

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth***

***Legislature***

OF THE

STATE OF MAINE

**VOLUME II**

**SECOND REGULAR SESSION**

April 3 - April 16, 1986

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**SECOND SPECIAL SESSION**

May 28 - May 30, 1986

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**THIRD CONFIRMATION SESSION**

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August 29, 1986

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**THIRD SPECIAL SESSION**

October 17, 1986

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**FIFTH CONFIRMATION SESSION**

November 24, 1986

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ROLL CALL

YEAS: Senators None

NAYS: Senators, ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, EMERSON, ERWIN, GAUVREAU, GILL, KANY, KERRY, MAYBURY, MCBREAIRTY, NAJARIAN, PEARSON, PERKINS, SEWALL, SHUTE, STOVER, TRAFTON, TUTTLE, TWITCHELL, USHER, VIOLETTE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators, HICHENS, MATTHEWS

EXCUSED: Senator DUTREMBLE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Douglas A. Clapp was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1705

WHEREAS, the Legislature may order a special election on any measure that is subject to a vote of the people pursuant to the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 2; and

WHEREAS, direct initiative legislation has been transmitted to the Legislature which is identified as Legislative Document No. 2092, Initiated Bill 2, "AN ACT to Prohibit the Promotion and Wholesale Promotion of Pornographic Material in the State of Maine;" and

WHEREAS, it is the intent of the Legislature to refer this measure to the electors of the State at the next statewide election to be held on June 10, 1986, for determination by the people; now, therefore, be it

ORDERED, the Senate concurring, that the Office of the Secretary of State submit to the electors of the State for determination by the people at the next statewide election to be held June 10, 1986, the subject matter of "AN ACT to Prohibit the Promotion and Wholesale Promotion of Pornographic Material in the State of Maine;" and be it further

ORDERED, that a copy of this order be immediately transmitted to the Secretary of State.

Comes from the House READ and PASSED.

Which was READ.

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

Senator PERKINS: I would request a Division of the Passage of the Order and I would only issue my concern with regard to the Order. I have with me a legislative calendar dated February 28, 1986, in this regard and in that calendar from the House is a report from James Henderson who is Deputy Secretary of State, informing the people that there will be an election call for November 1986. I have a subsequent calendar dated March 3, 1986, on a similar communication to this Body stating the same thing. These people have been informed that an election is called for November of 1986. That is not sixty-five days hence, it is more like two hundred days hence. We are taking from these people about four months of preparation time and time which they have been told is their's for which to utilize a passage of a referendum. They have forty-six thousand signatures to demonstrate their intentions for this referendum.

I have some grave concerns, even though I have no question as to the out come, nor to the plurality in this Chamber, but I do have some concerns because we are viewed as a whole, not as two parties, but as a whole. Our actions here this evening could well disenfranchise a whole group of people. The scheduling for this election for a primary election which is just that, is for a party election and the unenrolled have no part in this election for the various parties. Therefore, their attendance at the polls would be minimal at best, so for us here this evening after these people have been told that the election, or this process would be in November when there would be an optimum turn up to a time when there would be a minimal turn out would seem to be another one of those instances when we as a Legislature would be flaunting the public will.

I am told that there is a letter from the Attorney General substantiating this, I am not privy to such a communication, nor I fear are any of my party privy to such, although I have heard the debate in the other Body which made reference to this and the Representative from Pittsfield. Not having been privy to this communication, I am not at liberty in any way to address it, but it comes from the Attorney General who I hold in high regard and yet who finds himself a candidate also. Another instance of placing ourselves above the people.

Do we want to portray that? I imagine after having told these people that this is what will happen? I am afraid that we will, but I am not sure that it is in the best interest of this Legislature, the unenrolled voter, or the people of Maine as a whole. I ask you to consider these things late this evening when we are all tired and working towards the end of this Legislature, I question the wisdom of a move of this type, it may be perfectly legal, it certainly is within our rights, but is it in the best interest of the people of the State of Maine?

