

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

INDEX

FIRST CONFIRMATION SESSION

August 29, 1985

INDEX

SECOND CONFIRMATION SESSION

October 11, 1985

INDEX

FIRST SPECIAL SESSION

November 13, 1985

INDEX

STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber,
Friday
June 14, 1985
Senate called to Order by the President.

Prayer by The Honorable Henry W. Black of Cumberland.

SENATOR BLACK: Dear God, on this day we thank Thee for all the goodness of life, for all its blessings, privileges and opportunities. We ask Thy blessing upon this group and all those dear to us. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Prohibit Consumption of Alcoholic Beverages within 15 Feet of a Public Way" (H.P. 529) (L.D. 749)

In House June 13, 1985, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405.)**

In Senate June 13, 1985, Bill and Accompanying Papers **INDEFINITELY POSTPONED IN NON-CONCURRENCE.**

Comes from the House that Body **INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.**

On motion by Senator **CARPENTER** of Aroostook, the Senate **INSISTED and JOINED IN A COMMITTEE OF CONFERENCE.**

The Chair appointed on the part of the Senate the following Conferees:

Senator **VIOLETTE** of Aroostook
Senator **TRAFTON** of Androscoggin
Senator **SHUTE** of Waldo

Non-concurrent Matter

Joint Order, Expression of Legislative Sentiment recognizing the Town of Eddington (SLS 270)

In Senate June 10, 1985, **READ and PASSED.**

Comes from the House **INDEFINITELY POSTPONED IN NON-CONCURRENCE.**

On motion by Senator **VIOLETTE** of Aroostook, Tabled Unassigned, pending **FURTHER CONSIDERATION.**

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act Relating to the Income Tax Checkoff for Political Parties" (H.P. 1077) (L.D. 1567)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-414).**

Comes from the House, with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414).**

Which Report was **READ and ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-414) **READ and ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Adjust Bridge Capital and Maintenance Responsibilities" (H.P. 1128) (L.D. 1637)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-413).**

Comes from the House, with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**

COMMITTEE AMENDMENT "A" (H-413). Which Report was **READ and ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

Committee Amendment "A" (H-413) **READ and ADOPTED**, in concurrence.

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

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

Divided Report

Seven Members on the Committee on **JUDICIARY** on Bill "An Act to Require Parental Consent in the Case of Minors' Abortions" (H.P. 298) (L.D. 387)

Reported in Report A that the same **Ought to Pass as Amended by Committee Amendment "A" (H-408).**

Signed:

Senators:

CARPENTER of Aroostook
SEWALL of Lincoln
CHALMERS of Knox

Representatives:

COOPER of Windham
STETSON of Damariscotta
ALLEN of Washington
PRIEST of Brunswick

Five Members of the Same Committee on the same subject reported in Report B that the same **Ought to Pass as Amended by Committee Amendment "B" (H-409).**

Signed:

Representatives:

CARRIER of Westbrook
DRINKWATER of Belfast
MACBRIDE of Presque Isle
LEBOWITZ of Bangor
PARADIS of Augusta

One Member of the Same Committee on the same subject reported in Report C that the same **Ought to Pass as Amended by Committee Amendment "C" (H-410).**

Signed:

Representative:

KANE of South Portland

Comes from the House with Report **B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-409) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-409).**

Which Reports were **READ.**

On motion by Senator **VIOLETTE** of Aroostook, Tabled until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT.**

ENACTORS

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

Bond Issue

Bill "An Act to Authorize a Bond Issue in the Amount of \$4,300,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine" (S.P. 412) (L.D. 1142) (C "A" S-265)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENACTED.**

Bond Issue

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Sewage Treatment and Water Quality Improvement Facilities and Restoration and Cleanup of Oil Contaminated Ground Water and Well Water" (H.P. 907) (L.D. 1306) (C "A" H-380)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENACTED.**

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BALDACCI** for the Committee on **UTILITIES** on Bill "An Act to Regulate Recovery of Costs of Canceled or Abandoned Electric Generating Facilities" (S.P. 570) (L.D. 1506)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-287).**

Which Report was **READ and ACCEPTED.**

The Bill **READ ONCE**

Committee Amendment "A" (S-287) **READ and ADOPTED.**

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

Sent down for concurrence.

