

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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Disposition of Juvenile Offenders." (S. P. 93) (L. D. 209)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-235)

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Update and Clarify Legislation Concerning Agencies within or Affiliated with the Department of Business Regulation." (H. P. 1453) (L. D. 1597)

Bill, "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1981-82. (Emergency) (H. P. 1303) (L. D. 1500)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act Concerning Maximum Limits Required under the Financial Responsibility Law." (H. P. 1455) (L. D. 1596)

Which was Read a Second Time.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-236 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-236) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act to Further Competition with New Hampshire in the Liquor Trade." (H. P. 382) (L. D. 425)

Bill, "An Act Amending the Statutes Relating to Restitution." (H. P. 1185) (L. D. 1409)

RESOLVE, Authorizing and Directing the Bureau of Public Lands to Convey a Perpetual Easement and Right-of-way in a Certain Parcel of Land in Augusta to Mobil Pipe Line Company, Subject to Certain Conditions." (H. P. 987) (L. D. 1175).

Which were Read a Second Time Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Adopt Federal Withholding Requirements for Payments to Certain Nonresident Alien Individuals, Foreign Corporations and Partnerships." (H. P. 2) (L. D. 2)

Which was Read a Second Time.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-237 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-237) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Coordinate Agriculture and Energy Related Activities in State Government." (H. P. 648) (L. D. 753)

Which was Read a Second Time.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-

238 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-238) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action of earlier in today's session whereby the Bill, "An Act to Further Competition with New Hampshire in the Liquor Trade" (H. P. 382) (L. D. 425), was Passed to be Engrossed.

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Bill, "An Act to Provide for the Limitations of Liability in Regard to Certain Insurance Infections." (H. P. 631) (L. D. 712)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I now present Senate amendment "B" to Committee Amendment "A" under filing number S-239 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, offers Senate Amendment "B" and moves its adoption.

Senate Amendment "B" to Committee Amendment "A" (S-239) Read and Adopted. Committee Amendment "A", as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law." (Emergency) (H. P. 1411) (L. D. 1576)

Which was Read a Second Time.

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

Senator CARPENTER: Mr. President, I now present Senate Amendment "B" to L. D. 1576, filing number of S-219 and move its adoption.

The PRESIDENT Pro Tem: The Senator from Aroostook, Senator Carpenter, presents Senate Amendment "B" and moves its adoption.

Senate Amendment "B" (S-219) Read.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Aroostook, Senator McBreaarty.

Senator MCBREARTY: Mr. President, Honorable members of the Senate. I would urge you, strongly, not to Adopt this Amendment.

This item was kicked around in Committee, maybe as much or more than any other thing we reviewed, this license plate. We had a single plate in the Bill at one time. After receiving more information, we took it out.

We have checked with states that have gone to one plate, and some of them at least, are seriously considering, or in the process of going back to 2.

We got letters from every police organization in the country in opposition to going to a single plate. We got letters from international police organizations. They all tell that it's a very, very effective tool in law enforcement.

I wrote to Richard E. McLaughlin, Register of Motor Vehicles, Massachusetts, and asked his opinion on a single plate, and I'll read you the letter that I got back.

It says, "Dear Senator McBreaarty, I am in receipt of your letter of February 20, 1981, in

which you request information relative to our assignment of 1 or 2 plates to each motor vehicle registered. The one plate issuance was adopted originally, because of financial reasons, and resulted in some savings in the cost of plate manufacture. However, because of the objections from law enforcement personnel, as well as the general public, we are anticipating our gradual return to the 2 plate system. Outlined below are the bases for objections of our one plate system.

Law enforcement personnel are unable to determine proper registration when the vehicle is approached. When the vehicle is parked against the wall or a building, police do not have the opportunity to determine, if it is a stolen car, without delay. Personnel controlling shopping areas are unable to identify a vehicle if it has been parked backed into a parking space. Parking lot attendants are unable to quickly retrieve a vehicle, because when they are stacked in a lot the registration number is difficult to ascertain.

I trust the above will be of some assistance to you in determining your plate program."

I don't feel eliminating one plate is as much a savings to the state as it is taking away something that we have bought. When we pay \$20 each year for registration, I think we are entitled to 2 plates. I think we're paying for it. If you take that plate away, it amounts to 7½ cents per year, from that \$20 dollars that you will be saving.

