

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Thirteenth Legislature**

OF THE

**State Of Maine**

## VOLUME IV

### **SECOND REGULAR SESSION**

March 25, 1988 to May 5, 1988

Index

### **SECOND CONFIRMATION SESSION**

May 13, 1988

Index

### **THIRD CONFIRMATION SESSION**

June 15, 1988

Index

### **THIRD SPECIAL SESSION**

September 15, 1988 to September 16, 1988

Index

### **FOURTH CONFIRMATION SESSION**

November 14, 1988

Index

### **FOURTH SPECIAL SESSION**

November 28, 1988

Index

### **HOUSE & SENATE LEGISLATIVE SENTIMENTS**

December 3, 1986 to December 6, 1988

T.: Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Sherburne, Small, Soucy, Stanley, Stevens, A.; Stevenson, M.; Strout, B.; Strout, D.; Tamaro, Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Bailey, Baker, Davis, Dexter, Farnum, Hillock, Kimball, MacBride, Richard, Seavey, Warren.

PAIRED - Conley, Pouliot.

Yes, 77; No, 60; Absent, 12; Paired, 2; Excused, 0.

77 having voted in the affirmative and 60 in the negative with 12 being absent and 2 paired, House Amendment "D" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "D" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "D" thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem for Friday, April 8, 1988.

On motion of Representative Gurney of Portland, Adjourned until Friday, April 8, 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  
April 7, 1988

Senate called to Order by the President.

Prayer by Reverend Alan Mather of the First Baptist Church in East Machias.

REVEREND MATHER: Our Father in heaven, we ask Your blessing upon the business that must be taken care of today. We pray that as we get wrapped up in the hustle and bustle of many bills, that You would grant wisdom that those things that should be passed would be and those things that might be brought in that in the long run would appear not to be wise, You would grant that these would be weeded out.

Father, I would like to ask Your blessing upon Senator Randall's son and his healing and recovery and others that also might have personal family problems. Bring our own personal lives before You. We thank You that You are a sovereign God that works even in the hearts of kings and rulers. In Jesus name. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1988-89" (Emergency)

H.P. 1800 L.D. 2464  
(C "A" H-563)

In Senate, March 31, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY HOUSE AMENDMENT "A" (H-634), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Resolve, Creating the Commission to Study Private Ways and Private Roads (Emergency)

H.P. 1922 L.D. 2622

Committee on TRANSPORTATION 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 referred to the Committee on TRANSPORTATION and ORDERED PRINTED in NON-CONCURRENCE. Sent down for concurrence.

COMMITTEE REPORTS

House  
Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1988 (Emergency)

H.P. 1921 L.D. 2621

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED. Which Report was READ and ACCEPTED, in concurrence. Under suspension of the Rules, the Resolve READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

Ought to Pass As Amended  
The Committee on EDUCATION on Bill "An Act Relating to Special Education in Maine Schools" H.P. 1588 L.D. 2172  
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-630).  
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630).  
Which Report was READ and ACCEPTED, in concurrence.  
The Bill READ ONCE.  
Committee Amendment "A" (H-630) READ and ADOPTED, in concurrence.  
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the Release of Dioxins in any State Rivers, Streams or Lakes" H.P. 1562 L.D. 2129  
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-631).  
Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-631).  
Which Report was READ and ACCEPTED, in concurrence.  
The Bill READ ONCE.  
Committee Amendment "A" (H-631) READ and ADOPTED, in concurrence.  
The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass in New Draft under New Title  
The Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Establish the Agent Orange Information Commission" H.P. 1621 L.D. 2214

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Establish the Maine Commission on Agent Orange and Radiation Information" (Emergency) H.P. 1914 L.D. 2613

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 "B" (H-632).  
Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.  
House Amendment "B" (H-632) READ and ADOPTED, in concurrence.  
The Bill in NEW DRAFT under NEW TITLE, as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:  
House  
Bill "An Act to Establish Greater Communication in the Rule-Making Process and to Provide Better Standards for the Adoption of Rules"

