

MAINE STATE LEGISLATURE

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

VOLUME III

FIRST CONFIRMATION SESSION

August 21, 1987
Index

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
Index

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987
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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

Second Day

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

(S.P. 773) (L.D. 2030) Bill "An Act to Establish a Commemorative Day for Margaret Chase Smith and Edmund S. Muskie"

(S.P. 734) (L.D. 1993) Bill "An Act to Bring the Computer Services Section of the Department of Professional and Financial Regulation into the Division of Administrative Services" (C. "A" S-320)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Provide a Method for Taxation of Real Property When Owner is Unknown" (H.P. 1753) (L.D. 2402)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Establish the Additional Support for People in Retraining and Education Program" (H.P. 1744) (L.D. 2390)

(Committee on Economic Development suggested)
TABLED - March 2, 1988 by Representative CROWLEY of Stockton Springs.

PENDING - Reference.

Subsequently, was referred to the Committee on Economic Development, ordered printed and sent up for concurrence.

BILL HELD

An Act Pertaining to Fire Permit Enforcement (S.P. 865) (L.D. 2254) (S. "A" S-319)

- In House, Passed to be Enacted on March 2, 1988. HELD at the request of Representative PRIEST of Brunswick.

On motion of Representative Priest of Brunswick, the House reconsidered its action whereby the L.D. 2254 was passed to be enacted.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Friday, March 4, 1988.

On motion of Representative Crowley of Stockton Springs, the House reconsidered its action whereby Bill "An Act to Establish the Additional Support for People in Retraining and Education Program" (H.P. 1744) (L.D. 2390) was referred to the Committee on Economic Development.

On further motion of the same Representative, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Soucy of Kittery,
Adjourned until Friday, March 4, 1988, at twelve o'clock noon.

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

In Senate Chamber
Thursday
March 3, 1988

Senate called to Order by the President.

Prayer by the Honorable Henry W. Black of Cumberland.
SENATOR BLACK: Please join me this morning and carry the thoughts of this short and simple prayer. God Bless. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Resolve, to Extend the Reporting Deadline for the Commission on Children in Need of Supervision and Treatment (Emergency)

H.P. 1698 L.D. 2331
(H "B" H-458)

In Senate, February 23, 1988, PASSED TO BE ENGROSSED, in concurrence.

In House, February 26, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-457) AND "B" (H-458) in NON-CONCURRENCE.

In Senate, February 29, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-458) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-463) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Define the Financial Relationship of the Maine Potato Board and the Department of Agriculture, Food and Rural Resources"

H.P. 1761 L.D. 2414

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

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

Bill "An Act to Amend the Cosmetology Laws"

H.P. 1759 L.D. 2408

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

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

Bill "An Act to Enhance and Clarify the Role of the State Board of Education"

H.P. 1756 L.D. 2405

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.

Bill "An Act to Waive Filing Fees for the State in Asset Forfeiture Proceedings" (Emergency)

H.P. 1760 L.D. 2409

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

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

Resolve, to Permit Christie L. Hayes and Richard E. Shorey, Jr. to Sue the State for Compensation for Personal Injuries Resulting From Negligence on the Part of the Department of Transportation
H.P. 1757 L.D. 2406

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

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

Bill "An Act to Strengthen the Drunk Driving Laws"

H.P. 1746 L.D. 2395

Committee on JUDICIARY suggested and ORDERED PRINTED.

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

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

Resolve, to Authorize a Transfer of Surplus Funds within the Franklin County Budget (Emergency)

H.P. 1755 L.D. 2404

Bill "An Act to Promote Fiscal Responsibility in Androscoggin County Government"

H.P. 1758 L.D. 2407

Come from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Resolve, to Create a Link from the Old Orchard Beach Ball Park Area to the Interstate 95 Spur

H.P. 1754 L.D. 2403

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

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

Pursuant to Public Laws

The Maine Commission

on LAND CONSERVATION and ECONOMIC DEVELOPMENT

The Maine Commission on LAND CONSERVATION and ECONOMIC DEVELOPMENT, pursuant to Public Law 1987, Chapter 514, ask leave to submit its findings and to report that the accompanying Bill "An Act Enabling Municipalities to Establish Municipal Investment and Land Banks Funded by a Local Option Real Estate Transfer Tax"

H.P. 1762 L.D. 2415

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

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

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Public Law
Legislative Task Force on RAILROADS

The Legislative Task Force on RAILROADS, pursuant to Public Law 1987, Chapter 5, ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish a Permit to Operate a Railroad"

H.P. 1752 L.D. 2401

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

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

Which Report was READ and ACCEPTED, in concurrence.