So, I would hope that this Amendment would not be accepted. I would ask for a Roll Call on the Acceptance.

The PRESIDENT Pro Tem: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. I realize this is Friday morning, and we all want to get out of here, but I've been waiting for the last three weeks, jumping up and down, waiting to get at this amendment.

I don't expect to win it. Every year I fight the issue. Every year I see the same arguments, the same hollow arguments, I think, and every year I lose. I fully expect to lose this morning, because this Bill has been lobbied so hard, second only, possible, to the No Smoking Bill.

I'm looking at Title 29. Title 29 tells me that in the State of Maine we have a 2 plate system, and I would say that that was hogwash, absolute unmitigated hogwash. We have a 1 plate system in Maine. We pay for 2. We have it on the statute books as 2, and because of that, we issue 2.

Now, I don't know if the saving is 7½ cents, but I know where the 7½ cents goes to, and the 7½ cents figures up to be \$104,000. Now, how many of you have bills on Senator Huber's Table that could be funded for \$104,000. Now, the day is going to come, and if you go out and take a look at my plates, you will see that hopefully the day will come soon, when we're going to be issued new plates. When we're issued new plates, we're talking about a half a million dollars.

Each and every one of us, during our campaign has talked about cutting government waste, the pious rhetoric. Now, here's the chance to simply bring the statutes in to conformity with reality. I dare you to go out and walk around that parking lot, out there this morning, and I'm sorry for the parking lot attendants who can't find the cars, because they're going to have to walk around behind them, if my Amendment passes, instead of looking at the front, but I don't think that's justification for spending \$104,000 of the State's money. I challenge you to go out to that parking lot right now, and don't look at Legislative Plates, because we all have big egos, we'd like to have 2 plates, but look at the State employees parking lot over there, and see how many cars out there say "Go to Coe". I'm

sorry, that's no longer valid in Augusta. It used to say "Go to Coe", probably still some of them kicking around. I saw a Driver Ed. car the other day that said, "McFarland Datsun" on it. I see "Billy Libby Chevrolet." I see, "Sherman Chevrolet." I see USA - 1." I see "Arrive Alive", that's Florida's plate. I see everything under the sun. I'm going to put one on the front that says "Mike Carpenter."

That's a fact of life. That's the law being enforced today.

Now, I received a very nice note from a good friend of mine in the State police the other day. Just wanted to let me know what they were doing about this and how many people that they had arrested, and how many people they had given warnings to. If I read the Statute correctly, there's no room for warnings. It says you shall have two plates. One affixed to the front. One affixed to the rear. Period. The infraction is a minimum of \$25.

Now, if anybody in the State Police, Public Safety Department is listening to me this morning, I don't want them to enforce the law, even if I lose, because it is an unnecessary burden on the people of the State of Maine.

The fact of the matter is it's not being enforced. Every year when I presented this Bill, my friend, Clyde LeClair, the Chief of Police of Falmouth, has come up and talked about back in ought three or whenever, they did happen to catch a bad guy fleeing the scene of the crime. When was the last time that you saw a State Police car or any police car, I don't want to blanket, blame the State Police for this whole issue, because it sure isn't their fault, when was the last time you saw a police car speeding down the road, with a trooper or a local policeman, blue lights going, and how many times have you seen them with pad in hand, taking down number plates as they go. That's what the police are telling you. They're going to catch the bad guy fleeing from the scene of the crime, by using that one plate.

When they go down the interstate, 30 miles, trying to get to a crime scene, they better be taking down numbers as they go, cause that's the only way it's going to work.

I served for a year and a half in the Military Police. I couldn't do it today, but back in those days, I could tell you a license plate in my rear view mirror. So, that is a phoney argument.

I hate to see the burden of this put on the police because they're not the ones that have been walking these hallways lobbying.

We received a very fancy, well documented, something or other from the Research Division of the International Association of Chiefs of Police the other day. Turn back a few pages and you'll find who really put it out. Published by the 3M Safety Systems Division, 3M Center, St. Paul, Minnesota. That's where the lobby effort has come from my friends. Make no mistake about it. This is their bread and butter, and I don't blame them from lobbying it. I'm not casting any aspersions toward anybody who's lobbying. The gentleman who is lobbying this Bill is a good friend of mine. It's his job, just like it is the job of everybody else to hire on to lobby for these bills.