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

Senator **VIOLETTE** of Aroostook, was granted unanimous consent to address the Senate Off the Record.

Senator **GILL** of Cumberland, was granted unanimous consent to address the Senate Off the Record.

On motion by Senator **GILL** of Cumberland, **RECESSED** until the sound of the Bell.

After Recess

Senate called to Order by the President.

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **TUTTLE** for the Committee on **LOCAL AND COUNTY GOVERNMENT** on Bill "An Act Amending the Charter of Farmington Village Corporation" (Emergency) (S.P. 629) (L.D. 1647)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-288).**

(Representative **WENTWORTH** of Wells Abstained.)

Which Report was **READ and ACCEPTED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-288) **READ and ADOPTED.**

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

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

ORDERS OF THE DAY

The President laid before the Senate the Tabled Later Today assigned matter:

HOUSE REPORTS — from the Committee on **JUDICIARY** on Bill "An Act to Require Parental Consent in the Case of Minors' Abortions" (H.P. 298) (L.D. 387)

Report A—**Ought to Pass as Amended by Committee Amendment "A" (H-408).**

Report B—**Ought to Pass as Amended by Committee Amendment "B" (H-409).**

Report C—**Ought to Pass as Amended by Committee Amendment "C" (H-410).**

Tabled—June 14, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ACCEPTANCE OF ANY REPORT.**

(In Senate June 14, 1985, Reports **READ.**)

(In House June 13, 1985, Report **B OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-409) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMIT-**

TEE AMENDMENT "B" (H-409).

Report **A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408) READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-408) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the Rules, this Bill be given its Second Reading at this time by Title only?

The Chair recognizes the Senator from York, Senator **DUTREMBLE**.

Senator **DUTREMBLE:** Would it be at this time that I would oppose this Bill or after the Second Reading?

THE PRESIDENT: The pending question is **SUSPENSION OF THE RULES** for the purpose of giving this Bill its Second Reading. Under suspension of the Rules **READ A SECOND TIME**.

The **PRESIDENT:** The Chair recognizes the Senator from York, Senator **Dutremble**.

Senator **DUTREMBLE:** I would move that we vote against Passage to be Engrossed and I ask for a Roll Call.

THE PRESIDENT: The Senator from York, Senator **Dutremble**, has requested a Roll Call. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The Chair recognizes the Senator from Aroostook, Senator **Carpenter**.

Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate. I am not sure that this is the appropriate time to discuss this particular Bill but I would just point out to the people in the Chamber that if you vote against the pending motion then, in effect, unless there is an amendment to be offered, in effect what you are doing is that you are saying that you want no bill involving parental consent.

Senate At Ease

Senate called to Order by the President.

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED**. A Roll Call has been ordered.

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

Senator **MATTHEWS:** Mr. President, the pending question please?

THE PRESIDENT: The Chair would inform the Senator that the pending question is **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408)**.

Senator **MATTHEWS** of Kennebec who would have voted Nay requested and received permission to pair his vote with Senator **BALDACCI** of Penobscot who would have voted Yea.

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

Senator **WEBSTER:** Mr. President and Ladies and Gentlemen of the Senate. I just want it made clear that, from what I can understand of this motion, we have only one motion that we can vote, either to pass some form of parental consent bill, which would be a Yea vote on this issue or vote no and defeat everything.

So, I am going to be voting Yea because it is the only motion I can see that would give us any form of parental consent through this Body, would be to vote in support of this measure.

THE PRESIDENT: The Chair recognizes the

Senator from York, Senator **Dutremble**.

Senator **DUTREMBLE:** Mr. President and Members of the Senate. I would hope that you would vote against Passage to be Engrossed so that we can reconsider Committee Amendment "A" and I could move that we accept Committee Amendment "B."