Senator PERKINS of Hancock requested a Division.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. In these types of initiated pieces of legislation, the Constitution pretty much lays down the rules as to the procedure that is to be followed, and that is if the legislature rejects in its entirety form a piece of legislation such as this, then that issue goes to the voters at a regularly scheduled state wide election. The next regularly scheduled state election is the primary election scheduled for June of this year. I think one of the compelling arguments here was made to me on this issue on the day of the public hearing, which I Chaired, quite surprised at the response that I got to a question that I asked, and here is the way that I posed the question. Of those of you in the room who favor enactment of this legislation, regardless of how it is enacted, just the proponents a show of hands of how many people would like to see the Legislature enact this before we go home in April. Quite frankly, I thought I would get a minority of people putting their hands up and I would say fully 80-85% of the people indicated that the issue was of such concern to them they wished it to be enacted by the Legislature and not placed before the voters. Completely contrary to what I had thought the response would be, completely contrary to what I think our thinking has been. The first person to put up their hand in this particular room was the person who initiated the petition drive. The Senator from Hancock, Senator Perkins, I think was intimating that because of the 65 day period there would not be time for the Christian Civic League and their supporters to gather the support necessary to enact this law. I think, quite frankly, that is not accurate. It would seem to me that with 46,000 signatures of petitions and no signatures that I am aware of in opposition other than a hand full of people who came to the public hearing. The score at day one was something like 46,000 to 40. I think it is important to get this issue before the people as expeditiously as possible.

I was only aware of the Attorney General's opinion a couple of days ago, since I was not the one who requested it, but I think that it is prudent on the part of the Legislature to do this. The argument that it is a primary election and so called independent voters don't have a voice is not accurate, either that it implies that independent voters may not have a choice. Persons who are unenrolled in either political party have every right, a statute is about to be enacted by public referendum, they have an obligation to go to the polls that day, take that ballot, and make their decision known.

It doesn't disenfranchise anyone. If anybody has watched television in the last two to three weeks, a number of political ads are beginning to pop up on television will certainly alert everybody for the next two months that there is about to be an election and that it is going to be held in June and it involves certain personalities and now I suspect you are going to see a large turn out of people both pro and con on this issue. My political party has a primary in June as does the opposing political party. Primary elections are going to generate a lot of interest, are going to become quite heated probably before it is over with, there is always the danger in a heated political primary that the losers after June will take their marbles and go home. If that is the case then you certainly can make the argument that the turn out in November will be low and it will not be reflective of the people's will, where as the heat and the interest that is going to be generated on June 10 will insure that there is going to be a good turn out. I think this puts the issue squarely, where it ought to be in the hands of the people. I think the issues are not well defined yet, but are getting better defined by the day. I think between now and June 10 there is ample time for both sides to expose the issues and to do a good job of it. I would urge passage of this Joint Order.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate. The good Senator from Aroostook and I came into the Legislature at the same time. One of the things that we prided ourselves on in our coming, was that of open meetings and open Legislative Sessions and hearings and the right to know. They're still good, I think. We made some definite gains for the people of the State at those times, because prior to that the hearings, the work sessions and many parts of state government and local government were held behind closed doors. We all felt that it was a distinct game that the doors were open, that the people were given a chance to hear and see what was happening and particularly what was happening to them. This evening we are going to abbreviate a term which has been set by a approximately 120 days. Four months with which to make a stand for at least 46,000 people. They thought enough of their cause to sign their name on paper, sending it here to Augusta subscribing to the best that knew to every rule that was in the books. Tonight we are here changing that procedure for what?

Is the record in the turn out in June so monumentally large or larger of that in November that we are indeed doing someone a favor? I doubt it, it would appear to me that we are taking a bad step backward.

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

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

Senator CARPENTER: Mr. President, I don't want to prolong this issue a great deal, but I think the issues raised by the good Senator from Hancock, Senator Perkins, are important. The Senator is right, government today in Augusta is a lot more open than it used to be. I am very proud to say that during my twelve years of legislative service my party has lead the way in that fight. I don't want to minimize in any way the right of the people to choose, the right of the people to vote, or the right of the people to participate in this process. That is exactly what this legislature said last week when it decided not to enact this Bill on its own. I don't know who told whom that this referendum was going to be held in November, I haven't told anybody, in my legislative district because I haven't known. I think that is to be spelled out by either the Legislature or the Governor, pursuant to the Constitution. I am not sure that the people have been told that this is going to be held in November. I think we shouldn't underestimate the sophistication of the people to know when elections are held and when statewide elections are held, because we call them primaries, generals and referendums, I don't know the people attach a great deal of significance to that.