H.P. 1912 L.D. 2611  
Bill "An Act Relating to 6-Axle Vehicles Carrying General Commodities"  
H.P. 1919 L.D. 2618  
Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended  
Bill "An Act to Give the Commissioner of Transportation Power to Condemn Existing Rail Lines for Transfer to Safe, Reliable and Efficient Rail Operators"  
H.P. 1701 L.D. 2338  
(C "A" H-616)  
Bill "An Act to Establish Guidelines for Genetic Engineering Experimentation"  
H.P. 1727 L.D. 2370  
(H "A" H-626 to C "A" H-583)  
Bill "An Act to Make Changes in the Laws Concerning Licensed Maine Guides and Related Laws" (Emergency)  
H.P. 1767 L.D. 2420  
(C "A" H-611)  
Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Resolve, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides (Emergency) H.P. 1673 L.D. 2292  
(C "A" H-610)

Which was READ A SECOND TIME.  
On motion by Senator USHER of Cumberland, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-610), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-421) to Committee Amendment "A" (H-610) READ and ADOPTED.

Committee Amendment "A" (H-610) as Amended by Senate Amendment "A" (S-421) 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.

Senate As Amended  
Bill "An Act Concerning the Storage, Use and Transportation of Hazardous Chemicals" (Emergency) S.P. 939 L.D. 2477  
(C "A" S-418)  
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 to Strengthen Enforcement of Marine Resources and Boating Safety Laws

H.P. 1463 L.D. 1974  
(C "A" H-571)  
An Act to Make Certain Statutory Changes to Facilitate District Court Judicial Administration H.P. 1555 L.D. 2115  
(C "A" H-567)  
Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

An Act Concerning the Regulation of Welders  
H.P. 1910 L.D. 2607

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on TAXATION on 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

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-587).

Tabled - April 6, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, April 4, 1988, the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587).)

(In Senate, April 5, 1988, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

(In House, April 6, 1988, that Body INSISTED and ASKED FOR COMMITTEE OF CONFERENCE.)

Senator TWITCHELL of Oxford moved to ADHERE.

Senator CLARK of Cumberland moved to INSIST AND JOIN IN A COMMITTEE OF CONFERENCE.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland to INSIST AND JOIN IN A COMMITTEE OF CONFERENCE.

A vote of Yes will be in favor to INSIST AND JOIN IN A COMMITTEE OF CONFERENCE.

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.

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

Senator USHER of Cumberland who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator KANY of Kennebec who would have voted YEA.

ROLL CALL

YEAS: Senators ANDREWS, BRANNIGAN, BUSTIN, CLARK, ESTES, PEARSON, TUTTLE,  
THE PRESIDENT - CHARLES P. PRAY

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

ABSENT: Senators DOW, MATTHEWS

PAIRED: Senators DUTREMBLE, GAUVREAU, KANY USHER

8 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 4 Senators having paired their votes and 2 Senators being absent, the motion of Senator CLARK of Cumberland, to INSIST AND JOIN IN A COMMITTEE OF CONFERENCE, FAILED.

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

The Secretary has so informed the Speaker of the House.

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

HOUSE REPORT - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish On-Site Day Care at the Capitol Complex"

H.P. 1678 L.D. 2307

Report - Ought to Pass as Amended by Committee Amendment "A" (H-625)

Tabled - April 6, 1988, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF REPORT

(In Senate, April 6, 1988, Report READ.)

(In House, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625).)

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

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

SENATE REPORTS - from the Committee on TAXATION on Bill "An Act to Improve Services for Maine's Elderly"

S.P. 943 L.D. 2490

Majority - Ought Not to Pass

Minority - Ought to Pass

Tabled - April 6, 1988, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, April 6, 1988, Reports READ.)