What I'm saying is the issues that they are throwing up to you are phoney, phoney, phoney. If we're going to have a two plate system, for gosh sakes, let's enforce it.

I hope and pray that I don't get murdered by somebody from New Jersey, or Florida, or somebody who bought their car at "Bill Libby's Chevrolet," or somebody who has a "USA-1" or something else on the front of the plate, because then, apparently, the police are never going to catch them. That's what we're told by this issue. I hope that I never get murdered by someone who just decides to leave that front blank.

My original idea, the last three years I presented this Bill, I would have presented it again this year but I was told Performances and Audit was going to do it, that there was, until

just a couple of weeks ago, I want you to know, a lot of support in the Committee. Almost, I understand, a unanimous Committee Report in favor of one plate, until the Lobby started to do its work, and I want to know why it turned around.

My idea was to get our friend Peter Damborg of the Maine Publicity Bureau involved, and have them sell a promotional plate, optional. I would buy one in a second, that said, "Beautiful Maine," "Visit Maine," "Maine Vacationland." Something along those lines. I'm very proud of my state, and I would love to have something like that.

If you want to amend, and this would probably make 3M happy, I would even support a bill that mandated that you had to have that sort of plate put on the front. If we're interested in a front plate, then let's come up front and do it right. Maybe 3M would support that issue. Maybe they'd make more money selling that.

They sell their reflectorized material. That's where the opposition to this Bill is coming. It just really bothers me, this issue is here. We all run on a conservative platform. Here's a chance to save \$104,000, a half a million dollars that year, whenever it comes, when we're going to have to reissue plates, a half a million dollars.

I'm sure the Appropriations Committee would love to get their mits on a half a million dollars, and I'm sure there are programs and things that need to be done in this State that could be funded by a half a million dollars, a whole lot more beneficial than this.

The whole argument that's been used is the police need it. Well, if the police need it, let them enforce it.

Now, I assure you, and I would ask you to warn your constituents, if this issue fails this morning, probably, for the next few weeks, there's going to be strict enforcement of this law, but I'm telling you, if you don't have a plate on the front of your car that has Maine Vacationland and numbers or letters in the middle, you're illegal. There's no room for warning, as I read the statute. You are illegal, and you should be stopped and cited, minimum, minimum of \$25 dollars up to \$250. Thank you.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: The Audit and Program Review Committee did spend almost a full year on this particular issue, and we did form a subcommittee to investigate her further.

Let me make one point perfectly clear of the outset of this whole thing. The subcommittee, to the best of my knowledge, up until maybe 3 or 4 weeks ago, had no knowledge, or no input, from the 3M company.

I believe what Senator Carpenter is projecting, is nothing but a ploy, and I think it is totally unfair to use this type of strategy to try to prove his particular point.

I'm going to share with you this morning some of the highlights of why the subcommittee, in its wisdom, maintained this posture of retaining 2 plates in the State of Maine.

The most important single factor, when considering the one plate concept, that is overlooked, the factor is that the public at large who are served by law enforcement fail to recognize the advantages of having 2 plates. It is the public at large who suffer the consequences when law enforcement personnel are hindered in the identification of motor vehicles.

Another point. Some proponents, not necessarily today, but over the years that this issue has been before us, of the single plate system, claim that the single plate system do not reduce law enforcement efficiency, however, it should be obvious to anyone, that the removal of one plate, front or rear, automatically reduces positive identification of those vehicles by 50%. In reality, taking into consideration the

total needs of law enforcement to identify vehicles, their identification is reduced far more than 50%.

Let me state a few examples along that line. The first one. The early recovery rate of stolen vehicles in Maine is just about 70%. Upon being reported, a complete description of that vehicle, along with the registration number, is broadcast to all police agencies throughout the State of Maine. Often this vehicle is met by an officer on routine patrol, and a front plate is quickly recognized. Today, with the manufacture of so many small vehicles, I emphasize the point, so many small vehicles, it is difficult, at best, for the average person to distinguish one make from the other.

If that's not a good reason, than find another one as far as that argument is concerned.

To read a registration number through a rear view mirror, as a vehicle passes, is next to impossible, regardless of the person's 20/20 vision or excellent eyesight, as the good Senator from Aroostook claims he has in his particular remarks, it is far easier to read a registration number that is coming towards you, than one that is going away from you.