Does the Senator from Hancock, Senator Perkins, truly believe that there is one person, regardless of how remotely their home may be located, who on the tenth of June 1986, will not know if they care to know that this issue is being decided that day? We will see what the interest is, I think you are going to be surprised at the interest. What I think the Senator is implying is that they may know about it, but because it is not a November election, they won't come out. If they know about it and don't come out, then they have forsaking their right to expand in this process, I argue. They will know about it, they will participate, don't sell them short. It is not the norm, perhaps, but I am not sure this situation has ever arisen before. This is not taking a step backwards, this is being very forthright, we are telling the people 65 days, approximately ahead of time. The issue has been in the press now for over a year, signatures have been collected, not only at the polls but at the stores, and in the supermarkets, and at the bake sales and at the churches all across this State. Many of the 46,000 people who signed those petitions will be told as early as this Sunday, and that is fine. We will get participation in the process and I will be the first to stand here and oppose this order if I did not think that everybody that wants to participate in this process on this issue, if I believe that there were any of those people out there who are not going to know about it.

If the election were to be this Sunday, or even a week from Sunday, I would say that is not enough time, there is enough time here, not only to develop the issues but to notify the people. Thank you.

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

Senator WEBSTER: Mr. President, ladies and Gentlemen of the Senate. It appears to me that this Joint Resolve does not even pass the straight face test. I guess I want to pose a question to someone who might like to answer.

I am wondering, as to first of all, whether we could send all the bonds out in June, it seems to me that would bring more people to vote in June and that is what we seem to be hearing. I also want to know why we can't also send the Local Measure Service Bill out in June too, because I think we want to get all of those people involved in this process. I think that it is a healthy thing, if that is the argument we are going to use here today I would say that there may be other arguments, but lets assume that is the reason we are doing it, then I would like to find out why we can't put another resolve in to send all the bonds and the Local Measured Service issue out so that we can have the people voting on that in the June.

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 Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. In respond to the concerns of the good Senator from Franklin, Senator Webster, I think what makes this issue unique is the sense of immediacy that we have conveyed to both my Committee and to the Legislature and you all received the cards, you all received the phone calls, you all received the letters about the immediacy of this issue. That is what makes this issue unique. Again, if you attended the public hearing on this Bill, the question was asked, do you want it now or do you want it later. I don't believe I would have to go back and ask the Members of the Committee, that I ever said "do you want it now by the Legislature, or do you want it in November by the electors"? I believe I phrased the question, opposed the question, so you want it now or do you want the people to vote? The overwhelming response to that was, we want it as soon as possible. If you had been there that day and if you had heard the fervor with which the proponents of this issue supported the bill, and the concern that they expressed in all their sincerity that this issue is one of the most essential, if you will, to preserve the very fabric of our society. If you had sat there and listened to that debate, than I believe you would be supporting the Order that is before us.

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

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate. I am sure there are a number of bond issues that we are going to be enacting here today that will go to the people, that are equally as important to the people that I represent. A particular concern is the University bonding package, I think that is important, and perhaps if you want to continue on with the argument that the good Senator from Aroostook had. I sat through a public hearing as large for Local Measured Service. We dealt with legislation here several weeks ago, which would immediately stop Local Measured Service to be mandatory.

I don't think that is the issue here today, I think we all know that, I was hoping somebody was going to stand up here and lay the cards on the table, but I don't see that happening so I am going to say what I think is the problem. What the issue is here today, is that we have a concern by obviously, a certain group of people that perhaps having this issue on the ballot in November might not be good for them. I would argue that having an issue like this, or any issue as positive, I think the issues will be out before the voters, they will have a chance to decide whether they agree with the issue or whether they oppose the issue and they will have a chance to vote for other people. I think that is the issue we are concerned about. We have some conservative who might be out voting in November. We want to get them to vote in June instead, so they won't be there in November and perhaps not voting for some of us. But I would argue that the time to vote on this is November, as it has always been. If we don't want to vote on this in November and vote in June instead, then I say that we ought to put all the issue on in June, because I would like to have the University Bill on the June ballot, because I think that would help my cause. I think in June it would help the people that I am supporting, and it might help some of the candidates that I am supporting. Lets not hide this under some guise about being concerned about getting this issue out before the voters. The facts are, you all know it, the conservative people who support the pornography issue might not support certain candidates in the fall. I would say, that it seems to me in fair play it should be all one way or no way at all. If you want to put this Bill in November on the ballot, fine, let's put everything else with it. If you don't want to put it in November and put it in June instead, then let's put every other issue on, particularly the bond issues and Local Measured Service on in June so that everyone can have a chance to vote on these issues as soon as possible.

