of discrimination is not going on anymore. Thank you.

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. I understand Senator Andrews from Cumberland and his view and I probably think I would have the same as he, had I come from Portland. I say that and I am not trying to be smart about it or anything like that, because in that particular district you can get on a bus and you can more or less make your way around the area fairly easy. What I would like to have you to think about is people who have to travel fifty miles a day to get to work. That is the reality that I am faced myself. In the morning in Enfield and in Howland, and those places, they get up in the morning and they all travel in the direction of east Millinocket and Millinocket, some of them south to Bangor and Old Town working in the mills and factories, because there are no jobs there. Senator Gill, I am sure with some humor, sent me a note saying tell them to get a bicycle. You can't do that, you really can't. It is a long way between houses.

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

Senator GILL: Thank you Mr. President and members of the Senate. I would just to clarify that I sent Senator Pearson a little note, because I have had a young family growing up who found it very difficult to find transportation to and from their job and my one youngest son, who is now twenty-two, rode his bicycle to and from a job that was not fifty miles away but wasn't just a mile down the street either. He saved his money until he was able to buy insurance. He had a vehicle available to him, but he wasn't allowed to drive the vehicle because he had no insurance. He did save his money from his job from riding the bicycle to and from work before he could be insured. That was the jest of the note that I sent to Senator Pearson, that they should find some other means of transportation and sometimes it is available.

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

Senator CLARK: Thank you Mr. President, men and women of the Senate. For twelve years I and other members of a former committee labored in a room downstairs and dealt every legislative session with the issue that is before us today. Consistently, I have found myself, over the years, on the losing side of the argument and on the smaller side of the Roll Call. There were moments, temporarily, where we were successful in convincing our colleagues that which we have before us this afternoon, should be addressed positively, but we did not prevail in the end.

It is difficult to sit here without making my own statement and listen to the arguments that I have heard for the past fifteen years. For I am a supporter of this step in the right direction, as we call it today, and I would submit to you that the continuing failure of Maine Legislatures in the past to enact either mandatory automobile insurance, or compulsory automobile insurance, or maintenance of proof of automobile insurance or maintenance of financial responsibility by all motorists and whatever name it came before us is unfair.

It is unfair to the great majority of Maine motorist and perhaps even non-Maine motorists who travel around our state, who already fulfill their responsibilities by carrying adequate insurance. I am not insensitive among Maine citizens. Poverty is not the issue here. The issue is responsibility not income or affordability. It is as simple as that. Motorist should be responsible for carrying adequate insurance to cover the costs of damages that they cause or even potentially may cause, through their fault and their negligence. Even by sheer act of

God, weather conditions. It really is, as I have said, as simple as that and I would hope that we would support the pending motion.

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

Senator KERRY: Mr. President, ladies and gentlemen of the Senate. We have debated this issue for well over an hour and if we reflect upon the many issues that we have discussed throughout this session, I can't think of many that have taken so much of the Senate's time. I can only reflect upon the fact that it is probably such an important issue that everyone takes so seriously that we would do so. I would just like to comment that the arguments presented by the good Senator from Penobscot, Senator Pearson, are very compelling. I think many of us do have a great deal of concern for those, not only poor people, but working people, who have a difficult time paying for their insurance, whether it be personal life insurance, injury insurance, medical insurance or whatever it may be. We know that the uninsured in this state and particularly the poor and the working poor are generally at the bottom of the rung. As I thought about the arguments that he presented, I found them compelling, but if you think the argument through completely, if we say to a person who is low income, or characterized as poor or working poor, you do not have to have insurance at an early age because you need to have a job. The reality may be that we may impoverish this person for a lifetime, or a good portion of his or her lifetime, if they have an accident and they become liable and they have to pay for the damages through a civil court action or some other action. We can't be short sighted about this. I think the argument can be turned about because many working young people who are just starting out in life, do have serious accidents and they are trying to be responsible and they do try to pay off the damages to other individuals, but for the one thought of not having liability insurance when they started driving, they are behind the eight ball for decades. That is one very compelling argument.

Secondly, the good Senator from Penobscot, Senator Baldacci, using a very unique metaphor said that if you really are in favor of the blood and guts issue, which of course relates to me if you are in favor of the Celtics. And if you are really in favor of the glitzy, flashy side of the issue, which to me reminds me of the L.A. Lakers. I said well wait a minute, if I am in favor of the mandatory insurance position, it seems like I am going for the Lakers.

But I want to let everybody in this Senate know that there are many of us here who believe in the blood and guts of the issue and yet believe that the mandatory insurance policies that would have to be taken, would be in the best interest of the people of the state of Maine. I just wanted to make it clear to the good Senator from Penobscot, Senator Baldacci, that his oratory and metaphors are ill placed and I think I will be supporting the measure from the good Senator from Cumberland, Senator Brannigan, to pass this legislation. Thank you.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

A Roll Call has been ordered.

A vote of Yes will be in favor of PASSAGE TO BE ENGROSSED AS AMENDED.

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, CLARK, COLLINS,
DOW, DUTREMBLE, ERWIN, ESTES,
GAUVREAU, GILL, GOULD, KANY, KERRY,
LUDWIG, MATTHEWS, MAYBURY, THERIAULT,
TUTTLE, USHER, THE PRESIDENT -
CHARLES P. PRAY

NAYS: Senators BALDACCI, BUSTIN, CAHILL,
DILLENBACK, EMERSON, PEARSON,
PERKINS, RANDALL, SEWALL, TWITCHELL,
WEBSTER, WHITMORE

ABSENT: Senators None

23 Senators having voted in the affirmative and
12 Senators having voted in the negative, with No
Senators being absent, the Bill was PASSED TO BE
ENGROSSED AS AMENDED in NON-CONCURRENCE.

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

Under suspension of the Rules, all matters thus
acted upon, with the exception of those matters
previously held, were ordered sent forthwith for
concurrence.

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

ORDERS

Joint Resolution

On motion by President PRAY of Penobscot
(Cosponsored by: Speaker MARTIN of Eagle Lake,
Senator PERKINS of Hancock, Representative MURPHY of
Kennebunk) the following Joint Resolution:
S.P. 625

JOINT RESOLUTION EXTENDING GREETINGS AND BEST
WISHES OF THE MAINE LEGISLATURE TO THE PEOPLE
OF THE UNION OF SOVIET SOCIALIST REPUBLIC

WHEREAS, Peace and goodwill among nations of the
world is a common hope and dream, shared by young
leaders of all nationalities;

WHEREAS, the American Council of Young Political
Leaders is sending a delegation of 15 members to the
Union of Soviet Socialist Republic, Andrea Ciancette
of Portland, Maine in the United States has been
selected as the New England representative for this
important journey; and

WHEREAS, this mission will help to improve
relations between the United States and the Soviet
Union, by encouraging communication and friendship
among the young leaders of the 2 nations; and

WHEREAS, the State of Maine already has a unique
place in Soviet-American relations due to the efforts
of Maine's own Samantha Smith. This tour is being
conducted in the same spirit of cooperation and peace
as that of Samantha Smith's historic trip; now,
therefore be it

RESOLVED: That We, the Members of the 113th
Legislature of the great and sovereign State of
Maine, take this opportunity to extend greetings and
best wishes to the People of the Soviet Union and
offer our best wishes to the American Council of
Young Political Leaders' efforts to improve relations
between the 2 super powers; and be it further

RESOLVED: That suitable copies of this
Resolution, duly authenticated by the Secretary of
State, be transmitted to the people of the Union of
Soviet Socialist Republic in token of the sentiments
expressed herein.

Which was READ and ADOPTED.

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

JOINT ORDER - relative to Recalling Bill, "An Act
to Clarify the Offense of Driving under the Influence
of Illegal Drugs" H.P. 1188, L.D. 1618, from the
Legislative files to the House of Representatives
H.P. 1325

Tabled - June 11, 1987, by Senator GAUVREAU of
Androscoggin.

Pending - PASSAGE

(In House, June 11, 1987, READ and PASSED.)

(In Senate, June 11, 1987, READ.)

Pursuant to Joint Rule 15, this Joint Order
requires a two-thirds vote of the Members present and
voting for Passage.

26 Senators having voted in the affirmative and
No Senators having voted in the negative and 26 being
more than two-thirds of the entire elected Membership
of the Senate, this Joint Order was PASSED, in
concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on
Bill "An Act to Correct, Amend and Improve the Laws
Relating to Education"

S.P. 552 L.D. 1658

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (S-192).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-192) READ and ADOPTED.

