

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

May 26, 1987 to June 30, 1987

Index

On further motion by same Senator, Committee Amendment "A" (H-201) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-137) READ and ADOPTED.

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

Sent down for concurrence.

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Senate at Ease

Senate called to order by the President.

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

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Off Record Remarks

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

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on AGRICULTURE on Bill "An Act Relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products"

H.P. 169 L.D. 213

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

H.P. 1280 L.D. 1753

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

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

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft under New Title

The Committee on ECONOMIC DEVELOPMENT on Resolve, Requiring the Governor to Develop a Plan to Provide for Greater Coordination of Human Resource Development Programs (Emergency)

H.P. 938 L.D. 1254

Reported that the same Ought to Pass in New Draft under New Title Resolve, Pertaining to the Implementation of a Plan for Greater Coordination of Human Resource Development Programs (Emergency)

H.P. 1277 L.D. 1748

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve in NEW DRAFT under NEW TITLE READ ONCE.

The Resolve in NEW DRAFT under NEW TITLE LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve Funding for Communicatively Impaired Maine Residents Served by Community-based, Private Nonprofit Speech and Hearing Centers"

H.P. 722 L.D. 973

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-255).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-255) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Insure the Preservation of the Right to Keep and Bear Arms

H.P. 484 L.D. 651

(C "A" H-230)

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

Senator KANY: Mr. President and members of the Senate. I wish to put on the Record that I do intend to vote in favor of this resolution, only because of the wording in the statement of fact and amendment H-230 that is attached to the Bill. And only because of the Attorney General's opinion from Jim Tierney, dated May 8, 1987, which assures us, "that it is the intent of this amendment to allow the state to continue to restrict the right of convicted felons and mentally incompetent persons to bear arms, to continue to restrict the types of weapons that a person may keep and bear and to maintain existing law relating to concealed weapons and other similar issues". In other words, in voting in favor of this Constitutional Amendment I do so with the complete understanding that current laws, which regulate fire arms, would continue to be in effect. That laws just enacted such as the provision within an act amending the laws relating to private security guards, which prohibits fire arms and other dangerous weapons to be at labor disputes except in the hands of the law enforcement officers, that new law would continue to be in effect and that other reasonable constrictions to the use of fire arms as approved by the Maine Legislature would be allowed.

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

Senator TUTTLE: Thank you Mr. President, men and women of the Senate. In response to the comments of the Senator from Kennebec, Senator Kany, I would agree with her statements and for clarification purposes I would like to add a few statements for the

Record. The Constitution of Maine, article 1, section 16 currently reads "every citizen has a right to keep and bear arms for the common defense; and this right shall never be questioned". In April of 1986, the Maine Supreme Court interpreted a phrase for the common defense as pointing to service in a broadly based organized militia, meaning groups such as the national guard. The court ruled that an individual Maine citizen has no constitutional guarantee to keep and bear arms, in order to establish the individual right to keep and bear arms, thought by many to be already guaranteed in the Constitution.

We are proposing to remove the words for the common defense from the current language and leaving the rest of the wording intact. Every citizen has a right to keep and bear arms and that right shall never be questioned. The intent of this legislation is to guarantee the right to keep and bear arms to every citizen. It is also the intent of the Legislature to reserve current statute and ordinances pertaining to fire arms. In passing this amendment we reserve to the Legislature the authority to regulate the possession of fire arms by convicted felons, minors and the mentally infirm. We recognize the term arms to mean such arms as are commonly kept by the people such as rifles, shot guns and hand guns. Laws pertaining to concealed weapon for Maine under legislative authority.

Municipalities may continue to regulate the discharge of fire arms and waiting periods as allowed by statutes. The soul intent of this amendment is to assure for each Maine citizen the right to keep and bear arms.

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

Emergency Resolve

Resolve, Concerning the Testing of School Buildings for Radon

H.P. 1148 L.D. 1563  
(H "A" H-238; C "A" H-218; S "A" S-122)

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

Emergency Resolve

Resolve, That the Secretary of State Prepare a Revision of the State's Motor Vehicle Laws

S.P. 582 L.D. 1726

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

An Act Concerning the Boundary Between the Towns of Machias and Machiasport

S.P. 421 L.D. 1301  
(C "A" S-120)

An Act to Amend the Law Concerning Activation of State Military Forces by the Governor in Human Health Emergencies

S.P. 492 L.D. 1500

An Act to Clarify Capital Reimbursements

S.P. 515 L.D. 1558

An Act to Encourage Investment in the Development of Potato Varieties

H.P. 678 L.D. 911  
(S "B" S-123 to C "A" H-183)

An Act to Amend the Insurance Code Regarding Rates and Rating Organizations

H.P. 1160 L.D. 1586  
(C "A" H-226)

An Act Relating to Refusal to Appear and Taxable Wages under the Employment Security Law

H.P. 1161 L.D. 1587  
(C "A" H-227)

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 to Increase the Appropriations to the Maine Student Osteopathic Loan Program

S.P. 94 L.D. 241  
(C "A" S-126)

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

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

RECALLED FROM ENGRASSING

Bill "An Act to Reestablish the Vehicle Rental Agency in the Department of Conservation" (Emergency)

H.P. 1078 L.D. 1465  
(C "A" H-251)

(In Senate, June 4, 1987, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

(RECALLED, pursuant to Joint Order S.P. 597.)

On motion by Senator DOW of Kennebec, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-251).

On further motion by same Senator, Senate Amendment "A" (S-138) to Committee Amendment "A" (H-251) READ and ADOPTED.

Committee Amendment "A" (H-251) as Amended by Senate Amendment "A" (S-138), thereto ADOPTED in NON-CONCURRENCE.

Senate at Ease

Senate called to order by the President.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Authorize the Increase of the Maximum Speed Limit to 65 Miles Per Hour"

H.P. 547 L.D. 734  
(C "A" H-212)