So, I would hope that you would vote against Passage to be Engrossed of Committee Amendment "A."

Senator **BUSTIN** of Kennebec who would have voted Nay requested and received permission to pair her vote with Senator **BROWN** of Washington who would have voted Yea.

Senate At Ease

Senate called to Order by the President.

THE PRESIDENT: The pending question is Passage to be Engrossed. A Roll Call has been ordered.

The Chair recognizes the Senator from Kennebec, Senator **Matthews**.

Senator **MATTHEWS:** Mr. President and Members of the Senate. In deference to all of you and myself included, I want to explain my vote on this Bill.

I voted against the Engrossment of this Bill because it was the only motion available to us. I hope the Members who are so inclined will vote against the Engrossment of this Bill so that we can, as the good Senator from York, has mentioned, reconsider our position and adopt Committee Amendment "B."

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator **Diamond**. Senator **DIAMOND:** Mr. President, I pose a Parliamentary inquiry.

THE PRESIDENT: The Senator may state his inquiry.

Senator **DIAMOND:** Mr. President, if we're at the point of Engrossment and we reject Report "A" in order to reconsider our First Reader status Report "B" or "C," would that require suspension of the rules?

THE PRESIDENT: The Chair would answer in the negative.

Senator **DIAMOND:** So, upon rejection of Report "A," Report "B" would be then presented or could be presented? Or "C" or "D" or "E"?

THE PRESIDENT: The Chair would answer that if Passage to be Engrossed failed, the Senate would have to reconsider its action whereby it failed to Engross this Bill. Then reconsider acceptance of Report "A." At that time, the Chair would entertain motion to accept any other report.

Senator **DIAMOND:** Thank you, Mr. President.

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

Senator **DUTREMBLE:** Mr. President and Members of the Senate. I do want to say a few words on this before we vote on Engrossment because I do want you to vote against it so that we can offer at a later time Committee Amendment "B."

There is a marked difference between Report "A" and Report "B" and I guess the major difference is in "B" a minor would be required to go to a judge, under the age of 17. In Report "A" it would be required to go to a master, whatever that means, under the age of 16.

I guess the question is that I have and some other people have is who is this master going to be? Is it going to be a psychiatrist; is it going to be a psychologist, a social worker? Is it going to be a person who is pro-abortion or anti-abortion, will that person be impartial?

I guess the final question I would have is, is this Constitutional, has the Supreme Court proven, as in Committee Amendment "B," that the language in Committee Amendment "A" is Constitutional?

Unless those questions are answered satisfactorily I think we should all vote against Engrossment so that we can adopt Committee

Report "B" and have something about parental consent in the Books.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator **Carpenter**. Senator **CARPENTER:** Mr. President and Ladies and Gentlemen of the Senate. I don't intend to belabor this issue.

There may be a difference point at which to get into a great discussion, but I know that both of the political parties which represent all the people in this Chamber have caucused and have had it discussed. I would simply say in response to the Senator from York, Senator **Dutremble**, answering his second question first, is that when this issue first came up I told my Committee, at least, and anybody else who was interested in listening, that I would not support anything although my credentials for eleven years are strongly on the so called right to life side, I would not support any bill out of the Committee that I did not believe was constitutional.

That obviously, has caused me some agony, in looking at all three of the reports, but I think given the information that is now before us that, in fact, the Supreme Court is reviewing or re-reviewing, if you will, the same issues that have been decided by that same court since *Rowe vs. Wade* in 1973, but I think it stretches the imagination to automatically conclude that even the other report, which is not presently before us, the other bill if you will, would be Constitutional.

I believe with all that I know and understand, that the Bill before us is Constitutional. I will simply read one line from an Attorney General's opinion dated June 7, 1985, by a person over there who I respect, which was discussed in some length with the Committee for the provisions which follow: "For the provisions which follow it is my view that all of the provisions of the Bill," that is Report "A" we're about to vote on, "are likely to survive Constitutional scrutiny." That comes as close to an assurance as you are every going to be able to get in this area.