To lessen the chances of readily identifying stolen vehicles by removing one of the plates, serves only the interests of those who steal the vehicles, who steal the cars.

The second point. The victims of hit and run accidents, both operators and pedestrians, generally do not have the time or the opportunity to make observations of the registration number, however, there are many cases solved each year because either witnesses or the victims obtained the number from the front of the vehicle. The public is well orientated in the value of registration numbers.

An area of concern to many of us over the years has been illegal drug activity in the State of Maine. Let's address this briefly.

Illegal drug activity is not new to the State of Maine. To the contrary, the Maine coastline is a prime target for those persons involved in the importation of illegal drugs. Hundreds of vehicles are used by the people, and enforcement personnel are dependent, to a large degree, on the identification of these vehicles, by the registration number, or surveillance and location. The single plate only makes this task more difficult, and adds to the possibility of surveillance being exposed. I think that's a justifiable reason.

Now, I bring these points out for a very valid, constructive reason, members of the Senate. I haven't taken this thing lightly and neither have members of the Audit and Program Review Committee.

It is an extensive survey. There was an extensive survey released in April of 1979, by the International Association of Police Chiefs, and the good Senator from Aroostook, Senator McBreairty, alluded to this.

Now, if 1,673 law enforcement agencies were contacted through this survey, nationwide, regarding the one versus two plate system. Now, 93% of the departments stated that the 2 license plates best serve the needs of law enforcement. In the one plate system, 83% indicated they would be better served with the 2 plate systems.

The bottom line in this survey was that there was overwhelming support for the 2 plate system, and particularly in the states currently using one plate, of 41 states currently have a 2 plate system, as well as 11 of the 13 Canadian Provinces which come through the State of Maine during the summertime to enjoy our coastline, as well as our hospitality.

The good Senator from Aroostook, Senator McBreairty, spoke about his letter from Massachusetts, and I also have survey figures which I want to add for the Record, so there is no misapprehension that we're just doing this arbitrarily to gain support to retain the 2 plate system.

Massachusetts recently went to the one plate

system. In checking with Massachusetts registry concerning the impact, it was learned that the state will be returning to the 2 plate system, possibly in 1982, because of the problem involved in vehicle identification.

Now, approximately 800,000 motor vehicles are registered in this state in 1980. Records indicate that approximately one million other similar current type plates also have been issued. Where are they? If money is the issue, a much larger amount could be saved through the improvement of an issue and return requirements, by discounting 800,000 to 1,000,000 front plates that already have been paid for, and I assure you, if the 3M Company does sell the reflectorized material to the State of Maine, it certainly has no bearing on this particular issue today.

If you look at the lifetime of a plate, which is about 10 years, your looking at the cost the State of Maine pays for the material. It's about 5½ cents per plate.

When you look up the mark up that we have on those plates, that contributes, substantially to our revenues for the operation of that particular department.

I would hope Mr. President, and Members of the Senate, that you overwhelmingly reject this ludicrous idea in this particular Amendment, which was identical to the one that was in the other Branch. It was heartily defeated, and we should do likewise and retain the integrity of what the Committee of Audit Program Review has done on this particular, in this particular Bill, as well as regarding this particular issue.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I talked about the Committee a little bit earlier. I just want to make it very clear.

As long as I've been up here, the good Senator from Androscoggin and I have been opposing each other on this issue. When he was in the Transportation Committee, he was opposed to the one plate idea, and he is now. I have no problem, as I said on this floor the other day, I have no problem with being beaten, when I am beaten with consistency.

Now, I would take issue with the comments of the good Senator from Androscoggin. Mr. President, I would note in the Chamber the absence of a quorum.

A Quorum of Senators was called to the Chamber.

The Senate called to order by the President Pro Tem.

Senator CARPENTER: Thank you, Mr. President. Mr. President, I'll wrap this up because I don't fantasize for a second that I am changing anybody's mind, but I do want to make some things clear, and I want to put some things on the Record. This is an issue that I feel very, very strong about. I do not disagree with most of what the good Senator from Androscoggin had to say about the potential value of the 2 plate system.

Does anybody in this Chamber today think that we have a two plate system in Maine? That's the question. We don't. I don't think there's anybody who could stand up here today and tell me with a straight face, that they think that we have an effective, enforced 2 plate system in the State of Maine today.