On motion by Senator CLARK of Cumberland, Tabled 2 Legislative Days, pending ACCEPTANCE OF EITHER REPORT.

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

Bill "An Act to Prohibit the Sale of Polystyrene Foam Products Containing Chlorofluorocarbons"

H.P. 1797 L.D. 2461

(C "A" H-596)

Tabled - April 6, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, April 6, 1988, READ A SECOND TIME.)

(In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596).)

On motion by Senator WEBSTER of Franklin, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-596), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-414) to Committee Amendment "A" (H-596) READ.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. For the benefit of those of you who do not have the amendment in front of you, what the amendment does is amend the Chlorofluorocarbon Bill. The Bill says that it will be illegal to sell or purchase this product in Maine after 1989. This amendment simply states that it will be illegal to dispose of it after 1992, my feeling being that three years later it shouldn't be

in the landfills polluting the environment. It doesn't seem to be too controversial, but that is the position of my amendment. Thank you.

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

Senator PEARSON: Thank you Mr. President, ladies and gentlemen of the Senate. I am probably the last person in the world who is an expert in this area. It seems to me that I heard or read somewhere that refrigerators have this product in them. If that is so, how would you dispose of your refrigerator on what we call the white section of the dump after that point?

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

Senator USHER: Thank you Mr. President, ladies and gentlemen of the Senate. First of all probably the easiest way to say this word chlorofluorocarbons is CFC's, as that is what everybody calls it in the industry. We did discuss the CFC's at great length. The only thing that was discussed was the cups and plates. We didn't discuss the refrigerator part. To my knowledge, it is possible that there is CFC's contained in refrigerators. I don't know how we would address that, possibly in the coming years. I am sure the industry is well aware of it. The industry has informed the different companies that make this material and they are all changing their formula to make these products. There is a great amount of the products in warehouses. We did discuss the possibility of going to 1992 also. I think it would probably be acceptable.

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

Senator BUSTIN: Thank you Mr. President, ladies and gentlemen of the Senate. As the good Senator from Penobscot, Senator Pearson, I am also confused about the two bills that have gone through here, one bill we passed through yesterday and this one that is before us today. The confusion seems to lie in the difference between CFC's contained in styrofoam or styrene products and just styrene products. This Bill that is before us today is the one that takes the CFC's out of the styrene products. The one that was before you yesterday said that you couldn't even have styrene products in public cafeterias. To bring a personal note into that, this means that the salads that you get from Mrs. B's will not be in styrofoam, which is fine with me.

I don't mind that at all just as long as I have a supply of another product. On this amendment as I read it and perhaps anyone who cares to answer my question. I can't tell whether it is intended that you not put foam on dumps after 1992, or only foam with CFC.

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

Senator WEBSTER: Thank you Mr. President, ladies and gentlemen of the Senate. In response to the good Senator from Kennebec's question, it is my intention only to stop the dumping of CFC products as of 1992. If I had wanted to go after styrofoam. I would have tried to amend the bill which passed several days ago. My feeling is that if we cannot buy and sell it here, it shouldn't be dumped here either.

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

Senator BUSTIN: Thank you Mr. President, ladies and gentlemen of the Senate. In that case, it seems to me that the amendment literally does nothing. If the amendment stopped the dumping of any styrene or styrofoam, then that would make some kind of sense to me, but if you are not producing and you can't buy

and you can't use foam with CFC in it, then why would you have any to dump?

Senate at Ease

Senate called to order by the President.

On further motion by same Senator, Senate Amendment "A" (S-414) to Committee Amendment "A" (H-596) ADOPTED.

On motion by Senator USHER of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-596) as Amended by Senate Amendment "A" (S-414) thereto, in NON-CONCURRENCE.

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

Bill "An Act to Establish a Permit to Operate a Railroad"

H.P. 1752 L.D. 2401

Tabled - April 6, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-590), in concurrence.