In terms of the Senator from York, Senator **Dutremble's** question about the "master," I guess that my only response to that would be that we have set up a masters program defined and codified in such a way that I, from a very personal stand point, if I were to have a young daughter in this situation, I would be much more comfortable with somebody meeting the definition of "master" in this Bill deciding on whether or not that person was mature enough, and that is the only decisions we're asking this person to make, was mature enough to make the decision, absent parental consent, then to throw my child into a judge's courtroom with the black robes and all the formality that goes with that. That is the difference between this and the other report which has not been accepted.

I would ask you to vote for the pending motion. Thank you.

THE PRESIDENT: The pending question is **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408)**. A Roll Call has been ordered.

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

A vote of No will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEAS:—Senators, Andrews, Berube, Black, Carpenter, Chalmers, Clark, Danton, Dow, Emerson, Gauvreau, Gill, Kany, Maybury, Najarian, Perkins, Sewall, Trafton, Usher, Violette, The President — Charles P. Pray

NAYS:—Senators, Diamond, Dutremble, Erwin, Hichens, McBrearty, Pearson, Shute, Stover, Tuttle, Twitchell, Webster

ABSENT:—Senators None

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators pairing their votes, and No

Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**.

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

Senator **CLARK:** Thank you Mr. President. I move that the Senate Reconsider its action whereby it Passed L.D. 387, Report "A," Majority Report from the Committee on Judiciary, and would hope that the Members of this Senate would vote against me and I request a Division.

THE PRESIDENT: The Chair understands that the Senator from Cumberland, Senator Clark, moves that the Senate **RECONSIDER** its action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Mr. President, I move that this matter be Tabled until Later in Today's Session.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, moved that this matter be **TABLED UNTIL LATER IN TODAY'S SESSION**, pending the Motion of the Senator from Cumberland, Senator **CLARK**, that the Senate **RECONSIDER** its action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED**. A Division having been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator **VIOLETTE:** I request a Division on the motion to Table this matter until Later Today.

THE PRESIDENT: The Senator from Aroostook, Senator Violette, has requested a division.

The pending question is the motion by the Senator from Penobscot, Senator **PEARSON**, that this matter be **TABLED UNTIL LATER IN TODAY'S SESSION**, pending the motion of the Senator from Cumberland, Senator **CLARK** to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Is it in order for me to speak?

THE PRESIDENT: The Chair would answer in the negative. A tabling motion is not debatable.

The pending question is the motion of the Senator from Penobscot, Senator **PEARSON**, that this matter be **TABLED UNTIL LATER IN TODAY'S SESSION**, pending the motion of the Senator from Cumberland, Senator **CLARK** to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**.

A Division has been requested.

Will all those Senators in favor of the motion to **TABLE** until Later in Today's Session, pending the motion of the Senator from Cumberland, Senator **CLARK** to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**, 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.

10 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator **PEARSON** of Penobscot to **TABLE** until Later in Today's Session, pending the motion of the Senator from Cumberland, Senator **CLARK**, to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE, FAILS**.

The pending question is the motion of the Senator from Cumberland, Senator **CLARK**, that the Senate **RECONSIDER** its action whereby this Bill was **PASSED TO BE**

ENGROSSED AS AMENDED IN NON-CONCURRENCE.

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

Senator **BUSTIN:** I ask for a Division on that and would like to speak to my motion.

I realize that I may not get another chance to speak on the issue and I realize that I have paired with the good Senator from Washington, Senator Brown, but I think the Body ought to know where I am coming from on this particular bill.

For one thing, I would have loved to have been in the position to have a Indefinite Postponement or an Ought Not to Pass report on this because I think the present law takes care of anything that needs to be taken care of in this regard.

An issue that I want to bring before you, and there are a number of them, is the one of responsibility. If you are going to ask twelve, thirteen-, fourteen-, fifteen-year-old women to bear your children for you when they do not want to, then you must also take the responsibility for what happens at that birth, that there is a deformity, retardation, learning disabilities and even the responsibility for taking care of that child until it's of legal age, which is eighteen in this State I believe.