You talk about ripping off the taxpayers. Well, I have to buy something that goes in the trunk of my car, has no value to anybody to the state, other than that, I'm getting ripped off.

What about the Bicentennial year? We authorized bad guys and crooks and all kinds of skullduggery people to run around the state with a plate on the front of the car. We told them it was okay. Now, you tell me that crime, or law, crime went up or law enforcement efforts were diminished during the Bicentennial year.

That's hogwash, also, but we said that was o.k. The State police didn't fight us on that. I'm sure 3M didn't fight us on that, because I'm sure they made their reflectorized material for that, too.

Don't kid yourself into thinking, and I don't want the record to indicate that this Bill hasn't been lobbied to death.

I don't know whether anybody came to the Committee or not. I heard the good Senator from Aroostook stand here yesterday and talk about the Performance and Audit Committee, or the Audit and Performance, whatever they call themselves these days, about it being a year long process. Well, I know that a month ago, I wasn't concerned about, 2 months ago I wasn't concerned about putting this Bill in a separate LD, because I knew there was a lot of support in the Committee.

There was a vote in the Committee in favor of including this issue in the Bill before us, and then all of a sudden something happened. The good Senator from Aroostook talked about the year long process. He talked about Audit and Performance Review being a very worthwhile process, and then he talked about, in regard to another amendment, we can't allow ourselves to be picked off, and this is a quote from last night, "picked off, one at a time, by special interest groups."

Now, you tell me what this is, when the vote in the Committee was to put this in the Bill, and now we're being picked off one, by one, by one.

I cast no aspersions at any member of the Committee. They have a right to change their position, but I'm telling you a prime example of, the best example I've seen this Session, of a special interest group saying, hey, we're going to lose this issue if we don't get our act together. They got their act together, and they're going to win the issue, but their not going to win the issue fair and square.

The good Senator from Androscoggin was exactly right about the potential value of a car coming toward you and a policeman being able to see that plate, and I just asked him again, when was the last time he saw an officer going down the road, writing down license plate numbers?

Now, a trained police officer has a good memory, but if he has to travel very far, and you meet a lot of cars, you know your memory isn't that good.

What about dealer plates? What about dealer plates? Have we had instances in the State of Maine, where there have been crimes committed by cars driving dealer plates. Let's make the dealers put a plate up front. They're just as susceptible to having cars stolen, and I know because I worked for a dealer at one time. They're just as susceptible to having a car stolen as I am. What about motorcycles? What about the lack of illumination of the front plate? These are phony issues. Completely, completely phony issues.

I had a Legislator friend one time, who told me, since we have dual registration how this will blow a police officer's mind, and this is legal. I believe. He used to put his white plate on the front, and his blue plate on back. That way, if he was someplace where he didn't want anybody to see him, he'd back his car in. An old trick, perfectly legal, I think. I drove up this morning, and I watched in my rear view mirror, car, after car, after car, after car. Use to be I thought those were all out-of-state cars. No way, no way. They're all state cars.

All I'm saying is I don't oppose the 2 plate system, and when I lose this morning, I don't want the State police to enforce the two plate system we're still going to have on the books.

But, it's a phoney issue, and you can't go back and tell your people that you voted to cut government spending, if you let this issue, at \$104,000 a year, and I had someone in the other Body tell me that's small amounts, minor amounts. \$104,000 I'd like to have it. Mr. President, has a Roll Call been requested? Thank

you.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Aroostook, Senator McBreaarty.

Senator MCBREARTY: Mr. President, Honorable members of the Senate, I'll be very brief.

I would like to stress a few points.

Lobbyists had absolutely no influence in my decision on this issue. It was made on facts. We had public hearings on the recommendations, and finally come out with our decision, the Majority of the Committee.

I would like to also stress that the savings the state will be making will be taking away something that you have already bought. Now, if we want to go with this theory, there's many more areas we can go into, and buy services from the State, and then not request that they deliver. Then we can save millions.

The reflector plate was one thing that the police did bring out, nearly every group, and that was the fact that with the reflector plate, when a car is left, unattended, at night, along the highway, that reflector plate is probably the first thing that you'll see, and realize that the vehicle is there, so they consider that to be a real safety feature on a front reflector plate on a car, and if it's abandoned or left along the road, or stalled, you do have something that you'll pick up quickly, and identify the fact that it's there, and that was one of the things that influenced my decision right there. I know many of you have seen cars, and if you watch from now on, you'll notice in the dark, the first thing you'll see is the reflector plate on the front.