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

Pursuant to Public Laws

The Committee to Study the RETIREMENT SYSTEM

The Committee to study the RETIREMENT SYSTEM, pursuant to Public Law 1987, Chapter 68, Section 9, ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve the Services Provided to the Members and Retirees of the Maine State Retirement System" (Emergency)

H.P. 1763 L.D. 2416

Be referred to the Joint Standing Committee on AGING, RETIREMENT AND VETERANS for Public Hearing and printed pursuant to Joint Rule 18.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in NON-CONCURRENCE.

Sent down for concurrence.

Pursuant to Public Laws

The Committee to Study the RETIREMENT SYSTEM

The Committee to Study the RETIREMENT SYSTEM, pursuant to Public Law 1987, Chapter 68, Section 9, ask leave to submit its findings and to report that the accompanying Bill "An Act to Make Changes in the Administration of the Maine State Retirement System"

H.P. 1764 L.D. 2417

Be referred to the Joint Standing Committee on STATE AND LOCAL GOVERNMENT for Public Hearing and printed pursuant to Joint Rule 18.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

COMMUNICATIONS

The Following Communication:
DEPARTMENT OF LABOR
PO BOX 309
AUGUSTA, MAINE 0433

March 1, 1988
Charles Pray
President of the Senate

LEGISLATIVE HISTORY - SENATE, MARCH 4, 1988

State House Station 3
Augusta, Maine 04333

Dear President Pray:

I am pleased to submit the Department of Labor's annual report on the Dislocated Workers Benefit Program, for 1987, in accordance with 26 MRSA §1196, sub-§2.

Sincerely yours,
S/John Fitzsimmons
Commissioner of Labor

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
AUGUSTA, MAINE 04333
ALCOHOL AND DRUG ABUSE PLANNING COMMITTEE
March 3, 1988

The Honorable Charles P. Pray
Senate President

Office of the President

State House Station 3

Augusta, Maine 04333

Dear President Pray:

The enclosed FY'87 Progress Report of the Alcohol and Drug Abuse Planning Committee (ADPC) is presented according to P.L. 1983, c. 464. In compiling the required information, the ADPC relied on the coordination, interaction and communication among the four ADPC State Departments. The accomplishments of each department are noted in detail, accompanied with cost and FY'88 plans.

Ron Speckmann, Acting Director of the ADPC during Al Anderson's absence, will provide coordination for any questions concerning this report.

S/Donald Allen, Commissioner

Department of Corrections

S/Eve. Bither, Commissioner

Department of Educational and Cultural Services

S/Rollin Ives, Commissioner

Department of Human Services

S/Susan Parker, Commissioner

Department of Mental Health and Mental Retardation

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Provide a Special Exemption to Bangor Pre-Release Center Employees for Service Retirement Benefits"

S.P. 926 L.D. 2437

Presented by Senator PERKINS of Hancock
Cosponsored by: Senator BALDACCI of Penobscot,
Representative GARLAND of Bangor, Representative DUFFY of Bangor

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

Sent down for concurrence.

Bill "An Act to Require Farms to Post Notice of Pesticides Used"

S.P. 930 L.D. 2441

Presented by Senator BUSTIN of Kennebec
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26
Which was referred to the Committee on

AGRICULTURE and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Provide Funds for Teenage Suicide Prevention"

S.P. 924 L.D. 2435

Presented by President PRAY of Penobscot
Cosponsored by: Senator GAUVREAU of
Androscoggin, Senator GILL of Cumberland,
Representative MANNING of Portland

Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26
Bill "An Act to Promote Community-Based Drug and
Alcohol Abuse Prevention and Education Programs"

S.P. 931 L.D. 2442

Presented by Senator MATTHEWS of Kennebec
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26
Which were referred to the Committee on

APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED
PRINTED.

Sent down for concurrence.

Bill "An Act to Create Minimum Standards for Licensing Shelters for Homeless People"

S.P. 928 L.D. 2439

Presented by Senator MATTHEWS of Kennebec
Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27
Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS
suggested and ORDERED PRINTED.