The State ought to be willing, if they are willing to tell that woman that she must bear that child then they must also, I take it, be willing to pay the fee to raise that child. You can't put women in the position of forcing them to do one thing and then not assisting them to take care of the forcing of that. That is exactly what you are doing.

I would like to have you go with the tabling motion because I am having an amendment prepared that would require the State in those instances where they demand that the child be born that they bear the responsibility for raising that child or for whatever happens at that birth. I think that is only fair. So, I wish you would go along with the tabling motion and I ask for tabling for later in the day on the Reconsideration motion.

THE PRESIDENT: The Chair would inform the Senator that her motion would be improper since she debated the issue.

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** A Parliamentary inquiry, please.

THE PRESIDENT: The Senator may state his inquiry.

Senator **HICHENS:** Is it proper to ask for tabling of this again for one Legislative Day?

Senate At Ease

Senate called to Order by the President.

THE PRESIDENT: In response to the inquiry from the Senator from York, Senator Hichens, the only motion that would be available at this time is to a time-certain. Since a motion to table until later in the day was defeated.

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** I move this item be tabled until 1:30 this afternoon.

THE PRESIDENT: The Senator from York, Senator Hichens, moves that this matter be **TABLED** until time-certain, 1:30 in the afternoon.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator **CLARK:** Thank you Mr. President. I would request a Division on the pending motion

THE PRESIDENT: The Senator from Cumberland, Senator Clark, has requested a Division.

The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** My apologies, but a Parliamentary inquiry.

THE PRESIDENT: The Senator may state his inquiry.

Senator **DIAMOND:** If there has been intervening debate between one tabling motion and the next, would not a tabling motion of any kind be appropriate?

Senate At Ease

Senate called to Order by the President.

THE PRESIDENT: In response to the inquiry by the Senator from Cumberland, Senator Diamond, the Chair would rule, based upon "Reed's Parliamentary Rules," Rule 116, "To Lay Upon the Table Renewed. If the motion to lay upon the table be decided in the negative, the original question proceeds as if the motion has not been made, and the motion may be renewed when there has been such progress as to make the motion a substantially a new one."

The Chair would rule that the motion to Table would be proper since the Senate has been informed that there is a desire to Reconsider for the purpose of amending.

The pending question is the motion of the Senator from York, Senator **HICHENS** that this matter be **TABLED** until a time certain, 1:30.

The Chair recognizes the Senator from York, Senator Hichens.

Senator **HICHENS:** Mr. President, I request leave of the Senate to withdraw my motion.

THE PRESIDENT: The Senator from York, Senator Hichens, asks Leave of the Senate to withdraw his motion to table until a time certain, 1:30. Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The pending question before the Senate is the motion of the Senator from Cumberland, Senator **CLARK**, that the Senate **RECONSIDER** its action whereby this Bill was **PASSED TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE**.

A Division has been requested.

Will all those Senators in favor of **RECONSIDERATION**, 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.

10 Senators having been voted in the affirmative, and 22 Senators having voted in the negative, the motion by Senator **CLARK** of Cumberland, to **RECONSIDER PASSAGE TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE, FAILS**.

Sent down for concurrence.

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

ENACTED

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

An Act to Permit Voluntary Hospitalization of Adults under Guardianship (S.P. 423) (L.D. 1171)

An Act Concerning Liability for Injuries Caused by Drunken Persons (S.P. 598) (L.D. 1568) (H "A" H-395 to C "A" S-263)

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 Index Eligibility Levels for the Elderly Householders Tax and Rent Refund Program to Conform to Increases in Social Security Benefits (S.P. 85) (L.D. 266) (C "A" S-281)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **PASSAGE TO BE ENACTED**.

An Act to Provide a Procedure to Petition for Standing and Intervenor Status for Foster Parents in Child Protection Proceedings (S.P.