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

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND THIRTEENTH LEGISLATURE

June 11, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
Dear President Pray:

We are pleased to report that all business which
was placed before the Committee on Aging, Retirement
and Veterans during the First Regular Session of the
113th Legislature has been completed. The breakdown
of bills referred to our committee follows:

Total number of bills received	39
Unanimous reports	37
Leave to Withdraw	13
Ought to Pass	8
Ought Not to Pass	3
Ought to Pass as Amended	5
Ought to Pass in New Draft	8

Divided reports	1
Carry Overs	0
Re-referred	1

Respectfully submitted,

S/Sen. Georgette B. Berube S/Rep. Daniel B. Hickey
Senate Chair House Chair
Which was READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON FISHERIES AND WILDLIFE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
June 11, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
Dear President Pray:

We are pleased to report that all business which
was placed before the Committee on Fisheries and
Wildlife during the First Regular Session of the
113th Legislature has been completed. The breakdown
of bills referred to our committee follows:

Total number of bills received	65
Unanimous reports	57
Leave to Withdraw	17
Ought to Pass	5
Ought Not to Pass	18
Ought to Pass as Amended	2
Ought to Pass in New Draft	15
Re-referred to Another Committee	2
Divided reports	6
Carry Overs	0

Respectfully Submitted,

S/Edgar E. Erwin S/Paul F. Jacques
Senate Chair House Chair
Which was READ and ORDERED PLACED ON FILE.

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

COMMITTEE REPORTS

House

Ought to Pass as Amended

The Committee on APPROPRIATIONS AND FINANCIAL
AFFAIRS on Bill "An Act to Provide Funds to Map
Significant Aquifers"

H.P. 826 L.D. 1117

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-329).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-329)

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-329) 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.

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

The Committee on ENERGY AND NATURAL RESOURCES on
Bill "An Act to Amend the Laws Administered by the
Department of Environmental Protection"

H.P. 1251 L.D. 1709

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-311).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AND BY
HOUSE AMENDMENT "A" (H-328).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-311) READ and ADOPTED,
in concurrence.

On motion by Senator USHER of Cumberland, the
Senate RECONSIDERED whereby Committee Amendment "A"
(H-311) was ADOPTED.

On further motion by same Senator, Senate
Amendment "A" (S-182) to Committee Amendment "A"
(H-311) READ and ADOPTED.

Committee Amendment "A" (H-311) as Amended by
Senate Amendment "A" (S-182), thereto ADOPTED in
NON-CONCURRENCE.

House Amendment "A" (H-328) READ.

On further motion by same Senator, House
Amendment "A" (H-328) INDEFINITELY POSTPONED in
NON-CONCURRENCE.

Under suspension of the Rules, the Bill READ A
SECOND TIME.

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

Senator USHER: Thank you Mr. President and
members of the Senate. What the amendment does that
I just proposed would clarify some problems that we
had and will include the proposed new state
correctional facilities in South Warren, which was
not allowed under the present law, and a proposed
United States Coast Guard installation in Washington
County, this amendment would allow this and also an
expansion in S.A.D. #70, which is under
construction. So, this helps clarify the law.

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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 LEGAL AFFAIRS on Bill "An Act to
Prohibit Open Alcoholic Beverage Containers in Motor
Vehicles"

H.P. 590 L.D. 801

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-314).

Comes from the House, with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-314)

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-314) 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 STATE AND LOCAL GOVERNMENT on
Bill "An Act to Allow the Treasurer of State to Vote
on Certain State Boards"

H.P. 902 L.D. 1203

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-313).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-313)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-313) 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:

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Amend Certain Motor Vehicle Laws"
H.P. 150 L.D. 191
(S "A" S-156; S "B" S-183 to C "A" H-275; S "A" S-157)

In House, June 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275) AND SENATE AMENDMENT "A" (S-156) in NON-CONCURRENCE.

In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275) AS AMENDED BY SENATE AMENDMENTS "A" (S-156) AND "B" (S-183), thereto AND SENATE AMENDMENT "A" (S-157) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-275) AS AMENDED BY SENATE AMENDMENT "B" (S-183), thereto, AND SENATE AMENDMENT "A" (S-157) in NON-CONCURRENCE.

On motion by Senator DOW of Kennebec, the Senate INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE in NON-CONCURRENCE.

Sent down 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 Prevent Criminals from Profiting as an Indirect Result of Their Crime

H.P. 1297 L.D. 1775

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which was PASSED TO BE ENACTED in NON-CONCURRENCE and having been signed by the President, was sent down for 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 Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws" (Emergency)

S.P. 590 L.D. 1743
(S "A" S-166)

In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-166) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-291) AND SENATE AMENDMENT "A" (S-166) in NON-CONCURRENCE.

On motion by Senator BUSTIN of Kennebec, the Senate RECEDED and CONCURRED.

Off Record Remarks

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters previously held, were ordered sent down forthwith for concurrence.

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

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act Providing for Administrative Changes in Maine Tax Laws"

S.P. 512 L.D. 1536

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-193).

Signed:

Senators:

TWITCHELL of Oxford
DOW of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-194).

Signed:

Senator:

SEWALL of Lincoln

Representatives:

SEAVEY of Kennebunkport
INGRAHAM of Houlton
JACKSON of Harrison

Which Reports were READ.

On motion by Senator TWITCHELL of Oxford, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-193) Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-193) READ and ADOPTED.

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

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON ECONOMIC DEVELOPMENT
ONE HUNDRED AND THIRTEENTH LEGISLATURE
June 12, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Economic Development during the First Regular Session of the

113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	21
Unanimous reports	20
Leave to Withdraw	12
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	1
Ought to Pass in New Draft	7
Divided reports	1
Carry Overs	0

Respectfully submitted,
 S/Sen. Thomas H. Andrews S/Rep. Nathaniel J. Crowley
 Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication:
 COMMITTEE ON LABOR
 ONE HUNDRED AND THIRTEENTH LEGISLATURE
 June 12, 1987

The Honorable Charles P. Pray
 President of the Senate
 113th Legislature
 Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Labor during the First Regular Session of the 113th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	63
Unanimous reports	52
Leave to Withdraw	18
Ought to Pass	5
Ought Not to Pass	13
Ought to Pass as Amended	8
Ought to Pass in New Draft	8
Divided reports	8
Carry Overs	2
Re-referred	1

Respectfully submitted,
 S/Dennis L. Dutremble S/Edward A. McHenry
 Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.

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

ORDERS

Joint Resolution

On motion by Senator KERRY of York (Cosponsored by: Representative VOSE of Eastport, Representative WEBSTER of Cape Elizabeth, Senator PERKINS of Hancock) the following Joint Resolution:

S.P. 630

JOINT RESOLUTION CONCERNING CONTINUED

DIVERSIFICATION OF MAINE'S SOURCES OF ELECTRICITY

WHEREAS, the State of Maine must continue to plan for its long-term electrical energy needs and such planning requires legislative policy direction, executive agency action and consultation with consumers and utilities; and

WHEREAS, existing law clearly establishes the State's support for conservation and the development of indigenous renewable resources, including small power production and cogeneration; and

WHEREAS, legislation is pending that would establish state policy supporting the acquisition of Canadian power as another source for Maine's electrical energy and that legislation has stimulated

debate and is now under consideration by this Legislature; and

WHEREAS, the Central Maine Power Company, pursuant to its responsibility as a public utility to provide electric power, has signed a nonbinding letter of intent with Hydro-Quebec, a Canadian Crown Corporation, which appears likely to promote long-term price stability; and

WHEREAS, the Joint Standing Committee on Utilities of the Maine Legislature completed in December 1986, a report on electric power transmission and purchases which identified several key issues including: Wheeling of electric power, importation of Canadian power, bottlenecks in the transmission grid between Maine and Southern New England and the comparative economics of electricity production within Maine from renewable resources and of the purchase of the power from outside the State; and

WHEREAS, the State Planning Office and 5 other agencies, at the request of the Governor of the State of Maine, have prepared a preliminary report on the effects of the proposed purchase of power from Hydro-Quebec and that office needs additional time to complete its full study; and

WHEREAS, the Public Utilities Commission has nearly concluded a preliminary investigation of whether the Central Maine Power Company should continue to pursue the proposed Hydro-Quebec purchase; and

WHEREAS, the Central Maine Power Company is expected to file its formal petition for a certificate of public convenience and necessity with the Public Utilities Commission in the near future and the commission is required to conduct a comprehensive review and issue its order within 12 months after the petition is filed; now, therefore, be it

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

Support the continuation of negotiations between the Central Maine Power Company and Hydro-Quebec over the possible sale of electricity to Maine utilities;

Encourage the Central Maine Power Company to undertake the necessary engineering, economic and environmental studies to fully evaluate the Hydro-Quebec proposal and document its applications for the necessary regulatory permits; and

Urge the administration and the Public Utilities Commission to give the Hydro-Quebec proposal full, fair and prompt regulatory review and consideration, along with full evaluation of the alternatives, for their potential as parts of a diversified, least-cost energy strategy that is consistent with the best interests of all the people of Maine; and be it further

RESOLVED: That We further:

Reaffirm the commitment of the State to an energy policy based on a diversity of electric supply and demand alternatives, including conservation, conventional central station steam plants, indigenous resources such as cogeneration and hydroelectricity and appropriate levels of imported power from NEPOOL and from Canada; Take note of the importance of electric energy choices because of the significant and widespread effect that the price of electricity has upon the State's economy, including nearly every individual, business and industry;

Encourage all Maine electric utilities to continue their exploration of all reasonable energy supply and demand alternatives; and Urge the administration and the Public Utilities Commission to consider carefully the effect of the Hydro-Quebec proposal on interstate and intrastate transmission facilities available to Maine utilities, including bottlenecks in transmission of power to Southern New England and to other parts of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Quebec Prime Minister, the Quebec Minister of Energy and Resources, the Governor of the State of Maine, the Chairman of the Maine Public Utilities Commission and the chief executive officer of each electric utility in the State.