(In Senate, April 5, 1988, Committee Amendment "A" (H-590) READ.)

(In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590).)

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

Senate at Ease

Senate called to order by the President.

HELD BILL

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

Senator CLARK: Thank you Mr. President. Is the Senate in possession of L.D. 2109?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held.

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

Bill "An Act to Clarify Reporting Requirements under the Campaign Finance Laws"

H.P. 1549 L.D. 2109

(C "A" H-607; H "A" H-623)

(In House, April 6, 1988, Committee Amendment "A" (H-607) Ruled Not Germane. Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-623).)

(In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607) AND HOUSE AMENDMENT "A" (H-623) in NON-CONCURRENCE.)

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

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

Off Record Remarks

On motion by Senator THERIAULT of Aroostook, 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:

SECOND READERS

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

House As Amended

Bill "An Act to Prohibit the Release of Dioxins in any State Rivers, Streams or Lakes"

H.P. 1562 L.D. 2129

(C "A" H-631)

Bill "An Act to Establish the Maine Commission on Agent Orange and Radiation Information" (Emergency)

H.P. 1914 L.D. 2613

(H "B" H-632)

Which were 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:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act to Prohibit Automated Telephone Solicitation"

S.P. 900 L.D. 2336

Reported that the same Ought Not to Pass.

Signed:

Senators:

BALDACCI of Penobscot  
WHITMORE of Androscoggin

Representatives:

TELOW of Lewiston  
ALIBERTI of Lewiston  
STEVENS of Sabattus  
SHELTRA of Biddeford  
LEBOWITZ of Bangor  
REED of Falmouth

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-423).

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

ALLEN of Washington  
GURNEY of Portland  
RACINE of Biddeford  
HILLOCK of Gorham

Which Reports were READ.

Senator BALDACCI of Penobscot moved to ACCEPT the Majority OUGHT NOT TO PASS Report.

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

Senator BRANNIGAN: Thank you Mr. President, ladies and gentlemen of the Senate. I would hope that you would not accept the Majority Report, but would reject it so that we could accept the Minority Ought to Pass Report. I did not sponsor this piece of legislation because being called by a computer and being forced to talk or deal only with a computer was a nuisance, although it is. I don't know how many of you have been called and pick up the phone and someone says I am Jim, a computer. Would you like to be able to earn more money and it goes on and on. If you have ever listened all the way through, in the end Jim the computer will ask for your name and your

telephone number. You can be sure that he will have somebody get back to you. I didn't put this Bill in just because this is a nuisance and it certainly is. I put the bill in because it has other consequences. My interest was heightened by my local communications company, Summit Communications, who have thousands of beepers and paging devices. They, along with other companies throughout the state, have these kinds of devices and Jim the computer not only calls you and bothers you at dinner time or some other time, but those computer calls are totally automatic. They do sequential calling and they can be set up to call all the numbers in the State of Maine, or in the city or in part of a city. What happens is they get into the systems of the computers of people like Summit Communications and the other communications systems and they start ringing beepers and pagers. So the doctor that is in the room of a patient or the janitor who is at the theater will go out and begin to call their offices, their homes and their answering services and try to find out who beeped them and what is the problem.

It became even more poignant when I found out that these paging companies have free pagers that are special for people waiting for organ transplants. An occasion happened where Jim the computer beeped a man waiting for a kidney.

The man was out on the road and he had to be at Massachusetts General in eight hours. He has to go and call. He went and found a phone and of course, Massachusetts General hadn't had him beeped. It is just not only a nuisance, but it is more than that. This is why I have asked that we ban this kind of activity in the State of Maine. This Bill would say that you can't do automated calling without at least a live voice in most cases. There are some exceptions such as Sears and Roebuck calls and some of those kinds of calls are no problem. We are going to be told that this is a good idea, but we can't do anything about it in Maine. I say we can. Wyoming and five other states have done it, seventeen other states are looking at it. If we wait for the Federal Government we will be waiting forever. I believe that we should take part in a growing movement in the United States to ban this type of calling. I think we can do it, I think we can do it this morning. I would ask you to join with me in an effort to be part of this banning of Jim the computer calling people and bothering people all over the country. Thank you.