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

Senator KANY: Thank you Mr. President and fellow Senators. In reading the Attorney General's opinion, clearly the Local Measured Service direct initiative would be an order to have in June, if the Legislature so ordered. I would just like to say that if that is indeed the case that we do decide to do that, would please at least one constituent whose letter I found while I was cleaning out my desk today.

This letter from a Waterville gentlemen, an older gent, dated February 6, 1986, was saying that there are three things that he is very strongly opposed to, the worst coming first. The first was Local Measured Service, a big no, secondly, pornography no, and third, abortion no, so if the Legislature does indeed decide to do that, we will please at least one of my constituents, I am sure, because he will be able to vote on those sooner.

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Off Record Remarks

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

Senator BALDACCII: Mr. President and Members of the Senate. Sometimes in the lateness of the Session we are missing some basic points. We have all stood in line in November and waited for people to vote on Governor's, Congressmen, State Senators, State Legislators, Sheriffs, County Commissioners, on Local Boards and then on Bond Issues, and then on Referendum Issues, and then on Constitutional Issues. This issue is probably one that disturbs me the most, because of the penalties involved in it. The debate from the Maine Civil Liberties Union, from the Maine Christen Civics League, it is a very important issue and it should not get lost in the November elections. It should stand the light of day, it should be debated throughly by people of both sides, it should be very clear and it should not get lost with all the other issues that are being taken up in November. My local Council in Bangor has opted not to have it's elections in November, because of a basic point, there are so many issues and personalities and offices being sought, that people will not be able to respond to the most important office to them, the people that make sure that the street lights are on and the roads are paved and the rubbish is taken and collected. I think that it is very important that this issue have that kind of debate, because I would hate to see this become part of the laws in the mix up of legislation or referendum questions that take place in the hurly burly of campaign activity in November.

We must remember also that some Members of this Body seem to have forgotten that this issue was being talked about to be enacted, because of concerns that have been registered here. I think by putting this question out to referendum it strikes a happy medium between enactment and between the hurly burly of the November elections. I think that it is only fair to the people that they have that kind of open debate on this particular issue, so I would appreciate it if you support this Joint Order.

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

Senator CLARK: Thank you Mr. President, Men and Women of the Senate. I am delighted this afternoon as the sun is setting that we are discussing and debating at length an issue which has raised the awareness and awakened a few of us who might be a little lacking in hours of sleep. I find the sincerity embodied in the remarks of the good Senator from Hancock, Senator Perkins, particularly endearing, for I am sure that he intends to express the position of his side of the aisle in a friendly and persuasive fashion. I find also the remarks of the good Senator from Franklin, Senator Webster, particularly refreshing for he has a reputation of "saying it like it is".

I would like to remind Members of the Senate, ever so gently, that this Legislature has affirmed the issue of Local Measured Service and a trial period which will ensue between the passage of that trial period and the referendum in November. So I encourage you to remove that from consideration, for it was on the basis of allowing this trial period of Local Measured Service the basis of experience in eight particular areas of our state, that the electives would be that much more informed, having experienced in large measure, and by many citizens the effects of Local Measured Service on their telephone bills. I think that this Joint Order is neat. It not only has awakened us in this early evening hour, but it has raised the awareness of a primary date. We now all know that it is June 10, even though there are some among us who are quite aware that, in fact, the primary date was June 10. I do not think that with the issues before us on June 10, that we are going to expect what has, in the past, been a minimal expedition of Maine's citizens exercising their right of vote. I think this is going to be an exciting primary election date on June 10 of this year and we all are going to be, if you will, hyped not only by the candidates who are going to be elected to represent both of the political parties, as a result of that election day, but by this issue, which in fact, will be settled on June 10. Perhaps it doesn't merit a great deal of debate, but I think that in large measure, the citizens of this State are going to feel relief that the issue of pornography as embodied by the initial bill, will be settled on June 10, 1986.