Which was READ.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. Very briefly, in regards to this resolution. I would ask for a Roll call and ask you to vote against this resolution. Let me explain my concern and opposition to this measure. Many of us must realize or should know that there is a Bill pending before this Utilities Committee, which I serve as a member, which deals with a proposal put forth by Central Maine Power Company advocating the purchase of power from Hydro-Quebec in Canada. This legislation is being held over, has been authorized and is being held over, until the next Legislative Session of this 113th Legislature to deal with whether it is a good idea. The Governor has suggested that he would like to wait on this matter before making a decision as to whether it is a good idea. So, the Committee has decided to hold it over. My opposition to this resolution is pure and simple, I don't want to send any kind of message, subtle or otherwise, to anyone indicating anything on this issue. This power line that is proposed would be coming down through Somerset, Oxford, Franklin, somewhere in western Maine. I am concerned about the impact that it might have on the constituents that I represent. My major concern to the resolution is under Resolve, where it says: "Support the continuation of negotiations between the Central Maine Power Company," etc. I don't want us to say we support anything because I am not sure, at this point, if we ought to be buying power from Canada, buying it from a foreign country. I am not sure we should be sending any kind of message at all. So, I would ask you to vote against this.

Senator WEBSTER of Franklin requested a Roll Call.

On motion by Senator KERRY of York, Tabled until Later in Today's Session, pending ADOPTION. (Roll Call requested).

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator BRAUN for the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

S.P. 198 L.D. 555

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

S.P. 627 L.D. 1848

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 BRANNIGAN for the Committee on JUDICIARY on Bill "An Act to Clarify the Freedom of Access Law"

S.P. 384 L.D. 1161

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

S.P. 628 L.D. 1849

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:

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator ESTES for the Committee on MARINE RESOURCES on Bill "An Act to Clarify Certain Errors and Inconsistencies in Marine Resources Law" (Emergency)

S.P. 539 L.D. 1628

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

S.P. 624 L.D. 1836

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 TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Bureau of Intergovernmental Drug Enforcement within the Department of Public Safety"

S.P. 527 L.D. 1579

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

S.P. 626 L.D. 1837

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:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Expand the Authority of the Board of Underground Storage Tank Installers"

S.P. 477 L.D. 1440

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-199).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-199) READ and ADOPTED.

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

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

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

COMMITTEE REPORTS

House

The Committee on TAXATION on Bill "An Act to Return to Maine Income Taxpayers the Additional Tax Payments Associated with Conformity to the United States Internal Revenue Code of 1986 for Tax Year 1987"

H.P. 1050 L.D. 1413

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-330).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-330)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Senate at Ease

Senate called to order by the President.

Committee Amendment "A" (H-330) 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.

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

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 BUSINESS LEGISLATION on Bill "An Act to Amend the Maine Optometric Code"

H.P. 765 L.D. 1028

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

H.P. 1338 L.D. 1828

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.

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

Senator BUSTIN: Thank you Mr. President, men and women of the Senate. I have some concerns about this Bill that have been expressed to me by other members and I would just like to voice them and perhaps ask for some clarification or some comments through the Chair to anyone who cares to answer. That is on, and I doubt I can pronounce the name of this class of drugs but it is spelled, anticholinesterase, and I wouldn't begin to pronounce that.

Also, the ability of optometrists to apply topical steroids. Those are two issues that I feel that are quite controversial. One of those drugs is a case of treating crossed eyes and the concern that seems to be out there and I am sure it comes from the ophthalmologist, is that an optometrist is not a medical doctor and would not be able to do the follow up medical care for that. And is there adequate protections in the Bill in that instance?

The other is what kind of education of follow up, and I am sure if I had time to read the Bill I would know this but I have not had time to read it, that would protect the public's health and safety from anything that might happen from a non-medical doctor being able to administer these topical drugs?

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. Very Briefly, to answer the questions that were posed by the good Senator from Kennebec, Senator Bustin. First of all, to just briefly explain to you the act that you have in front of you in regards to the amending the Maine Optometric code. It expands on the current optometric authority which optometrists have used the pharmaceuticals to diagnose with great success since 1975, they have been able to use the diagnostic agents. Now we are amending that so they can use topical pharmaceuticals to treat conditions and diseases except for glaucoma. This Bill only allows topical therapeutics. It excludes surgery, oral medications, injected medications and schedule one and two drugs, those are the most dangerous in the narcotic. It requires completion of a transcript quality course with significant clinical training. The Bill called for one hundred educational hours, 25% which were clinical experience in the pharmacology area and 75% in the basic education. A panel was created in this Bill which would be a reviewing panel on the actions that were being taken. They would have to report the amount of prescription drugs that they were doing, the reviewing board, with a member from the House and Senate, ophthalmologist, and optometrist and an internist, would be able to review this and recommend to the Legislature whether their practice ought to be expanded, contracted or whether there needs to be some modifications and would report to the Legislature, as an ad hoc group that would be basically only for a very short period of time. This agreement was worked out by the ophthalmologist and the optometrist, a compromised was reached in the Committee and it was a unanimous Committee Report.

Since that time, there have been some ophthalmologist, Mr. Jon Doyle, which wants to make it clear that, in fact, the position of the Maine Society of Maine Eye Physicians and Surgeons, whom he represents, are not taking a position of supporting it or opposing it, what you have here today. Basically, the two drugs and medications that the good Senator mentioned, one of which is given by ophthalmologists to mothers and infants for eyes up to a week prior to going back into the office to determine if a person is extremely far sighted and also for certain inflammations.

As for the topical steroids that she mentioned, in order to use those to reduce the inflammation a very low percent is used and there are over the counter preparations for use on the skin. In regards to those two particular medications. So, I hope that answers the questions.

The experience is there, no one can practice in this particular field until they have had a years

experience. They have to be taking 25% of clinical experience in this particular area of pharmacology and they have to have another 75% in the basic area of pharmacology outside of the clinical experience. They have to take a board examination, nobody is grandfathered, nobody can go out and do anything until they complete this and their continuing education requirements have been beefed up. There was a compromise that was reached and it was an unanimous Committee Report.

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

Senator BUSTIN: Thank you Mr. President, ladies and gentlemen of the Senate. I am not a pharmacologist, I am not an optometrist, I am not an ophthalmologist, I am not a medical doctor, I am not any of those things so I am not really qualified to speak on this, but what I am doing is expressing some concerns that I have heard out there. A concern specifically from a member of that Committee who is not as comfortable with that unanimous report as we might be lead to believe. What usually happens in these matters in the medical profession, however, is that you do some internship and I don't see any internship with this in the use of these added drugs. That is one of my concerns. I understand about having one years experience in the field of optometry, before you can start administering these drugs, but that has nothing to do with experience in applying these drugs. So, that is what I am concerned with, that is the internship phase of it and I wonder how we are going to be monitoring that.

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

Senator BALDACCI: Thank you Mr. President, men and women of the Senate. I mentioned that the education and training that they are suppose to undertake in order for them to be able to do this, they have to have 25% of that time spent as clinical experience. So, that they are going to have the actual experience, supervised, trained, clinical experience in order to be able to deal with this particular subject matter. As far as any members of the Committee feel that they are uncomfortable with it, I think that all thirteen members having signed on the report and even having the Legislative Assistant who sometimes likes to inject his own opinion. All in agreement, I thought this was a good report and pretty well sounded report, It isn't what everybody wanted and it wasn't what was sought for, but it was something which the parties agreed to and signed off on and then the Committee's itself agreed to what was being proposed. I would hope that you would support this.

The Bill in NEW DRAFT PASSED TO BE ENGROSSED; in concurrence.

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

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

H.P. 726 L.D. 977

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

H.P. 1339 L.D. 1831

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.