On motion by Senator CLARK of Cumberland,
referred to the Committee on HUMAN RESOURCES and
ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to provide Maine Residents Access to Graduate Social Work Education in Southern Maine" (Emergency)

S.P. 927 L.D. 2438

Presented by Senator CLARK of Cumberland
Cosponsored by: Representative SHELTRA of
Biddeford, Senator DUTREMBLE of York,
Representative MURPHY of Kennebec

Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 27
Which was referred to the Committee on EDUCATION
and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Regulate the Sale of Potentially Harmful Toys for Children"

S.P. 925 L.D. 2436

Presented by Senator KERRY of York
Cosponsored by: Senator GILL of Cumberland,
Representative RACINE of Biddeford,
Representative SHELTRA of Biddeford

Approved for Introduction by a Majority of the
Legislative Council pursuant to Joint Rule 26
Committee on HUMAN RESOURCES suggested and
ORDERED PRINTED.

On motion by Senator CLARK of Cumberland,
referred to the Committee on BUSINESS LEGISLATION and
ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act Concerning Tribal Courts" (Emergency)

S.P. 929 L.D. 2440

Presented by Senator PEARSON of Penobscot
Cosponsored by: Representative CASHMAN of Old
Town, Representative PARADIS of Augusta, Senator
BRANNIGAN of Cumberland

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27
 Bill "An Act to Amend the Maine Tort Claims Act"
 S.P. 932 L.D. 2443

Presented by Senator BRANNIGAN of Cumberland
 Cosponsored by: Representative PARADIS of Augusta
 Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26
 Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.
 Sent down for concurrence.

Senate at Ease
 Senate called to order by the President.

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate on the Record.

Senator CAHILL: Thank you Mr. President, ladies and gentlemen of the Senate. In reference to the Legislative Sentiment passed today recognizing the Morse High School 1988 Class A Gymnastic Team, I would like to take just a moment today to discuss with you team sports. My good friend from Lincoln cringes at the words team sports. I think about this time of year the State of Maine is always caught up in basketball mania and I have to tell you that I am one of those people who enjoy high school basketball as well. I think we should also take just a moment to recognize the sports that are not quite as popular; golf, swimming, cross-country skiing and gymnastics.

I am lucky today to have the entire gymnastics team from Morse High School that this special sentiment recognizes. As gymnasts these kids have determination, determination because gymnastics is an injury-plagued sport and one small injury, a twisted finger, a twisted knee or a sprained ankle can result in sitting out an entire season. These 8 girls have commitment. They represent sixty-six years of accumulated competitive gymnastics experience. Most of these girls have been competing in gymnastics since they were seven years old. They have individual as well as team accomplishments. Last Saturday while over 2,000 Morse High School basketball fans cheered for the basketball heroes at the Cumberland County Civic Center in the quarter final game, these girls were in Kennebunk, and before twelve Morse High School fans they won the State Gymnastics Championship. They didn't get front page coverage in our local paper and they didn't bring home that big gold basketball, but they have something better. They have personality, they have depth and they have character.

Off Record Remarks

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 Establish Confidential Communications Between Certified Public Accountants and their Clients"

H.P. 1476 L.D. 2011

Bill "An Act Regarding Amendments to the Kennebec County Budget"

H.P. 1570 L.D. 2141

Resolve, to Provide Beatrice Adams of Gardiner Spousal Benefits Based on her Former Husband's Maine State Retirement System Benefits

H.P. 1626 L.D. 2221

Bill "An Act to Require Monitoring of Environmental Impacts by Persons who Spray Forestry Herbicides"

H.P. 1632 L.D. 2227

Bill "An Act to Clarify that Volunteer and Intern Service in the State Environmental Resource Volunteer Effort Program is Not Considered Employment for Unemployment Compensation Purposes" (Emergency)

H.P. 1653 L.D. 2261

Change of Reference

The Committee on HUMAN RESOURCES on Bill "An Act to Increase Reimbursement Levels to Respite and Foster Care Providers"

H.P. 1569 L.D. 2140

Reported that the same be REFERRED to the Committee on BANKING AND INSURANCE.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on BANKING AND INSURANCE.

Which Report was READ and ACCEPTED, in concurrence.

