

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: We have debated at great length the series of so-called Abortion Bills. They've been well debated by people on both sides of the issue, far better qualified, the people who have done a far better job than I would have debating them.

My record on this issue has not been a hazy one. It's been very clear. I have voted consistently for what I guess is called the 'pro-life side.' If you don't believe that, just ask Senator Huber, he'll tell you very quickly what my position has been.

The only exception to that is that I have, because I think it's an important issue, I have always voted to reconsider, to look at the issue again. I've voted to allow us to look at the amendments, such as Senator Trotzky's, which I did not support, but I thought we should at least look at it.

Today this is another amendment which we should look at before we finally enact this bill. Whether you agree with the amendment or whether you don't. Before we finally enact this bill, this amendment should be looked at. Maybe this bill will be enacted today, and maybe it won't; but I want the record clear. It won't be enacted with my vote today, if it is enacted, until we have looked at this amendment.

What the bill addresses, what it proposes to do, conceptually I agree with wholeheartedly, but I cannot vote to enact a bill today, which is an important piece of legislation without fully addressing all sides of the issue.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I would request a Roll Call.

The PRESIDENT pro tem: A Roll Call has been requested.

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 pending question before the Senate is the Enactment of L. D. 604.

A Yes vote will be in favor of Enactment.
A No vote will be opposed.

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

ROLL CALL

YEA — Carpenter, Conley, Cote, Danton, Devoe, Farley, Gill, Hichens, Martin, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Silverman, Teague, Usher.

NAY — Ault, Chapman, Clark, Collins, Emerson, Huber, Katz, Lovell, Najarian, Perkins, Pierce, Shute, Sutton, Trafton, Trotzky, Sewall.

ABSENT — None.

A Roll Call was had.

17 Senator having voted in the affirmative, and 16 Senators in the negative, with no Senators being absent, L. D. 604 is Passed to be Enacted.

The Bill having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President pro tem would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the rostrum, where he may assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall, to the Rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator

from Kennebec, Senator Katz, to his seat on the Floor of the Senate.

The PRESIDENT: The Chair thanks the Majority Floor Leader for his usual competent job.

Orders of the Day

The following matters, in the consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 25.

The President laid before the Senate the First Tabled and specially assigned matter for May 30:

Bill, "An Act to Establish a Marijuana Therapeutic Research Program." (H. P. 523) (L. D. 665)

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Consideration.

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

Senator GILL: I have been trying to get an amendment prepared from the department on what it might cost to have the program. They're trying to reach people in New Mexico who already have the program in existence. I'd ask this to be tabled for a couple of days or until later on in the day. I asked the department this morning and they still haven't received word on this. I would ask that someone may table it again.

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Consideration.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Is the Senate in possession of a Senate Order presented yesterday repealing Senate Rule 39?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Senator KATZ: Mr. President, I move that the Senate reconsider its action whereby we Passed this Senate Order.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby the Senate repealed Senate Rule 39, "No Smoking shall be allowed within the Senate Chamber while the Senate is in Session."

Is this the pleasure of the Senate?

It is a vote.

Senator KATZ: Mr. President, I offer Senate Amendment "A" to the Senate Order and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "A" to Senate Order repealing Rule 39, and moves its Adoption.

Senate Amendment "A" (S-268) Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, after the extraordinary debate we just completed maybe we can keep this in its proper perspective. It is not an occasion for confrontation.

This just says for the next few days the matter is not repealed, it is just suspended. I hope that we can draw together and defer any final decision until we meet again in January.

Senate Amendment "A" Adopted.

Which was Passed, as amended.

There being no objections, all items previously acted upon with the exception of those papers held, were sent forthwith.

On Motion by Senator Pierce of Kennebec, Recessed until 2 o'clock this afternoon.

(Recess)

(After Recess)

The Senate called to order by the President.

The President laid before the Senate the Second Tabled and specially assigned matter for May 30:

Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime." (S. P. 2) (L. D. 2)

Tabled—Earlier in the Day by Senator Conley of Cumberland.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President, I present Senate Amendment "A" to L. D. 2, under Filing Number S-257, and move its Adoption.

The PRESIDENT: The Senator from York, Senator Farley, offers Senate Amendment "A" to L. D. 2, and moves its Adoption.

Senate Amendment "A" (S-257) Read.

The PRESIDENT: The Senator has the floor.

Senator FARLEY: Mr. President and Members of the Senate: As we mentioned yesterday this merely changes the present bill and spells out the public drinking to highways, streets, lanes or sidewalks. Also has an emergency enactor on it.

Senate Amendment "A" Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the Third Tabled and specially assigned matter for May 30:

Bill, "An Act Concerning Persons Exposed to Diethylstilbestrol." (H. P. 499) (L. D. 635)

Tabled—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Enactment.

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 laid before the Senate the Fourth Tabled and specially assigned matter for May 30:

Bill, "An Act to Correct Obsolete References in Title 30 of the Maine Revised Statutes." (S. P. 307) (L. D. 903)

Tabled—Earlier in the Day by Senator Pray of Penobscot.

Pending—Enactment.

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 laid before the Senate the Fifth Tabled and specially assigned matter for May 30:

Bill, "An Act Relating to the Purchase of Railroad Rights of Way." (H. P. 1042) (L. D. 1275) (Emergency)

Tabled—Earlier in the Day by Senator Redmond of Somerset.

Pending—Enactment.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Am I correct? Is this L. D. 1275?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Senator REDMOND: Mr. President and Members of the Senate: The reason I was holding on to this bill was because this bill involved purchasing Railroad Right of Ways in Eastport and Bingham. Bingham is in my district. The people of Bingham did not want the State to purchase the railroad for them.

So I spoke to Mr. Mallar of the Department of Transportation last week and he agreed if the people of Bingham do not want the Department of Transportation to purchase the Railroad Right of Way from Bingham to North Anson, he would not do it. He asked me to get a letter from the people from Bingham to him, I have a copy of the letter here, I don't know