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

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 UTILITIES on Bill "An Act Concerning the Harrison Water District"

H.P. 923 L.D. 1235

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

H.P. 1349 L.D. 1843

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.

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

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 BANKING AND INSURANCE on Bill "An Act to Amend the Law Relating to Group Life and Health Insurance"

H.P. 1138 L.D. 1548

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

H.P. 1351 L.D. 1845

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.

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

The Committee on TAXATION on Bill "An Act to Change the Basis of Telecommunication Taxation"

H.P. 1086 L.D. 1477

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

H.P. 1352 L.D. 1846

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.

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

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 AGRICULTURE on Bill "An Act to
Ensure Uniformity in Pesticide Regulation"

H.P. 93 L.D. 102

Reported that the same Ought to Pass in New Draft
under New Title RESOLVE, to Study the Need for
Uniformity in Pesticide Regulation" (Emergency)

H.P. 1341 L.D. 1833

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

Which Report was READ and ACCEPTED, in
concurrence.

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

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

The Committee on APPROPRIATIONS AND FINANCIAL
AFFAIRS on Bill "An Act Making Allocations Related to
the Alcoholism Prevention, Education, Treatment and
Research Fund for the Expenditures of State
Government for the Fiscal Years Ending June 30, 1988,
and June 30, 1989" (Emergency)

H.P. 371 L.D. 492

Reported that the same Ought to Pass in New Draft
under New Title Bill "An Act Making Allocations
Related to the Alcoholism Prevention, Education,
Treatment and Research Fund for the Expenditures of
State Government for the Fiscal Year Ending June 30,
1988" (Emergency)

H.P. 1340 L.D. 1832

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.

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

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 ECONOMIC DEVELOPMENT on Bill
"An Act to Make Available State-owned Land for the
Construction of Affordable Housing"

H.P. 1222 L.D. 1666

Reported that the same Ought to Pass in New
Draft under New Title Bill "An Act to Provide for the
Inventory of State-owned Land for Various Uses"

H.P. 1344 L.D. 1838

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.

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

The Committee on JUDICIARY on Bill "An Act to
Implement Administrative Adjudication of Traffic
Infractions"

H.P. 290 L.D. 375

Reported that the same Ought to Pass in New
Draft under New Title Bill "An Act to Transfer
Administrative Authority over Traffic Infractions to
the Secretary of State"

H.P. 1343 L.D. 1835

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.

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

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 LABOR on Bill "An Act Relating
to Subcontractors Under the Workers' Compensation
Act"

H.P. 982 L.D. 1329

Reported that the same Ought to Pass in New
Draft under New Title Bill "An Act Relating to
Independent Contractors under the Workers'
Compensation Act"

H.P. 1350 L.D. 1844

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.

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

The Committee on MARINE RESOURCES on Bill "An
Act to Establish a Moratorium on New Mussel
Aquaculture Leases" (Emergency)

H.P. 418 L.D. 563

Reported that the same Ought to Pass in New
Draft under New Title Bill "An Act to Amend the
Aquaculture Leasing Statutes"

H.P. 1346 L.D. 1840

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.

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

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 STATE AND LOCAL GOVERNMENT on Bill "An Act Concerning Parking Violations at the Capitol Complex"

H.P. 588 L.D. 799

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Concerning Public Violations at the Capitol Complex"

H.P. 1347 L.D. 1841

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.

On motion by Senator USHER of Cumberland, Senate Amendment "A" (S-200) READ.

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

Senator USHER: Thank you Mr. President and members of the Senate. What this amendment does is change the minimum fee from twenty-five to ten dollars and I move its' adoption.

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

Senator BUSTIN: Thank you Mr. President, I would like to pose a question through the Chair. Is there an explanation as to why we need to raise the fee to ten dollars? It is being raised from five to ten. The amendment reduces it to ten from twenty-five. It is not now twenty-five, or it wasn't twenty-five before the Bill was presented. I would like to know why we are raising the parking fee?

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

The Chair recognizes the Senator from York, Senator Tuttle.

Senator TUTTLE: Thank you Mr. President and members of the Senate. In response to the Senator from Kennebec, Senator Bustin's, question, the Bill was presented before the State Government Committee, it had been expressed that there had been some problems as to fines that have been assessed over the years that haven't been paid. Part of the problem was, they felt, that the fee wasn't high enough. Some of us had some concerns about it. I think that the effective compromise is the one that Senator Usher has offered. The ten dollar fee may be more reasonable. I have another amendment coming up that I think may be more acceptable to Senator Bustin. I hope that we would allow it to go through the posture and take it from there.

On motion by Senator USHER of Cumberland, Tabled until Later in Today's Session, pending the motion of the same Senator to ADOPT Senate Amendment "A" (S-200).

The Committee on TRANSPORTATION on Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 388 L.D. 522

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1987, June 30, 1988 and June 30, 1989" (Emergency)

H.P. 1342 L.D. 1834

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.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Enhance the Certification of Educational Personnel Law"

H.P. 1353 L.D. 1847

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

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

Senator ESTES of York was granted unanimous consent to address the Senate off the Record.

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

ENACTORS

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

An Act Providing for the 1987 Amendments to the Finance Authority of Maine Act

S.P. 613 L.D. 1807

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

An Act, to Honor Former Governor Joseph E. Brennan (Emergency)

S.P. 42 L.D. 37
(H "A" H-299 to H "A" H-289)

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

An Act to Make Technical Amendments in the Certificate of Need Act to Expedite the Process

S.P. 483 L.D. 1460
(S "A" S-149; C "A" S-159)

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

An Act to Create the Post-secondary Enrollment Options Act

H.P. 1326 L.D. 1810

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

An Act to Create a Maine Post-secondary Educational Loan Program

H.P. 1327 L.D. 1811

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:

Resolve

Resolve, Authorizing Dorothy Gammon to Bring Civil Action Against the State and Cumberland County
H.P. 1235 L.D. 1687
(H "B" H-300)

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

Emergency

An Act Concerning Municipal Water Supplies
H.P. 737 L.D. 1000
(H "A" H-298 to C
"A" H-293)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being 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 Establish a Task Force on Post-secondary Education Financing
H.P. 1294 L.D. 1772
(H "A" H-297)

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Enhance Educational Opportunity for Disabled Students"

S.P. 390 L.D. 1209

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

S.P. 629 L.D. 1850

Signed:

Senators:

ESTES of York
KANY of Kennebec
RANDALL of Washington

Representatives:

HANDY of Lewiston
PARADIS of Frenchville
BOST of Orono
KILKELLY of Wiscasset
O'GARA of Westbrook

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

Signed:

Representatives:

NORTON of Winthrop
SMALL of Bath
LAWRENCE of Parsonfield
MATTHEWS of Caribou
GOULD of Greenville

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 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:

SENATE PAPERS

Bill "An Act to Authorize the State Bureau of Identification to Charge Fees to Nongovernmental Agencies for Services"

S.P. 631 L.D. 1852

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative LACROIX of Oakland, Representative BICKFORD of Jay, Senator SEWALL of Lincoln

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

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

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

ORDERS OF THE DAY

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

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

S.P. 606 L.D. 1796

Tabled - June 12, 1987, by Senator TUTTLE of York.
Pending - FURTHER CONSIDERATION

(In Senate, June 9, 1987, PASSED TO BE ENGROSSED.)
(In House, June 11, 1987, PASSED TO BE ENGROSSED

AS AMENDED BY HOUSE AMENDMENT "A" (H-323) in NON-CONCURRENCE.)

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

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

JOINT RESOLUTION - Concerning Continued Diversification of Maine's Sources of Electricity

S.P. 630

Tabled - June 12, 1987, by Senator KERRY of York.
Pending - ADOPTION

(In Senate, June 12, 1987, READ.) (Roll Call requested)

THE PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of the Members present and voting.

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

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

The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Thank you Mr. President, ladies and gentlemen of the Senate. I will be very brief. Basically this Resolution was reported out of the Utilities Committee, with a preponderance of support of the Committee members, twelve to one. Basically

what we are trying to do here is support the continuation of major utilities in the state to negotiate and investigate the potential of securing additional, stable and reliable resources from Canadians to Hydro-Quebec. It does not, in effect, endorse any preordained accords for even letters of commitment that may be signed. In addition, it does encourage the State Planning Office, the Public Utilities Commission and any other entities within the state government now accessing the impact of such an accord to continue.

I would also mention that the resolve does address the many issues of seeking cogeneration, small power production, conservation, it does encourage the state to look to all other alternatives aside from Hydro-Quebec. I feel that this is a reasonable and prudent resolution and it was heavily supported by members of both parties. We would hopefully request the Senate to Adopt this Resolution. Thank you.

THE PRESIDENT: The pending question before the Senate is ADOPTION.