I only say that because it has long been my feeling, and I have always been in the minority on this issue I might add, that the citizens of this State and perhaps even the Nation, would like shorter campaigns. I have great faith in the intellect of the citizens of this State to listen to all sides of the pornography issue and make an intelligent decision. Even if the election, lest it were held next week. They have ample time as they always do and the media will act responsibly as it always does, and people will be encouraged to vote and they won't be deterred by snow and freezing rain and sleet and Christmas shopping. Yes indeed, primary election day is June 10, 1986. We will not be disenfranchising the people of this State, rather we are going to be encouraging them and inviting them to participate in the process.

It has been indeed a long time, probably over a decade, maybe my memory is faulty, it frequently is, but I don't remember a primary election date in which there weren't other issues before us and this is a particularly interesting issue and I am sure people's feelings will run high. When people's feelings run high, people get up and vote. While it may be perceived that this Joint Order has been introduced for political reasons, I would submit to you, Men and Women of this Maine Senate, as well as the citizens of this State, that it is not political but rather prudent and, in fact, quite practical. Thank you Mr. President.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate. I thank my good friend, the lady from Cumberland, for the definitions, and far be it from me to have thought that such an order would have been placed before this Body for any such reasons as that. I must remind my good friend, the Senator from Aroostook, he asked who said, when did they say it with regard to the November 1986, and I must point out to him that on the February 28, on the House Calendar, said that in the event that the Legislature rejects the initiative proposal a Referendum election will be called for November 1986. The following Monday, the Senate Calendar reflected a similar thing and said in a similar manner and was signed by James S. Henderson, Deputy Secretary of State. It appears to me that the hearing for the proposal bill was held in the vicinity of March 27. Today is April 14. We have been busy. One of the things searching back that I wanted to find and see if there is a history of this efficiency. In 1975, there was an initiated petition for L.D. 1619, the so-called Bigelow Preserve, and it was voted on June 8, 1976, one year later. They have neglected to think of how they could cut 120 days off if it were your wedding, your coming out party, your bridal shower, or just your big day would you want 120 days taken from your time span? You, not me, the hour is late, but I think the subject is serious. I offer you an alternative, do what you said you would do. Can the people in your district and my district expect anything less? Mr. President, I request a Roll Call.

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

Senator CARPENTER of Aroostook requested and received Leave of the Senate to speak a fourth time.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. I assure you, my fourth and last time. I certainly can't match the wit of my good friend from Hancock, Senator Perkins, but I look at the House and Senate Calendars and I wonder if that is the method that was used to communicate this to the people, then somebody in this Chamber must have the House and Senate Calendars to the press and to everybody else, and I can't imagine who would have done that.

I guess that if we are going to follow the logic of the good Senator from Hancock, Senator Perkins, that from now on every non-policy making middle level bureaucrat of State government sends us a message and it appears on our calendar that we might want to start scrutinizing a little closer, because Senator Perkins is telling us that a commitment, you said it was going to happen. Jim Henderson doesn't speak for me. The last time I looked there were only 186 people in this state that were allowed to set policy in this manner. Clearly that policy making authority is vested in this Body and in the unmentionable Body at the other end of the Hall. That is who makes the policy in this State within the perimeters of the existing law and the perimeters of the State Constitution and the United States Constitution. The fact that we have had an assumption by some people in the bureaucracy, and obviously that assumption by some people within this Chamber doesn't negate that. This is the policy making Body and that is what we are about to do or not to do. Thank you.

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

Senator GILL: Mr. President, the good Senator from Aroostook talks about assumption and I would tell you that it is the assumption of the voters out there that the referendums would take place in the November election, because as Senator Perkins has stated from Hancock, that there has been only one referendum held in June, an initiated referendum and that was when the signatures were obtained one full year in advance. So, there was certainly ample preparation for that, but evidently the emergency wasn't there that Senator Carpenter feels is in this one. The people out there, the people who go to vote at the polls expect the referendums to take place in November. That's the way that it has always been and that is the way that they expect it today.