Off Record Remarks

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

Senator BALDACCI: Thank you Mr. President, ladies and gentlemen of the Senate. I guess this is the part where I am supposed to get up and say that you can't do this because it is interstate commerce. I appreciate the good Senator from Cumberland telling me what the arguments were going to be. The fact of the matter is that it isn't just interstate commerce that we are talking about. It is a big factor. You are talking about a data transmission, a telecommunications age that you have heard referred to many times. The way this Bill is drafted, it isn't just Jim the computer that you are concerned about. It is encompassing much more than that. A lot of the automatic dialing on the phones would be included under the legislation when you are pushing seventeen or eighteen buttons the way the bill was worded. We are talking about probably limitations with this kind of legislation of bringing in a lot of

companies that are into data transmission and telecommunications with these types of legislation roadblocks and hurdles that are being placed in their way. The real important point is the fact that it is interstate commerce, regulated by the Federal Communications Commission. Less than one percent of all the Maine companies, less than one percent, are the ones that are doing this type of thing. Most of it is going on outside of the State of Maine and we can't do anything about that.

What we did do isn't just say that there is a problem because I think the Senator has brought concerns. There are people who are on pagers who are going to get beeped for transplants or whatever else. Sometimes when you hang the phone up it doesn't terminate right away so that you could pick it right up again and make another call in case you did have an emergency.

Well, as most of the state gets the electronic switching equipment and modernized as ninety percent of it is now, the termination is in ten seconds or less and a hundred percent of the state is going to be able to do that within four years. That was a concern so the telephone company is moving in the right direction there. We didn't have anybody from the Public Utilities Commission testify in favor of the legislation and also it was pointed out at that public hearing that the State of Virginia had done a code of ethics that they had developed about employing the operator to be the introduction to the computerized message. The industry itself is working on making sure that the numbers of the police departments, the fire departments and other departments aren't included. They aren't going to be solicitation so it is a waste of time and they are making sure that they are developing lists. Like the post office when you don't want bulk mail, you send to the post office that you don't want it and you get put on a list and you don't receive the bulk mail. It is the same thing with this particular measure. You get put on a list if you don't want those kinds of messages. I think realistically that is the approach to force that movement ahead. I would hope that you would support the Majority of the Committee Ought Not to Pass. Thank you.

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

Senator KANY: Thank you Mr. President, ladies and gentlemen of the Senate. I rise to support the good Senator from Cumberland, Senator Brannigan. We all get many phone calls from our constituents. We expect that. We expect to get phone calls. We also receive calls from individuals selling us things - from our friends. We expect those calls. How many of you have had one of these calls? How many of you have actually received one of these electronic telephone sales pitches? There is a firm in Winslow, Maine, that now has started to do this so I have received more than one and was shocked to be brought from the depths of my home to hear an electronic message and if you are interested in pursuing the sales pitch, please leave your name and telephone number. I consider it a terrible invasion of privacy and think it is absolutely ridiculous that we should allow people to be disturbed by machines. People, fine, but not machines. I urge you to vote against the pending motion and to vote with the very reasonable, thoughtful bill that was sponsored by the good Senator from Cumberland, Senator Brannigan.

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

Senator WHITMORE: Thank you Mr. President, ladies and gentlemen of the Senate. I rise in support of the original motion to accept the Ought

Not to Pass Report. Most of the points have been covered with one or two exceptions that I would like to point out.