A vote of Yes will be in favor of ADOPTION.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, DOW, ERWIN, ESTES, GAUVREAU, GILL, KANY, KERRY, MATTHEWS, PEARSON, PERKINS, THERIAULT, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators CAHILL, DILLENBACK, GOULD, LUDWIG, SEWALL, WEBSTER, WHITMORE

ABSENT: Senators CLARK, COLLINS, DUTREMBLE, EMERSON, MAYBURY RANDALL

22 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 6 Senators being absent, the Joint Resolution was ADOPTED.

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 USHER of Cumberland, 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:

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on LEGAL AFFAIRS on Bill "An Act to Make Substantive Changes in the Liquor Laws"

H.P. 1149 L.D. 1564

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

H.P. 1348 L.D. 1842

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.

On motion by Senator TWITCHELL of Oxford, Senate Amendment "A" (S-197) READ.

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

Senator KANY: Thank you Mr. President and members of the Senate. Reading the good Senator from Oxford, Senator Twitchell's, amendment, it appears as if he would like to see part time law enforcement officers be able to hold liquor licenses. That is a proposal which was before the Legal Affairs Committee when we dealt with this major Bill, which by the way is a unanimous Committee Report on substantive changes to the liquor laws. We rejected that proposal, we believe it is inappropriate for law enforcement officers, even if they were part time, with all of their responsibilities to hold liquor licenses. I urge that you vote against the pending motion.

Senator KANY of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator TWITCHELL of Oxford to ADOPT Senate Amendment "A" (S-197).

A Division has been requested. 3 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator TWITCHELL of Oxford, to ADOPT Senate Amendment "A" (S-197), FAILED.

The Bill in NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.

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

ORDERS OF THE DAY

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

Bill "An Act to Continue Insurance Coverage for Mental Health, Alcohol and Substance Abuse Treatment Services for Maine Citizens"

S.P. 561 L.D. 1674

Tabled - June 1, 1987, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, June 1, 1987, PASSED TO BE ENACTED.)

(In Senate, May 26, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-204) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator PEARSON: Thank you Mr. President and members of the Senate. This is an amendment on the Bill, "An Act to Continue Insurance Coverage for Mental Health, Alcohol and Substance Abuse Treatment Services for Maine Citizens", what it does is it takes off the general fund commitment and funds the mandated benefits advisory commission with dedicated funds.

On further motion by same Senator, Senate Amendment "A" (S-204) ADOPTED.

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

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
House

Divided Report

The Majority of the Committee on FISHERIES AND WILDLIFE on Bill "An Act Concerning Raising Wild Birds and Wild Animals in Captivity"

H.P. 39 L.D. 42

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

H.P. 1354 L.D. 1851

Signed:

Senators:

ERWIN of Oxford
USHER of Cumberland

Representatives:

JACQUES of Waterville
CLARK of Millinocket
SMITH of Island Falls
DUFFY of Bangor
ROTONDI of Athens
WALKER of Norway
BROWN of Gorham
FARREN of Cherryfield

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

Signed:

Senator:

BRAWN of Knox

Representatives:

GREENLAW of Standish
WEYMOUTH of West Gardiner

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

On motion by Senator BRAWN of Knox, the Bill and all Accompanying Papers INDEFINITELY POSTPONED, 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 Dealing with the Authority of Harbor Masters"

H.P. 1315 L.D. 1794
(H "A" H-288)

In Senate, June 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-288), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-288) AND "B" (H-334) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Provide a Mechanism for Allocations of the State Ceiling on Private-activity Bonds" (Emergency)

S.P. 618 L.D. 1819

In Senate, June 11, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-333) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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 Clarify the Offense of Driving under the Influence of Illegal Drugs"

H.P. 1188 L.D. 1618

RECALLED from the Legislative files pursuant to Joint Order H.P. 1325, in concurrence.

Comes from the House, referred to the Committee on JUDICIARY in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

ORDERS OF THE DAY

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

Bill "An Act to Allow Aroostook County to Contract for Services for the Operation of the County Jail"

S.P. 607 L.D. 1797

Tabled - June 12, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 10, 1987, PASSED TO BE ENGROSSED.)

(In House, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-321) in NON-CONCURRENCE.)

On motion by Senator THERIAULT of Aroostook, the Senate RECEDED.

House Amendment "A" (H-321) READ.

On motion by Senator THERIAULT of Aroostook, Senate Amendment "A" (S-198) to House Amendment "A" (H-321) READ and ADOPTED.

House Amendment "A" (H-321) as Amended by Senate Amendment "A" (S-198), thereto ADOPTED in NON-CONCURRENCE.

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

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

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

Bill "An Act to Create the Department of Economic and Community Development, to Establish Consistency among Economic Development Laws and to Establish a Capital Budgeting and Planning Process"

H.P. 1324 L.D. 1808

Tabled - June 12, 1987, by Senator USHER of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, June 12, 1987, RECONSIDERED PASSAGE TO BE ENGROSSED.)

(In House, June 11, 1987, PASSED TO BE ENGROSSED.)

On motion by Senator USHER of Cumberland, Senate Amendment "B" (S-201) READ and ADOPTED.

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

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

HELD BILL

On motion by Senator USHER of Cumberland, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED AS AMENDED:

Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection"

H.P. 1251 L.D. 1709
(S "A" S-182 to C "A" H-311)

(In Senate, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AS AMENDED BY SENATE AMENDMENT "A" (S-182), thereto in NON-CONCURRENCE.)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AND HOUSE AMENDMENT "A" (H-328).)

On further motion by same Senator, the Senate RECONSIDERED whereby House Amendment "A" (H-311) was INDEFINITELY POSTPONED in NON-CONCURRENCE.

The same Senator requested and received Leave of the Senate to withdraw his motion to INDEFINITELY POSTPONE House Amendment "A" (H-311).

On further motion by same Senator, House Amendment "A" (H-311) ADOPTED, in concurrence.

On further motion by same Senator, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

HELD BILL

On motion by Senator GAUVREAU of Androscoggin, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED:

Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code"

H.P. 1332 L.D. 1822

(In Senate, June 12, 1987, the Majority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED, in concurrence.)

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants

H.P. 1310 L.D. 1788

Tabled - June 11, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENACTED

(In Senate, June 10, 1987, PASSED TO BE ENGROSSED, in concurrence.)

(In House, June 11, 1987, PASSED TO BE ENACTED.)

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

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

Bill "An Act to Amend the Maine Turnpike Authority Act"

H.P. 1323 L.D. 1806

Tabled - June 11, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED

(In House, June 10, 1987, PASSED TO BE ENGROSSED.)

(In Senate, June 11, 1987, READ A SECOND TIME.)

Senator ERWIN of Oxford moved to TABLE 1 Legislative Day.

Subsequently, Senator ERWIN of Oxford requested and received Leave of the Senate to withdraw his motion to TABLE 1 Legislative Day.

Senate at Ease

Senate called to order by the President.

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

Senate at Ease

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 Amend the State Retirement Laws"

S.P. 617 L.D. 1818

(S "A" S-184)

In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-335) thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

(See Action Later Today)

Non-concurrent Matter

Bill "An Act Relating to Boards and Commissions"

H.P. 959 L.D. 1288

(C "A" H-295)

In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295) AND HOUSE AMENDMENT "A" (H-336) 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:

SENATE PAPERS

Resolve, Establishing the Maine Commission of Forest Land Taxation

S.P. 632 L.D. 1853

Presented by Senator TWITCHELL of Oxford Cosponsored by: Senator USHER of Cumberland, Representative CASHMAN of Old Town, Representative MICHAUD of East Millinocket

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27 Committee on TAXATION suggested and ORDERED PRINTED.

Which was referred to the Committee on TAXATION and ORDERED PRINTED.

Sent down 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 BLACK for the Committee on AGRICULTURE on Bill "An Act to Improve the Ability of the Department of Agriculture, Food and Rural Resources to Respond Constructively to Complaints of Insect Infestation" S.P. 514 L.D. 1557

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-207).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-207) 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 forthwith for concurrence.

Senator BRANNIGAN for the Committee on JUDICIARY on Bill "An Act to Implement Certain Recommendations of the Judicial Council's Committee on the Collection of Fines" S.P. 397 L.D. 1216

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-205).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-205) 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 forthwith for concurrence.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED its action whereby it RECEDED and CONCURRED on:

Bill "An Act to Amend the State Retirement Laws" S.P. 617 L.D. 1818 (S "A" S-184)

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184).)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-335) thereto in NON-CONCURRENCE.)