The Bill REFERRED to the Committee on BANKING AND INSURANCE, in concurrence.

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, Authorizing a Working Capital Advance for the Seed Potato Board (Emergency)

H.P. 1705 L.D. 2342

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

The Resolve TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Provide for a Record of the Facility Designated for Confinement in Criminal Cases"

H.P. 1457 L.D. 1968

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

The Committee on JUDICIARY on Bill "An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels"

H.P. 1467 L.D. 1978

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TRANSPORTATION
on Bill "An Act Pertaining to Radar Detectors"
H.P. 1485 L.D. 2019

Reported that the same Ought Not to Pass.

Signed:

Senators:

THERIAULT of Aroostook
CAHILL of Sagadahoc

Representatives:

MOHOLLAND of Princeton
MACOMBER of South Portland
STROUT of Corinth
MCPHERSON of Eliot
CALLAHAN of Mechanic Falls
REEVES of Pittston

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. 1723 L.D. 2366

Signed:

Senator:

DOW of Kennebec

Representatives:

POULIOT of Lewiston
SALSBURY of Bar Harbor
MILLS of Bethel
SOUCY of Kittery

Comes from the House Bill and Accompanying Papers
INDEFINITELY POSTPONED.

Which Reports were READ.

Senator THERIAULT of Aroostook moved that the
Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

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

Senator COLLINS: Thank you Mr. President. Mr.
President, men and women of the Senate. Before I
came into the Chamber this morning, I was whisked
aside and one of my good friends from the other Body
suggested that I let this item slip away with dignity
and I assured my good friend that I had some
experience with losing with grace and dignity, but in
this instance I thought we might stand a chance.

I think many of you remember last spring when this
Body debated an increase in the speed limit to
sixty-five miles per hour. Like most of you, I
supported that move. I have occasion to drive long
distances to get to Augusta, like my good friend from
Northern Aroostook, Senator Theriault. I am sure we
all recall his heart-warming oration as he told us
about professional drivers and speedsters and all the
devices and skills that they needed to combat a speed
limit that was unagreeable. We heard the other side
of the story with respect to concerns of energy and
the fact that speed is a contributor to accidents. I
sort of came down on the side of increasing the speed
limit, but I made a personal commitment that I would
try to strictly observe the sixty-five mile per hour
speed limit. I have a cruise control on my
automobile and I set it right at sixty-five miles per
hour when I get on I-95 and it helps a great deal. I
find that I get to my destination in a reasonable
length of time and I don't speed. I don't break the
law.

This curious device that we are discussing today
is called by many a fuzzbuster. The one and only
purpose that this device serves as near as I can
determine is to help people to break the law by
detecting radar. It seems to me that those of us in
the Legislature ought not to be supportive of things
that circumvent the laws that we make. There is
absolutely no question but this device is intended
for that purpose. It has no other useful purpose
that I am aware of. I hope today as we debate and

eventually vote on this item that we will keep this
in mind.

I am sure that those on the other side of the
issue will suggest that this is a further restriction
on their civil liberties and on their ability to have
some privacy in their lives. I suggest to you that
there are many times that this Body enacts
legislation which is restrictive in nature and we
sort of do it rather easily and don't mention it very
often. I recall that in addition to our concern for
safety on the highways during the last Session, we
talked a lot about safety in the workplace. I think
that we share a concern for safety. I think we
recognize that excessive speed does contribute to
accidents. Passage of this legislation could in fact
save lives. I hope today that this won't slip away
and that it won't go gracefully and that you will
join with me in carefully and quietly voting against
this motion and then resoundingly vote in favor of
the opposite position. Thank you, Mr. President.

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

Senator CAHILL: Thank you Mr. President. Mr.
President, men and women of the Senate. It is not
very often that I rise to oppose the good and
reverend Senator from Aroostook, Senator Collins, my
friend, my presidential political colleague, my role
model. But I have to do that today because I think
he is entirely wrong on this particular issue. I
would like to tell you of three short reasons why I
support the defeat of this legislation.