In recognizing that I, too, have been disturbed when I receive an automatically dialed telephone call, my practice is to hang the telephone up. If you in fact hang the telephone up and leave it down for eleven seconds, it does disconnect on ninety-five percent of the phones in the State of Maine. The rest of those are being upgraded and will continue to be upgraded and there is a target date in the not too distant future when all phones will have that capability to cut the phone off. The Virginia Code of Ethics that the good Senator from Penobscot, Senator Baldacci, referred to had been adopted and it is our best information that it is currently working.

The problem has been identified. They are currently in the process of working out the bugs and the details. With regard to the remarks of Senator Brannigan of Cumberland, regarding transplants and someone being dialed in error because that block of numbers was plugged in, the same thing can happen with a wrong number. Probably this happens as often with a wrong number where someone just arbitrarily picks up the phone and dials the wrong number. That is being done by a human being and if you are disturbed by that telephone call because you are in another part of your residence, there is no way to eliminate those. The reports that we received in Committee during the hearings that the bulk of the telephone calls are coming as interstate commerce and clearly, I don't think we are in a position to control interstate commerce. Thank you.

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

Senator BRANNIGAN: Thank you Mr. President, ladies and gentlemen of the Senate. Wrong numbers are usually made by the last four numbers and not by the first three which is how you get into a block of numbers used by beepers and pagers. This talk about the Virginia Code or that the industry will clean itself up - the industry has standards. The industry has called the direct marketing association, those that belong and they always use a live operator as my bill would call for although they may, with your permission, give you a canned speech afterwards. So that industry has cleaned itself up as much as it is going to. The ones that do not want to follow that code which would meet with my bill are not going to and they are going to continue this type of complete automated calling as long as it is allowed. It won't be stopped if we wait for the Federal Government, I don't think. We have a right to stop it in Maine for those that originate in Maine as have five other states and hopefully, at least many of the seventeen that have legislation pending now will choose to join us. The termination issue is a serious one for those who are concerned about it. I don't believe that ninety five percent of the state is already switching, but I know fifty percent of my district is not and fifty percent of my district which is Portland, Maine, which supposedly has everything. We have an old system and if you hang up the computer doesn't let you go. You are there until that message is finished. Some people get very worried about that if they had to call 911 or some other type of call. The Public Utilities Commission didn't come and testify for this Bill. They didn't come and testify against it. The telephone company testified against it. They sell private numbers, unlisted numbers and yet they can't protect them. I had a woman write to me when this was publicized and say that she chose to have a private number because it was very difficult



with her arthritis to get out of her chair and get the phone, or to move around and that is why she had an unlisted number. But she still gets these calls and it is very upsetting to her.

I think we should do what we can and pass this Bill. We can deal with this issue in Maine. Why not do it in Maine and why not be one of the many states who try to rectify this problem. Thank you very much.

On motion by Senator BRANNIGAN 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 pending question before the Senate is the motion of Senator BALDACCI of Penobscot, to ACCEPT the Majority OUGHT NOT TO PASS Report.

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BLACK, CAHILL, COLLINS, DILLENBACK, DOW, GILL, GOULD, LUDWIG, PERKINS, RANDALL, SEWALL, TWITCHELL, WEBSTER, WHITMORE,

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

ABSENT: Senators None

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator BALDACCI of Penobscot, to ACCEPT the Majority OUGHT NOT TO PASS Report, FAILED.

The Minority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator KERRY for the Committee on HUMAN RESOURCES on Bill "An Act to Improve the Quality of Care for Handicapped Children"

S.P. 802 L.D. 2103

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-424).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-424) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish On-Site Day Care at the Capitol Complex"

H.P. 1678 L.D. 2307

Report - Ought to Pass as Amended by Committee Amendment "A" (H-625)

Tabled - April 7, 1988, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF REPORT

(In Senate, April 6, 1988, Report READ.)

(In House, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625).)

On motion by Senator TUTTLE of York, the Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (H-625) READ.

On further motion by same Senator, Senate Amendment "A" (S-425) to Committee Amendment "A" (H-625) READ.