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

On motion by Senator BLACK of Cumberland, 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:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

June 12, 1987

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

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 150) (L.D. 191):

The Speaker appointed the following members of the House to the Committee:

Representative MOHOLLAND of Princeton
Representative SOUCY of Kittery
Representative STROUT of Corinth

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

Which was READ and ORDERED PLACED ON FILE.
The Chair appointed as conferees on the part of the Senate:

Senator DOW of Kennebec
Senator THERIAULT of Aroostook
Senator CAHILL of Sagadahoc

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 EDUCATION on Bill "An Act to Amend the Teacher Certification Law" H.P. 468 L.D. 635

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

H.P. 1345 L.D. 1839

Signed:

Senators:

ESTES of York
KANY of Kennebec

Representatives:

O'GARA of Westbrook
HANDY of Lewiston
MATTHEWS of Caribou
GOULD of Greenville
BOST of Orono
NORTON of Winthrop
KILKELLY of Wiscasset
PARADIS of Frenchville

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

Signed:

Senator:

RANDALL of Washington

Representatives:

SMALL of Bath
LAWRENCE of Parsonsfield

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.

Senate at Ease

Senate called to order by the President.

Senator ESTES of York moved to ACCEPT THE Majority OUGHT TO PASS IN NEW DRAFT Report.

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

Senator WEBSTER: Thank you Mr. President, I would like to pose a question through the Chair to any Senator who may care to respond. In regards to L.D. 1839, and exactly what this legislation does regarding current Maine law and the master teacher concept?

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

The Chair recognizes the Senator from York, Senator Estes.

Senator ESTES: Thank you Mr. President, ladies and gentlemen of the Senate. As to the question from the good Senator, L.D. 1839, "An Act to Amend the Teacher Certification Law", there are a number of considerable differences here to the Bill that we considered several weeks ago. In this Bill, the Bill maintains a reference to master teacher by allowing the master teacher concept to be piloted until December of 1988. At that time would bring those pilot recommendations into consideration for possible Legislative action by the 114th.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. I do not attempt or claim to be an expert on education issues, but L.D. 1839, in my opinion, is frustrating to say the least that we have to deal with this issue. It appears to me that L.D. 1839 represents a complete waste of our time. The Legislative process works well, L.D. 1839 is unacceptable, in my opinion, to anyone who supports the concept of master teacher. Current law, as I understand it, would say that as of whatever the date is that the State Board of Education would make recommendations and implement master teacher if it felt it was necessary. I believe that is the way current law is.

Especially what we would be doing in this Bill is repealing that. I think this Legislature has acted wisely during the last several weeks regarding this matter. This appears to me to be an effort to once again spend hours of debate and time and costs in printing to get an end result that would be very much similar if not the same to what happened here several days ago. I would suggest that you oppose this measure.

Senator WEBSTER of Franklin requested a Division.

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

Senator ESTES: Thank you Mr. President, ladies and gentlemen of the Senate. I feel that I must respond to the comments from the good Senator from Franklin County. I would like to remind the members of this Body, as I reminded them in discussion several weeks ago, that the Certification Act of 1984 and the addition of the Administrator Certification in 1985 called for a piloting process.

When that piloting process was to have been completed and an evaluation and a report back of recommendations by the Board of Education to the Joint Standing Committee on Education of this Legislature for them to make recommendations to this Legislature for further continuance or discontinuance of any part of the certification law.

There was a great deal of common agreement between the Board and the full Education Committee with one area of contention. That contention is the area of the third tier in the teacher certification which is but one part of the whole of the certification law.

This Legislature voted by a margin of better than 60% to favor the Majority Report which called for the elimination of the master teacher level in the certification act and the continuance of piloting. According to the 1984 law, the pilots are complete as of July 1 this year. What we have done, because of the objections from the second floor, we have taken a look at the original Majority Report and we have made movement to accommodate some of the concerns of the Governor. In our movement, what we feel is a significant compromise, we have called for the continuation of the master teacher concept in pilot form to be set against a piloting of staff development. There would be five sites for both

master teacher and for staff development. The process of the piloting would continue through the fall of 1987, the spring of 1988 and the fall of 1988.

There would be an independent evaluation accompanying both an evaluation by the Department and the Board of Education along with report back dates for accountability purposes to the Joint Standing Committee on Education. So, that recommendations could be made by the Joint Standing Committee on Education in the 114th Legislature to that Legislature as to the continuance of master teacher or staff development or any other appropriate alternative to the concept of a third tier. I do not believe that this is a waste of the Legislatures time, effort and money. I do believe that the report that has come out is a strong report, a 10-3 report of the Education Committee after months of very careful study and consideration. I would urge you to support the Majority Report on this Bill. Thank you.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. I would like to pose a question through the Chair. I am concerned, I represent one of the pilot areas, I represent a part of the state where there is some support if not a majority support of continuing the master teacher concept for another year. Some people could argue that this is not a foolish attempt by the Legislature to do what we did several weeks ago. I am concerned assuming this Bill is enacted and then I would hope it would meet the same fate that the other Bill that we dealt with on this subject, there are many sections in this Bill that I feel worthy and I know in my area many of the teachers have indicated their concerns regarding changing the title from professional two versus master teacher. I would like to see that done and I think many people would like to see that done.

Once we have done this futile effort and this is what this amounts to in my opinion and we have done this game of systematics to show that we have power or whatever the medium is here that we are trying to reach.

What I want to know is, is there other legislation somewhere in this Body, somewhere in this system? So, that we can do what we ought to be doing and that is changing the parts of this Bill that are necessary and changing the title, which is only a minor thing in the entire Bill, it is something that is important to me and so many of us in the Legislature. Is there another vehicle available to us once we have disposed of this matter in the appropriate way?

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

Senator KANY: Thank you Mr. president and members of the Senate. I rise to support the words of the good Senator from York Senator Estes. The vast majority of the Committee on Education strongly supports this bill that is before you. It does allow two types of pilot projects, the master teacher pilot project and in addition a different concept which is a staff development plan, locally developed for teachers. That is a type of pilot project that had been promoted by a number of the members of the Committee early on. I would hope that you would enact this Legislation, it does allow for further extension of the pilots on master teachers which many people had already decided was not a worthy cause, but obviously there are those who want to see them to go forward and this would allow that. I would like to point out that whatever we do here on all of this, either master teacher or staff development pilots,

really anything could be done on the local level with local monies at any time. I want everybody to understand that fully, that it could be done locally anytime, with local monies.

So, I would suggest that there may be other legislation around to touch upon this, but then indeed you also have the local option for local policy making too. Sometimes, once you get new information it is probably advisable to use that information and to make a decision based upon that information. Sometimes we learn that it is perhaps not best to go forth in the same direction that we have been following. It is like checking your investments from time to time and re-evaluation. Are you investing your money, time and energy in the best possible way? I do believe that is probably what the majority of the Education Committee decision had been on master teacher in that it was no longer the best investment of state money, time or energy. We had seen there were problems, but in the spirit of compromise, we are offering this legislation which would allow those projects to continue while we offer a new concept which would really address all teachers at the local level, with the local project, locally developed.

THE PRESIDENT: The pending question before the Senate is the motion of Senator ESTES of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report.

A Division has been requested.

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

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

13 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator ESTES of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, in concurrence, PREVAILED.

The Bill in NEW DRAFT READ ONCE.

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

ORDERS OF THE DAY

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

Bill "An Act Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code"

H.P. 1332 L.D. 1822

Tabled - June 12, 1987, by Senator GAUVREAU of Androscoggin.

Pending - PASSAGE TO BE ENGROSSED

(In House, June 11, 1987, PASSED TO BE ENGROSSED.)

(In Senate, June 12, 1987, PASSED TO BE ENGROSSED. Subsequently, RECONSIDERED PASSAGE TO BE ENGROSSED.)

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "C" (S-208) READ.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. As you recall, you had a rather extended debate earlier today regarding L.D. 1822, which would, in its current form, impose mandatory prison sentences for certain individuals convicted of felonious trafficking of controlled substances. The primary concern, which I heard in the debate this morning, focused upon the desire, which all of us share in this Body, to articulate a very clear message to the public at large and certainly to those who would purvey controlled

substances, drugs, to our youth. This conduct will not be tolerated and in fact will be dealt with in very severe fashion in the courts of this state.

Accordingly, I have prepared this amendment which would, in fact, provide sentencing guidelines to the trial justices in our courts at sentencing of those individuals who are convicted of aggravated drug trafficking. Under the language that I would suggest in Senate Amendment C, a court would be required to give serious consideration to imposing the mandatory minimum sentencing put forth in the original draft of 1822. And only if the court would not be able to deviate from those minimum mandatory sentences unless in writing set forth it's reasons.

Under this language, the courts would retain that degree of flexibility we all want to grant them to fashion appropriate individualized sentences, based upon particular facts of each case before the court. At the same time, by inserting this language in our criminal code, courts would clearly be constrained to meet out very severe sentencing to individuals coming before them. I think that the language which I offer in Senate Amendment C, in fact, represents the essence of both positions that we heard this morning. That is for this Body to send a loud message to the public at large that we will not condone trafficking in controlled substances. At the same time, it also retains that degree of respect for the third branch of government, which we all share. It is for these reasons that I would urge your adoption of Senate Amendment C. Thank you.