A radar detector is a passive radio receiver. It
does not in any way interfere with police radar
operation. Radar detectors are similar to police
scanners and I suggest to you that if we pass this
legislation, a precedent will be set and maybe police
scanners will be next to bite the bullet. Radar
detectors can help to slow traffic down. Often
drivers and I have to admit that with the cruise
control, perhaps it is because I am a woman and
everyone knows about women and their motor skills
being superior to men, I become inattentive and the
radar detector keeps my speed in control. I think it
does have some worthwhile qualities. Finally there
are two states, Virginia and Connecticut and the
District of Columbia that have banned radar
detectors, but there are no statistics to prove that
the highways in those states are safer because of the
ban on the use of radar detectors. Therefore, I
would ask you to join me and the good Senator from
Aroostook, Senator Theriault in helping to defeat
this measure once and for all.

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

Senator GAUVREAU: Thank you Mr. President,
distinguished colleagues in the State Senate. I rise
today in support of the arguments advanced by the
good Senator from Aroostook, Senator Collins urging
that the Senate reject the Majority Report so that we
might go on and enact legislation which will in some
meaningful fashion curb the abuse of the speed limit
on the highways of our state. Senator Kerry and I
last year voted in opposition to the increase in the
state's speed limit, so I too know the frustrations
of being on the losing side of votes in this Body. I
have considered this legislation for some time, not
only this year but in years past when the measure was
introduced for consideration. As I listened to the
arguments advanced by the good Senator from
Sagadahoc, Senator Cahill this morning, conspicuous
in the absence of her presentation was an argument
addressing why we ought to ban the use of radar
detectors and that being that the radar detector has
only one purpose. It is only used for one specific

function and that is in fact to assist the motorist in violating the laws of this state governing speed limits. It seems to me that in other areas notably in the possession of dangerous chemicals, substances and drugs, we have in forthright fashion enacted legislation which would prohibit instrumentalities designed and used solely for illegal purposes. It seems to me that we have the same situation before us with respect to radar detectors. Although I, in my legislative tenure, have been accused in some quarters as being too felicitous of civil liberties. I search in vein for any significant or meaningful invasion in private individual rights in this legislation. Had I been on the Committee and had I passed the Bill out, perhaps I would have reduced the sanctions for violation from a class "E" criminal offense to a civil infraction. I think that would probably address the main concerns of this legislation and perhaps were this legislation fortunate enough to see the light of day and advance to second reading, we might even consider such an amendment.

The main purpose for which I rise today is that I believe that if we will in any fashion curb the abuse of our speed laws in this state, we will save lives. Although there have been apparently no definitive inquiries into whether radar detector legislation inhibits violation of the law, we know very well that enhancement of the speed limit does in fact lead to additional fatalities and to serious bodily injury. It seems incumbent upon this Legislative Body, if it is as serious as we spoke last year when we did increase the speed limit about strictly enforcing our laws, we ought certainly to advance this moderate measure which would prevent and discourage those who would violate our speed laws.

For these reasons I rise in support of the arguments of Senator Collins and would urge you to vote against the pending Majority Ought Not to Pass Report. Thank you.

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

Senator THERIAULT: Thank you Mr. President, colleagues of the Senate. I rise today not because the radar detector is such a great gadget; sometimes it works, sometimes it doesn't and sometimes it is a detriment more than a system. I rise today because I am concerned about the preservation of our birds. If you remember a while back, we had a discussion on speeders and their antics and how they determine the presence of an officer. There are a number of ways this can be done. It is very difficult for me to understand why we try to hide our police officers. To me it should be just the opposite, they should be seen. Are we going to progress to the point where maybe we could paint the cars with invisible paint. That technology is available to us today. The stealth aircraft that is so popular, that could be an alternative and maybe we will do that someday. Of course we could always use camouflage paint, that might work. I am afraid of what this bill leads to. This is just one step in trying to hide these police officers. Are we going to ban C.B. radios? Are we going to ban scanners? And what I am really afraid of is that someday somebody will come here before us because of their usefulness in designating the location of police officers and there will be a bill to kill all the birds.

I hope that you will support my motion and put this bill to rest. Thank you.

Senator COLLINS of Aroostook requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator THERIAULT of

Aroostook to ACCEPT the Majority OUGHT NOT TO PASS Report.

A Division has been requested.

Will all those Senators in favor of the motion of Senator THERIAULT of Aroostook to ACCEPT the Majority OUGHT NOT TO PASS 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.

21 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator THERIAULT of Aroostook to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILED.