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

Senator TUTTLE: Thank you Mr. President, ladies and gentlemen of the Senate. This is a technical amendment and it has been given to me by our committee assistant and I will read it to this Body. "The amendment incorporates a provision of collective bargaining which appeared in the original bill, but was inadvertently omitted from the Committee Amendment."

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

Senator PEARSON: Thank you Mr. President, ladies and gentlemen of the Senate. I would like to pose a question to anyone who may care to answer. Where is this day care going to be?

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

Senate at Ease

Senate called to order by the President.

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

Senator PEARSON: Thank you Mr. President, ladies and gentlemen of the Senate. I was under the impression that this day care would be in one of the three buildings near the State House. I understand that the Capitol Complex is a much broader definition than that and it includes buildings across the river also. I was at a loss in my own mind to figure out where we would put a day care center in these three buildings. Thank you.

On further motion by Senator Tuttle of York, Senate Amendment "A" (S-425) to Committee Amendment "A" (H-625) ADOPTED.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the ADOPTION of Committee Amendment "A" (H-625) as Amended by Senate Amendment "A" (S-425) thereto, in NON-CONCURRENCE.

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

Bill "An Act to Prohibit the Sale of Polystyrene Foam Products Containing Chlorofluorocarbons"

H.P. 1797 L.D. 2461

Tabled - April 7, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-596) AS AMENDED BY SENATE AMENDMENT "A" (S-414) thereto, in NON-CONCURRENCE

(In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596).)

(In Senate, April 7, 1988, RECONSIDERED ADOPTION of Committee Amendment "A" (H-596). Senate Amendment "A" (S-414) to Committee Amendment "A" (H-596) READ and ADOPTED.)

On motion by Senator USHER of Cumberland, Senate Amendment "B" (S-422) to Committee Amendment "A" (H-596) READ.

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

Senator USHER: Thank you Mr. President, Ladies and gentlemen of the Senate. This is a technical amendment to clarify the language so that the Department can operate with this new law.

On further motion by same Senator, Senate Amendment "B" (S-422) to Committee Amendment "A" (H-596) ADOPTED.

Committee Amendment "A" (H-596) as Amended by Senate Amendments "A" (S-414) and "B" (S-422) 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 Later Today Assigned matter:

Bill "An Act to Establish a Permit to Operate a Railroad"

H.P. 1752 L.D. 2401

Tabled - April 7, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-590), in concurrence.

(In Senate, April 5, 1988, Committee Amendment "A" (H-590) READ.)

(In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590).)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION of Committee Amendment "A" (H-590), in concurrence.

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

Bill "An Act to Clarify Reporting Requirements under the Campaign Finance Laws"

H.P. 1549 L.D. 2109

(C "A" H-607; H "A" H-623)

Tabled - April 7, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE

(In House, April 6, 1988, Committee Amendment "A" (H-607) Ruled Not Germane. Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-623).)

(In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607) AND HOUSE AMENDMENT "A" (H-623) in NON-CONCURRENCE.)

(In Senate, April 7, 1988, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-607) in NON-CONCURRENCE.

On further motion by same Senator, Committee Amendment "A" (H-607) INDEFINITELY POSTPONED.

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

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

Bill "An Act to Establish On-Site Day Care at the Capitol Complex"

H.P. 1678 L.D. 2307

Tabled - April 7, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-625) AS AMENDED BY SENATE AMENDMENT "A" (S-425) thereto, in NON-CONCURRENCE.

(In Senate, April 7, 1988, Senate Amendment "A" (S-425) to Committee Amendment "A" (H-625) READ and ADOPTED.

(In House, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625).)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-625) AS AMENDED BY SENATE AMENDMENT "A" (S-425) thereto, in NON-CONCURRENCE.

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

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

On motion by Senator ERWIN of Oxford, ADJOURNED until Friday, April 8, 1988, at 12:00 in the afternoon.