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

Senator GILL: Thank you Mr. President and members of the Senate. This amendment that the good Senator from Androscoggin is attempting to offer this evening absolutely guts the Bill that we just debated earlier today. What it does is it replaces the mandatory prison sentence with a guideline in consideration that judges may use in sentencing someone. I think that the debate was a strong debate this afternoon, the vote was a strong vote this afternoon. We decided, as a Legislative group, here in the Senate that we wanted to send a loud and clear message to people who were going to traffic in drugs with minors, with our children, the children of the state of Maine we are talking about. The people who come into this state, who live in this state and who insist that they are going to sell drugs and give drugs to children. This amendment just guts the whole issue that we talked about this afternoon. The mandatory sentencing is important, it is important for us to send a clear message. I think this amendment that we are looking at right now, has nothing in it that the judges don't already have the ability to do. Judges can make decisions, when we are talking about juveniles, that have a juvenile code that gives them options to work within, if you are worried about a minor selling to a minor. I think that we did send a clear message. There is no question in my mind that some votes will have been changed by this evening and I would just like to be on Record and to have everyone on Record as how they are going to vote today.

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

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

Senator BRANNIGAN: Thank you Mr. President, men and women of the Senate. First of all, in no way does this or anything else we do with the mandatory sentencing gut this Bill, and I am sure I know what the good Senator from Cumberland, Senator Gill, is

saying. She is talking about that one part of the Bill that was debated this morning. Actually, we are all confused about our time, I remember because I had to work this morning and was a bit late and missed my effort in this debate, so I am here this evening.

We did a great number of things in this Bill, important things, we made some major changes to the original Bill. But this is a Bill that is over all, tough on hard drug sellers and furnishers dealing with hypodermic needles, dealing with the age and enhancing or raising the penalties for selling to children, there are major pieces and those are all agreed upon in both Reports. The only things that was left to be decided was whether there would be mandated sentencing or not and that is what you debated this morning and that is all we have left to debate here. The Bill is no way every going to be gutted. It is a very strong and important Bill.

I am against mandatory sentencing in this issue and I am in favor of the guidelines. First the guidelines that Senator Gauvreau, from Androscoggin, is proposing does do more, as I understand it, then is presently the case and the major thing is if we are not happy with the way judges sentence, then in this case and in every case where they don't follow this guideline they will have to write out why. I have been convinced and I am just beginning as you know this is all new to me, I am beginning to learn. One thing that was very convincing, most of the drug trafficking convictions and the drug trafficking court work, as I understand it, is done by our federal courts at this time. They have no minimal mandated sentencing, but they are sending people to jail all the time. Judge Carter is the toughest judge in this area, he is giving tremendous sentences, but once in a while he does not send somebody to jail. If Judge Carter, from everything I know about that man, decides not to send somebody to jail, he must have one heck of a good reason. Under what we are doing with mandatory sentencing, our judges in those cases, would have no leeway. They would have to send that person to jail.

It could be that a eighteen or nineteen year old boy would sell some marijuana to his brother or to another kid who was seventeen, one year in jail, the judge has no discretion, we have taken that away. There might be some mitigated circumstances, at time, and those, under the proposed amendment, would have to be written down, they would have to be written out otherwise they would have to go with the guidelines which is as strong as the mandating. As difficult as it is to get up here and speak against mandated sentences, because you really hang your hat on that, you can put in as a headline in the paper and it is easier, but judgement, decision making is what our court process is all about.

Prudence is the virtue which guides taking universal laws and applying to particular situations that a judge should be able to be a prudent person. If there are those time, when he says, I should not give this person a year or four years, he or she should be able to do that. I am going to support this. I think you should support this strong guideline sentencing amendment and not tie the hands of our judges completely. Thank you.

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

Senator DILLENBACK: Thank you Mr. President, ladies and gentlemen of the Senate. I am not going to take anymore of your time, I am tired, you are tired, all I want to say is that a person has a right of appeal no matter what happens. When you strip what is on this Bill away, if then does not become mandatory. It an eighteen year old sells something

to a seventeen year old, he is guilty and it is as simple as that. Thank you.

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

Senator GILL: Thank you Mr. President and members of the Senate. I want to make one last appeal to please kill this amendment and go with the original Bill. I think that we will send that clear message to those people. Senator Dillenback from Cumberland, is perfectly correct. When someone commits a crime, it is a crime. It is not a matter of how little or how big. I think we want to show a clear message to those people who are selling drugs that there is a mandatory sentence in this state. If by chance the mandatory sentence needs some adjustment, I don't want to do it at 10:20 on one of the last nights of the session. I would like to have some work done through a summer or through some time frame that we had that people could sit down across the table and discuss the issue in the light of day, if you will. I would ask you to please vote against this amendment and go with the original Bill and if we find we need to make some adjustments later on, we'll be back, there will be time, we can do it. Please think about what you are doing tonight.

THE PRESIDENT: The pending question before the Senate is the motion of Senator GAUVREAU of Androscoggin to ADOPT Senate Amendment "C" (S-208).

A Vote of Yes will be in favor of ADOPTION.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

Senator TWITCHELL of Oxford who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator DUTREMBLE of York who would have voted YEA.

The Secretary will call the Roll.

ROLL CALL

- YEAS: Senators, ANDREWS, BRANNIGAN, BUSTIN, CLARK, DOW, ERWIN, ESTES, GAUVREAU, KANY, MATTHEWS, THERIAULT, USHER, THE PRESIDENT - CHARLES P. PRAY
- NAYS: Senators BLACK, BRAWN, DILLENBACK, EMERSON, GILL, GOULD, LUDWIG, PERKINS, SEWALL, WEBSTER, WHITMORE
- ABSENT: Senators BALDACCI, BERUBE, CAHILL, COLLINS, KERRY, MAYBURY, PEARSON, RANDALL, TUTTLE
- PAIRED: Senators, DUTREMBLE, TWITCHELL
13 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators having paired their votes and 9 Senators being absent, the motion by Senator GAUVREAU of Androscoggin, to ADOPT Senate Amendment "C" (S-208), PREVAILED.

On motion by Senator BRANNIGAN of Cumberland, Senate Amendment "A" (S-190) READ and ADOPTED.

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

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

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

Bill "An Act to Amend the Maine Turnpike Authority Act"

H.P. 1323 L.D. 1806
Tabled - June 12, 1987, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED
(In House, June 10, 1987, PASSED TO BE ENGROSSED.)
(In Senate, June 11, 1987, READ A SECOND TIME.)

Which was 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 EDUCATION on Bill "An Act to Enhance the Certification of Educational Personnel Law"

H.P. 1353 L.D. 1847

Reported that the same Ought Not to Pass.

Signed:

Senators:

ESTES of York
KANY of Kennebec

Representatives:

O'GARA of Westbrook
HANDY of Lewiston
KILKELLY of Wiscasset
PARADIS of Frenchville
GOULD of Greenville
BOST of Orono
MATTHEWS of Caribou
NORTON of Winthrop

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

Signed:

Senator:

RANDALL of Washington

Representatives:

SMALL of Bath
LAWRENCE of Parsonsfield

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

Which Reports were READ.

Senator ESTES of York moved to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

At the request of Senator PERKINS of Hancock, a Division was had. 13 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator ESTES of York to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

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

COMMITTEE REPORTS

Senate

Committee of Conference

The Committee of Conference on the disagreeing action of the two Branches of the Legislature, on Bill "An Act to Amend Certain Motor Vehicle Laws"

H.P. 150 L.D. 191

Have had the same under consideration and ask leave to report that the Senate Recede from Passage to be Engrossed as Amended by Committee Amendment "A" (H-275) as Amended by Senate Amendments "A" (S-156) and "B" (S-183) thereto, and Senate Amendment "A" (S-157). That the Senate Recede from Adoption of Committee Amendment "A" (H-275) as Amended by Senate Amendments "A" (S-156) and "B" (S-183), thereto. That the Senate Recede from Adoption of Senate Amendment "B" (S-183) to Committee Amendment "A" (H-275) and Indefinitely Postpone same. That the Senate Adopt Committee Amendment "A" (H-275) as Amended by Senate Amendment "A" (S-156), thereto. Pass the Bill to be Engrossed as Amended by Committee Amendment "A" (H-275) as Amended by Senate Amendment "A" (S-156) thereto, and Senate Amendment "A" (S-157).

That the House Recede and Concur with the Senate.