The PRESIDENT Pro Tem: Is the Senate ready for the question.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I'll also be very brief.

The good Senator from Aroostook, Senator Carpenter, brought out one fact that I have been consistent on this particular issue over the years, and I have been, and I can assure you that I was not influenced nor bought by any lobbyist or any organization, who might be interested in selling materials to the State of Maine.

I resent, and I consider it a cheap shot, to more or less indicate that other members of that Committee changed their positions because of a lobbyist who wants to sell material to the State of Maine.

I've heard a lot of remarks through my years up here, but I really consider that really cutting, unwarranted, unfair to myself, as that Subcommittee Chairman, and to the Members of the Audit and Program Review Committee, who in good conscience really screened and evaluated all the facts before them, and I can assure you their interest was only for the citizens of the State of Maine, and not to hamper law enforcement any more than we have.

We can play all the games we want by cutting back on law enforcement, and telling them what we think they should be doing, when on the other hand most of us are not out there trying to enforce the law or going through those trials and tribulations that these law enforcement agencies, whether at the municipal level, county level, or state level, are doing.

We just take it for granted, like we do many things, this Legislature, unfortunately. It's easy to criticize and condemn, which seems to be the name of the game this morning. I can assure you that the intelligence of this Body won't accept such a hideous ploy that's been projected to us.

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

Senator CARPENTER: Mr. President, thank you if the record as examined. The good Senator from Androscoggin will go look at the record, and he will see that my remarks, which, on the floor of this Body, can be very emotional, have been anything but that this

morning.

I would just simply say if anybody is interested in relating what the initial vote in the committee was on this issue. I thought I was very clear when I spoke the last time, that I have no problem, whatsoever with my seatmate on this issue. I didn't talk to him about the issue as far as trying to have him change position, because I know. That's fine. No problem with that.

I cast absolutely no stones at anybody on that Committee, or the individuals lobbying the Bill. I don't think I did. I didn't intend to if I did. Maybe new information came in. I haven't heard it this morning yet. All I've heard is the same tired old rhetoric from the same chiefs of police all over the world.

Of course they support the concept of two plates. The police in Maine do. They're frustrated, too, because they're not enforcing it. They can't enforce it. Most Maine people abide by it because you get two. If you get two, you put them on, somewhere.

I'll bet you right now that most people in the State of Maine don't know that it's a violation of Maine Law to be without one on the front of your car.

I just want to make the Record very clear. I'm not questioning the integrity of the good Senator from Aroostook, the good Senator from Androscoggin, and I'm certainly, and I emphasize the word "certainly", not questioning the good Senator from Lincoln, Senator Sewall, the other member of the Committee. Not one bit. If you want to take that and make it into an issue, because the vote's going to be close, and it might turn somebody's head, well so be it. It didn't come from my lips. You go read the horse blanket when it comes out in a couple of days.

I would leave you with just one question. I think you ought to be thinking about this, when you vote. The law today says you've got to have one on the front, if anybody took it that way, including the good Senator from Androscoggin, I apologize. I simply said the vote turned around. It did, and you've got to have one on the back. Period. No exceptions. If my issue fails this morning, I want you to ask yourself, is the law presently working? Is it being enforced? If not, then I suggest that maybe at another time, maybe on a cooler day, that we might enact some changes in the law. Thank you, Mr. President.

The PRESIDENT Pro Tem: 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 Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I had to leave the Senate Chamber for personal reasons, and wonder if the proponents and opponents might just summarize their arguments for and against this Bill?

The PRESIDENT Pro Tem: The Senator from Penobscot, Senator Trotzky, has posed a question through the Chair to any Senator who may care to answer.

The pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter, that the Senate Adopt Senate Amendment "B" to LD 1576.

A Yes vote will be in favor of the Adoption of Senate Amendment "B".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Huber, Kerry, Najarian, Pray, Trafton, Violette, Wood.

NAY — Ault, Brown, Collins, Devoe, Emer-

son, Gill, McBreairey, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky, Usher.

ABSENT — Hichens, Sewall, C.; The President — J. Sewall.

