

# MAINE STATE LEGISLATURE

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**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**

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**August 29, 1985**

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If there is an emergency, for instance, in the example given by the good Senator from Sagadahoc, Senator Stover, of freezing pipes or possible weather damage, then the landlord may go in immediately. No notice is required at all.

So I think that emergency provision in our current laws, protects the landlord's right to protect his own property. The Bill before you goes one step further — it allows the landlord to go into a tenants unit at any time without any notice. I think that goes a bit too far. If all landlords had the good judgment of the good Senator from Sagadahoc, Senator Stover, I would not be too concerned, because I know that as a manager of many apartments, Senator Stover has had the experience of time and many experiences to learn when is the appropriate time to enter somebody else's unit.

As he indicated, himself, this morning, he felt uncomfortable entering a particular unit one time. So I suggest the twenty-four hours' notice when no emergency exists, it is not unreasonable. I suggest that you accept the Ought Not to Pass Report.

#### Off Record Remarks

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

Senator **STOVER:** Listening to the remarks of the Senator from Androscoggin, Senator Trafton, it puts a different version on this Bill than I had thought there was. If a person has the right to go in if he feels there is an emergency, as he has cited, then I have no problem with the rest of it. I certainly I would think a tenant should have the right of a twenty-four hour notice if he wanted to schedule some work for that apartment, or something like that. So I would withdraw my motion.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator **ERWIN:** Mr. President, has a Division been requested?

**THE PRESIDENT:** The Chair would inform the Senator, that the good Senator from Sagadahoc, Senator Stover, has just asked leave to withdraw his motion for a division.

Senator **ERWIN:** I was going to request leave of the Senate to be excused from voting on this issue due an appearance of a conflict of interest. I need not ask that question now?

**THE PRESIDENT:** The Chair would answer in the affirmative.

Is it the pleasure of the Senate to grant the Senator from Sagadahoc, Senator Stover, leave to withdraw his request for a Division?

It is a vote.

On motion by Senator **TRAFTON** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Establish Age 21 Years as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" (Emergency) (S.P. 332) (L.D. 820)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-118).

Signed:

Sensors:

TRAFTON of Androscoggin  
NAJARIAN of Cumberland  
STOVER of Sagadahoc

Representatives:

REEVES of Pittston  
PERRY of Mexico  
PAUL of Sanford  
RIOUX of Biddeford  
WARREN of Scarborough  
DILLENBACK of Cumberland  
MURPHY of Berwick

MASTERMAN of Milo  
NICKERSON of Turner

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representative: **BOTT** of Orono  
Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-118) **READ** and **ADOPTED**.

The Bill as **AMENDED ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

#### Senate at Ease

The Senate called to Order by the President.

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

On motion by Senator **CLARK** of Cumberland, **RECESSED** until 4:00 P.M. this afternoon.

#### Recess

After Recess

The Senate called to Order by the President.

#### Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Requiring Protective Headgear for all Motorcycle, Motor Driven Cycle and Moped Riders" (S.P. 63) (L.D. 89)

Reported that the same **Ought Not to Pass**.

Signed:

Sensors:

ERWIN of Oxford  
SHUTE of Waldo

Representatives:

SOUICY of Kittery  
CALLAHAN of Mechanic Falls  
STROUT of Corinth  
CAHILL of Woolwich

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (S-121).

Signed:

Sensor:

DANTON of York

Representatives:

THERIAULT of Fort Kent  
MILLS of Bethel  
POULIOT of Lewiston

Which Reports were **READ**.

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

Senator **DANTON:** Mr. President, I move Acceptance of the Minority Ought to Pass As Amended Report.

**THE PRESIDENT:** The Senator from York, Senator **Danton** moves the Senate **Accept** the Minority **Ought to Pass As Amended** Report.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator **SHUTE:** I ask for a Division.

**THE PRESIDENT:** A Division has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Senator **DANTON:** Mr. President just a brief explanation and I don't want to take too much time with this, what we did with this bill was that right now whoever gets a learners permit or a first year license has to wear a helmet.

Of course when we did this three years ago we were talking about the first year, you know motorcycle years are really four or five months, so what we did was we changed it from one year to two years. So that would give someone experience for about ten months.

Now the problem is that we have thirty-five thousand registered motorcycles and we have about seventy-five thousand licensed motor-

cycle riders. What that really means is that a lot of people who ride this year really do not own a motorcycle and they will get their own next year and without getting real familiar with their bike they are on their motorcycle without a helmet.

We thought that it would just be an improvement for their safety and that is why I proposed this. Thank you.

**THE PRESIDENT:** Will all those Senators in favor of the motion by Senator **Danton** of York to **Accept** the Minority **Ought to Pass as Amended** Report, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

10 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**.

Sent down for concurrence.

#### HELD BILL

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Carpenter. Senator **CARPENTER:** Mr. President is the Senate in possession of L.D. 423?

**THE PRESIDENT:** The Chair would answer in the affirmative having been held at the Senator's request.

Bill "An Act Concerning the Return of Security Deposits Paid by Tenants" (S.P. 156) (L.D. 423)

(In Senate May 28, 1985, Reports from the Committee on Legal Affairs **READ**.)

**RECONSIDERED ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** by Committee Amendment "A" (S-117) Report. Subsequently, the Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**.

Senator **CARPENTER:** Mr. President I move that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report.

**THE PRESIDENT:** The Senator from Aroostook, Senator Carpenter moves the Senate Reconsider its action whereby it Accepted the Majority Ought Not to Pass Report.

On motion by Senator **VIOLETTE** of Aroostook, tabled for 1 Legislative Day, pending the motion by Senator **CARPENTER** of Aroostook to **RECONSIDER ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report.

#### SECOND READERS

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

##### House

Bill "An Act Concerning Snowmobile Registration Fund Distribution" (H.P. 1071) (L.D. 1558)

Bill "An Act to Clarify the Law Regarding the Taking of Soft-shell Clams" (H.P. 1065) (L.D. 1547)

Bill "An Act to Clarify and Make Technical Changes in the Law Governing Boards and Commissions" (Emergency) (H.P. 1072) (L.D. 1560)

Bill "An Act to Guarantee Equitable Access to Soft-shell Clam Resources" (H.P. 1067) (L.D. 1549)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

##### House As Amended

Bill "An Act to Amend Calculation of Period of Imprisonment under the Maine Criminal Code" (H.P. 683) (L.D. 969) (C "A" H-158)

Bill "An Act to Allow Sheriffs' Deputies to Hold Nonpartisan Local Elected Office" (H.P. 366) (L.D. 486) (H "A" H-148)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED as Amended**, in concurrence.