Signed on the part of the Senate:

Senator DOW of Kennebec

Senator THERIAULT of Aroostook

Senator CAHILL of Sagadahoc

Signed on the part of the House:

Representative MOHOLLAND of Princeton

Representative SOUCY of Kittery

Representative STROUT of Corinth

Which Report was READ and ACCEPTED.

The Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED by Committee "A" (H-275) as Amended by Senate Amendments "A" (S-156) and "B" (S-183) thereto, and Senate Amendment "A" (S-157).

The Senate RECEDED from ADOPTION of Committee Amendment "A" (H-275) as Amended by Senate Amendments "A" (S-156) and "B" (S-183), thereto.

The Senate RECEDED from ADOPTION of Senate Amendment "B" (S-183) to Committee Amendment "A" (H-275)

Senate Amendment "B" (S-183) to Committee Amendment "A" (H-275) INDEFINITELY POSTPONED

Committee Amendment "A" (H-275) as Amended by Senate Amendment "A" (S-156), thereto ADOPTED.

Which was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-275) as Amended by Senate Amendment "A" (S-156) thereto, and Senate Amendment "A" (S-157) in NON-CONCURRENCE.

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 in New Draft under New Title

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Maine Produce Liability Risk Retention Act"

S.P. 516 L.D. 1559

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Amend the Maine Product Liability Risk Retention Act"

S.P. 635 L.D. 1858

Which Report was READ and ACCEPTED.

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

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

Senator TUTTLE for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Consolidate and Improve the Administration of Workers' Compensation in State Government"

S.P. 385 L.D. 1162

Reported that the same Ought to Pass in New Draft under New Title Resolve, to Develop a Plan for the Administration of Workers' Compensation Claims of State Employees

S.P. 634 L.D. 1856

Which Report was READ and ACCEPTED.

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

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

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

SENATE PAPERS

Bill "An Act to Extend the Period of Anticipatory Borrowing by Municipalities"

S.P. 633 L.D. 1855

Presented by Senator BUSTIN of Kennebec
Cosponsored by: Senator PERKINS of Hancock,
Representative HICKEY of Augusta, Representative
DAVIS of Monmouth

Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27
Committee on STATE AND LOCAL GOVERNMENT suggested
and ORDERED PRINTED.

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

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

ORDERS OF THE DAY

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

Bill "An Act Concerning Public Violations at the
Capitol Complex"

H.P. 1347 L.D. 1841

Tabled - June 12, 1987, by Senator USHER of
Cumberland.

Pending - ADOPTION of Senate Amendment "A" (S-200)
(In House, June 12, 1987, PASSED TO BE ENGROSSED.)
(In Senate, June 12, 1987, READ A SECOND TIME.
Senate Amendment "A" (S-200) READ.)

Senate Amendment "A" (S-200) ADOPTED.

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

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

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

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

S.P. 606 L.D. 1796

Tabled - June 12, 1987, by Senator USHER of
Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 9, 1987, PASSED TO BE ENGROSSED.)

(In House, June 11, 1987, PASSED TO BE ENGROSSED
AS AMENDED BY HOUSE AMENDMENT "A" (H-323) in
NON-CONCURRENCE.)

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

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

Bill "An Act to Amend the Laws Administered by
the Department of Environmental Protection"

H.P. 1251 L.D. 1709

(S "A" S-182 to C

"A" H-311)

Tabled - June 12, 1987, by Senator USHER of
Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in
NON-CONCURRENCE

(In Senate, June 12, 1987, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AS
AMENDED BY SENATE AMENDMENT "A" (S-182), thereto in
NON-CONCURRENCE. Subsequently, RECONSIDERED PASSAGE
TO BE ENGROSSED AS AMENDED. RECONSIDERED INDEFINITE
POSTPONEMENT of HOUSE AMENDMENT "A" (H-328) and
ADOPTED same.)

(In House, June 12, 1987, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311) AND
HOUSE AMENDMENT "A" (H-328).)

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

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft under New Title

Senator THERIAULT for the Committee on BANKING
AND INSURANCE on Bill "An Act to Afford Consumer
Protection in Retirement Communities which Offer
Continuing Care"

S.P. 241 L.D. 672

Reported that the same Ought to Pass in New Draft
under New Title Bill "An Act to Afford Consumer
Protection in Retirement Communities which Offer
Continuing Care"

S.P. 636 L.D. 1859

Which Report was READ and ACCEPTED.

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Allocate the Proceeds of the Sale
of General Fund Bonds for Construction and Renovation
of Correctional Facilities" (Emergency)

S.P. 610 L.D. 1800

In Senate, June 9, 1987, PASSED TO BE ENGROSSED.
Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "B" (H-337) in
NON-CONCURRENCE.

Senate at Ease

Senate called to order by the President.

On motion by Senator BUSTIN of Kennebec, the
Senate RECEDED.

House Amendment "B" (H-337) READ and ADOPTED.

On further motion by same Senator, Senate
Amendment "A" (S-165) READ and ADOPTED.

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

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

Non-concurrent Matter

Resolve, Establishing the Maine Commission of
Forest Land Taxation

S.P. 632 L.D. 1853

In Senate, June 12, 1987, referred to the
Committee on TAXATION and ORDERED PRINTED.

Comes from the House PASSED TO BE ENGROSSED,
without reference to a Committee, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Under suspension of the Rules, all matters thus
acted upon, with the exception of those matter

previously held, were ordered sent forthwith for concurrence.

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

Bill "An Act to Amend the State Retirement Laws"
S.P. 617 L.D. 1818
(S "A" S-284)

Tabled - June 12, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184).)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-184) AS AMENDED BY HOUSE AMENDMENT "A" (H-335) thereto in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

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

Bill "An Act Relating to Boards and Commissions"
H.P. 959 L.D. 1288
(C "A" H-295)

Tabled - June 12, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295), in concurrence.)

(In House, June 12, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295) AND HOUSE AMENDMENT "A" (H-336) in NON-CONCURRENCE.)

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

House Amendment "A" (H-336) READ.

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-212) to House Amendment "A" (H-336) READ and ADOPTED.

House Amendment "A" (H-336) as Amended by Senate Amendment "A" (S-212), thereto ADOPTED in NON-CONCURRENCE.

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

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

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

Bill "An Act Relating to the Maine Transportation Capital Improvement Planning Commission"
S.P. 598 L.D. 1758

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

Pending - Motion of Senator DOW of Kennebec to RECEDE and CONCUR

(Committee on TRANSPORTATION suggested and ORDERED PRINTED.)

(In Senate, June 5, 1987, PASSED TO BE ENGROSSED, without reference to a Committee.)

(In House, June 9, 1987, Bill and Accompanying Papers COMMITTED to Committee on TRANSPORTATION in NON-CONCURRENCE.)

Senator DOW of Kennebec requested and received Leave of the Senate to withdraw his motion to RECEDE and CONCUR.

On motion by Senator DOW of Kennebec, the Senate RECEDED.

On motion by Senator THERIAULT of Aroostook, Senate Amendment "A" (S-187) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended, without reference to a Committee in NON-CONCURRENCE.

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:

ORDERS

Joint Order

On motion by Senator GAUVREAU of Androscoggin the following Joint Order:

S.P. 637

ORDERED, the House concurring, that Bill "An Act to Make Substantive Changes in the Liquor Laws" (H.P. 1348) (L.D. 1842), be recalled from the Engrossing Department 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:

SECOND READERS

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

House

Bill "An Act to Amend the Teacher Certification Law"

H.P. 1345 L.D. 1839

Which was READ A SECOND TIME and PASSED 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 Clarify the Authority of Municipalities Construct Sewer Systems or Sewage Disposal Systems"

H.P. 1355 L.D. 1854

Committee on UTILITIES suggested and ORDERED PRINTED.

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

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

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters previously held, were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

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

S.P. 606 L.D. 1796

Tabled - June 12, 1987, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate June 9, 1987, PASSED TO BE ENGROSSED.)

(In House, June 11, 1987, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-323) in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, Tabled
1 Legislative Day, pending FURTHER CONSIDERATION.

Senate at Ease

Senate called to order by the President.

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

RECALLED FROM ENGROSSING

Bill "An Act to Make Substantive Changes in the
Liquor Laws"

H.P. 1348 L.D. 1842

(In Senate, June 12, 1987, PASSED TO BE
ENGROSSED, in concurrence.)

(RECALLED, pursuant to Joint Order S.P. 637, in
concurrence.)

On motion by Senator GAUVREAU of Androscoggin,
the Senate RECONSIDERED whereby the Bill was PASSED
TO BE ENGROSSED.

On further motion by same Senator, Senate
Amendment "B" (S-210) READ and ADOPTED.

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

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

On motion by Senator BRANNIGAN of Cumberland,
ADJOURNED until Monday, June 15, 1987, at 9:00 in the
morning.