A Roll Call was had.

13 Senators having voted in the affirmative and 17 Senators in the negative, with 3 Senators being absent, Senate Amendment "B" Fails of Adoption.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, on the posture of this Bill, is it permissible to ask for Reconsideration on one item?

The PRESIDENT Pro Tem: The Chair would answer in the affirmative.

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate Reconsider its action whereby it Failed to Adopt Senate Amendment "B" to LD 1576.

Will all those Senators in favor of Reconsideration, please say "Yes."

Will all those Senators opposed, please say "No."

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

The Bill, as amended Passed to be Engrossed, in nonconcurrency.

Senate

Bill, "An Act to Improve Enforcement of the Plumbing Code." (S. P. 454) (L. D. 1300)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act to Make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983, and to Establish a Local Road Assistance Program." (Emergency) (S. P. 609) (L. D. 1607)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Bring Noncarbonated Beverages such as Fruit Punch and Iced Tea into Compliance with Maine's Beverage Container Law." (S. P. 367) (L. D. 1086)

Bill, "An Act Amending the Electricians Licensing Statute." (S. P. 285) (L. D. 810)

Bill, "An Act to Provide one Additional Judgeship for the District Court." (S. P. 158) (L. D. 366)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Bill, "An Act to Provide Cost-of-living Adjustments to Retired State Employees, Teachers and Beneficiaries." (S. P. 385) (L. D. 1143)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Enactor

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

AN ACT to Diversify Maine's Participation in the Eastern States Exposition. (H. P. 1254) (L. D. 1478)

Which was Passed to be Enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

The President Pro Tem requested the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall to the rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall, to the ros-

trum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to his seat on the floor of the Senate.

The PRESIDENT: The Chair thanks the Majority Floorleader for his usual good work this morning.

Orders of the Day

The President laid before the Senate the first Tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Business Legislation — Bill "An Act Concerning Illegal, Fraudulent or Unconscionable Conduct in Attempted Collection of Debts." (H. P. 545) (L. D. 621) MAJORITY REPORT Ought to Pass in New Draft under same Title (H. P. 1460) (L. D. 1599); MINORITY REPORT Ought Not to Pass.

Tabled — May 14, 1981 by Senator SUTTON of Oxford.

Pending — Acceptance of Majority Report.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, we discussed this at quite some length the other day. I'd just like to remind you that we are going to throw a net over all the business of Maine because we've got one big business that's causing some problems in this area, possibly two.

The Bill was tabled, or was held in the committee for quite some time, talking with this particular company, also trying to figure out how we could make this Bill cover just the large companies, and not cover all the small businesses in the State of Maine. We finally gave up because we couldn't quite figure out how to do that.

That's the problem I'm concerned with. I'm in complete sympathy with what needs to be done as far as some of these large debt collectors are concerned. I'm also very concerned about what this is going to do to the numerous and perpetual, for sake of a better word, deadbeats, who as soon as they get a little pressure from Perkins Pharmacy in Blue Hill, for not having paid their prescription drugs that he's extended on credit. They get on the phone. They either call Pine Tree Legal, or they call the Consumer Protection, where they'd wind up if they did call Pine Tree Legal. Then it's the burden on the proof.

The burden of proof is completely on the store owner, to prove that he did not harass the person who owed him money. Maybe he called his place of business once. Maybe he called the neighbor once looking for them. He's going to have to prove that he didn't do it more than three times in a seven day period, or what have you, or so many times in a week.

Ladies and Gentlemen, I don't want all of our store owners, banks, and what have you, in the State of Maine, put in a position where they are going to be guilty until proven innocent by deadbeats, who will be using our law as protection against doing what they should and rightly should do.

Ladies and Gentlemen, I would urge you not to Accept the Ought to Pass Report.

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

Senator CLARK: Thank you, Mr. President. Men and Women of the Senate, I would hope this morning that you would Accept the Ought to Pass Report. We are not proposing some flaky new standards here, in what was originally LD. 621, and is now LD 1599. These are the very same, the identical standards already operating and well, I might add, for our debt collection agencies in Maine today.

You've heard from the good Chair of the Committee on Business Legislation, who reflects that a sentiment that there are those who question whether this is such a problem, that it merits passage of this Bill. Yes, we on the Committee, including the faction that I'm