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

Senator KANY: Mr. President and fellow Senators. First, I would like to point out that the Bigelow Initiative was held prior to our changing the direct initiative of the people's veto law. Secondly, I would just like to say that whenever the direct initiative referendum is, whether in June or November, that I hope that we make certain that the debate is focused on a comparison between what is being suggested and what our current law is. I will just take this opportunity while the issue is before us to mention the fact that we do have some law particularly regarding the semination of obscene matters to minors on our statutes now. It is a crime to disseminate obscene matters to minors it is also a crime to allow minors to witness out door motion pictures at theaters showing obscene motion pictures. Third, we have a civil violation on the books of magazines containing obscene material or being displayed to minors without covers. I just wanted to put that into the debate. Thank you.

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

Senator CLARK: Thank you Mr. President, Men and Women of the Senate. Very briefly I would share with you that some of the first referendums that we ever had as a result of initiated bills, occurred back just prior to WWI, I think it was 1913 and that year we held five of those referendums in September.

We remember, of course, that in September, that month at that time, used to be our primary election time. That year we also had one special election that had been set on a special date and that date had been set by this Legislature. I am delighted to respond to the remarks of the good Senator from Hancock, Senator Perkins, with reference to the Bigelow Referendum, which I admit was not set for election in the very expedient nor efficient manner, as a matter of fact, as I recall that was my first legislative session, and unless my memory is failing, due to my increasing year or due to my fatigue, the latter being more appropriate, in that year it was the Senate that was controlled by what we call our friendly opposition. Maybe this Joint Order reflects more expedience and certainly more efficiency. Thank you Mr. President.

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Off Record Remarks

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

Senator STOVER: Thank you Mr. President and Members of the Senate. In 1913, believe it or not, I was around. I didn't vote but as I recall my father telling me that they used to have the primary in June, the General Election was in September, and then the Presidential Election which occurred every four years was in November. I just wanted to set the record straight. Thank you.

THE PRESIDENT: The pending question before the Serate is the PASSAGE of the Joint Order.

A vote of Yes will be in favor of Passage.

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

An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation

YEAS: Senators, ANDREWS, BALDACCI, BERUBE, BROWN, BUSTIN, CARPENTER, CHALMERS, CLARK, DIAMOND, DOW, ERWIN, GAUVREAU, KANY, KERRY, NAJARIAN, PEARSON, TRAFTON, TUTTLE, TWITCHELL, USHER, VIOLETTE, THE PRESIDENT - CHARLES P. PRAY

S.P. 757 L.D. 1921 (H "A" H-705 to C "A" S-472)

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

NAYS: Senators, BLACK, EMERSON, GILL, MAYBURY, MCBREAIRTY, PERKINS, SEWALL, SHUTE, STOVER, WEBSTER

Senate at Ease

ABSENT: Senators, HICHENS, MATTHEWS

Senate called to order by the President.

EXCUSED: Senator DUTREMBLE

Off Record Remarks

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the Joint Order was PASSED, in concurrence.

ORDERS OF THE DAY

Senate at Ease

Senate called to order by the President.

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

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

An Act Relating to Staff Retention in Community-based Residential Facilities for Persons with Mental Retardation

S.P. 757 L.D. 1921 (H "A" H-705 to C "A" S-472)

ENACTORS

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

Tabled - April 14, 1986, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

An Act to Implement the Visiting Committee's Report and to Provide the Necessary Funds for the University of Maine and the Proper Operation of Government

H.P. 1641 L.D. 2315 (H "F" H-711 and H "G" H-713 to H "A" H-700)

(In House, April 14, 1986, PASSED TO BE ENACTED.)

(In Senate, April 14, 1986, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472) AS AMENDED BY HOUSE AMENDMENT "A" (H-705), thereto, in concurrence.)

(See Action Later Today)

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

Which 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: Mr. President, Men and Women of the Senate. This was indicated on my supplement from the Legislative Finance Office to be one of those items to be Tabled. The Second item was the taxes that are necessary in order to pass the bills off the Table. I no longer need to table this.