Senate
Ought to Pass

Senator KERRY for the Committee on UTILITIES on Bill "An Act to Amend the Charter of the Jackman Sewer District to Make the Provisions for Collection of Unpaid Rates Conform to the General Provisions for Collection of Unpaid Rates by Sanitary Districts" (Emergency)

S.P. 824 L.D. 2146

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senator KERRY for the Committee on UTILITIES on Bill "An Act Making an Amendment to the Charter of the Jackman Water District"

S.P. 896 L.D. 2325

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator CLARK for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Remove Discriminating Language from a Section of the Maine Retirement Laws" (Emergency)

S.P. 717 L.D. 1946

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-322).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-322) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House As Amended

Bill "An Act to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers"

H.P. 1497 L.D. 2047

(C "A" H-456)

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

Senate As Amended

Bill "An Act to Provide for the Establishment of a Nonlapsing Fund for the Maine Student Incentive Scholarship Program"

S.P. 822 L.D. 2144

(C "A" S-321)

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

Sent down for concurrence.

ENACTORS

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

An Act Relating to Geographic Isolation Grants
H.P. 1422 L.D. 1933
(C "A" H-454)

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

Emergency

An Act to Regulate the Taking of Turtles for Commercial Purposes

H.P. 1711 L.D. 2348

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

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

Senator PEARSON: Mr. President, men and women of the Senate. I notice with interest today that the lead headline of the Bangor Daily News is "Exodus of Burned Out Employees Leaves LURC in Crisis." I would like to speak about that just for a minute.

One of the parts of the article says, "the Committee on Energy and Natural Resources will be talking to the Commissioner of Conservation today on this particular crisis that exists in LURC." What has happened there is that almost everybody who has any length of service is leaving or has already left. There is nobody working in LURC right now that does any kind of compliance checks with permits that have been issued. There are a number of employees who have had long, long service in LURC who have left out of frustration. The last director of the LURC Commission was a very close personal friend of mine, still is and always will be. He suggested to me as he was leaving that particular position, that one of the things he wanted to see the most was that a couple of offices be opened, one in Presque Isle and one in Greenville to be able to service the people who lived in that area without feeling that they had to go to Augusta, etc. He urged that those regional offices be funded and they were. They are now talking about closing the regional offices. Nothing much has been done about filling positions that have been vacant for quite some time and if you will remember, a year or so ago there was a lot of squabbling around the state about LURC this and LURC that. You haven't heard much about that because the people who were complaining about LURC really wanted LURC to do nothing. LURC is now in a position where it is unable to do anything and they are not complaining about it anymore.

I am a supporter of most all of the commissioners that Governor McKernan has appointed. I think he has had some brilliant appointments. I have some I like better than others, but none that I dislike at all. I think the Commissioner of Conservation is lacking in his zeal to see to it that Maine's unorganized territories have some kind of semblance of order and

planning to them. By his refusal to recognize the problem that exists in LURC, I hope the Committee on Energy and Natural Resources will take him to task for it because he deserves it. I understand that he even suggested changing the name of the Department of Conservation. The time has come with the developments that are taking place and the pressure on the unorganized territories not to have less of compliance checks and planning and enforcement, but to have more. I think that his judgment is bad on this. His lack of movement is indicative of a philosophy that he and I do not share. Thank you.

Senator ERWIN of Oxford was granted unanimous consent to address the Senate on the Record.

Senator ERWIN: Mr. President, ladies and gentlemen of the Senate. The American Cancer Society's Daffodil Child for Maine this year is Danielle St. Cyr. Danielle and her family are from Mexico, Maine. She is a young person of great courage and heart. Her courage, her stamina, her determination and the many years of struggle has led her to the selection of this year's Daffodil Child. She is a worthy and deserving recipient of this title. Danielle has been battling leukemia since she was three years old. Her courage has not failed us, she has fought in a way few of us will ever be called upon to fight.

There is an article about her that I have placed on your desks. Danielle and her family will be here around 11:00 this morning and be in the area until around 1:00. If you see her in the hallway and could find time from your busy schedules to stop and introduce yourself and say hi to her, I am sure it would please her a lot. Thank you.

Off Record Remarks

On motion by Senator GAUVREAU of Androscoggin, ADJOURNED until Friday, March 4, 1988, at 12:00 in the afternoon.