

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate
May 22, 1991 to July 10, 1991

Index

WHEREAS, a few short years ago, one of Maine's best-known schooners, the Victory Chimes, the largest passenger-carrying sailing vessel under the American Flag, was sold out of the State of Maine after having sailed the bays and sounds of the Maine coast for 35 years; and

WHEREAS, the Victory Chimes has now been returned to Maine and will be skippered by 2 experienced captains, one of whom is a native Mainer; and

WHEREAS, the Victory Chimes will again be sailing Maine waters and introducing hundreds of people to seafaring traditions of Maine; and

WHEREAS, it is appropriate that the Maine Legislature recognize the symbolism of her return and its importance, as a premier vessel in the American Windjammer Fleet, to Maine's Windjammer Fleet; now, therefore, be it

RESOLVED: That We, the members of the 115th Legislature, now assembled in the First Regular Session, pause in our deliberations to recognize the contributions of the Victory Chimes to the heritage of the State of Maine; and be it further

RESOLVED: That suitable copies of this joint resolution, duly authenticated by the Secretary of State, be transmitted to the new owners of the Victory Chimes, Captains Kip Files and Paul DeGaeta in recognition of the contributions of their gallant vessel, the Victory Chimes, to the maritime heritage of this State.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

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

SECOND READERS

Senate

Bill "An Act to Allow Nonprofit Organizations to Use Proceeds from Beano or Bingo for Limited Purposes" (Emergency)

S.P. 765 L.D. 1956

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Correcting Errors and Inconsistencies in the Laws of Maine" (Emergency) S.P. 760 L.D. 1954

Tabled - June 26, 1991, by Senator **CLARK** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (S-373)

(In Senate, June 26, 1991, Report **READ** and **ACCEPTED**. Committee Amendment "A" (S-373) **READ**.)

On motion by Senator **GAUVREAU** of Androscoggin, Senate Amendment "A" (S-383) to Committee Amendment "A" (S-373) **READ**.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As you know the Committee on Judiciary has been considering the Errors Bill for the last few weeks. This is the second Errors Bill we are offering for your consideration this year. It is our tradition that we put in the Body of the Bill itself only what we refer to as technical errors. For example, misspellings, or if language is put in the wrong paragraph. Any change that we make that actually makes a substantive effect which actually would alter substantive of law, we include that outside of the Errors Bill as a floor amendment. It is our unanimous opinion that the amendment we are offering for you today in Senate Amendment "A" (S-383) is truly affecting the intent of the legislative Committees which are apparently committed technical mistakes. We think that this language is substantive in nature. Due to the late hour, unless I am asked to do so, I will not take the time this evening to go over the various amendments. But, it is our unanimous opinion that the language before you, although substantive, does truly mirror the intent of the legislative Committees which offered this language.

On further motion by same Senator, Senate Amendment "A" (S-383) to Committee Amendment "A" (S-373) **ADOPTED**.

On further motion by same Senator, Senate Amendment "B" (S-385) to Committee Amendment "A" (S-373) **READ**.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Our Committee on Judiciary is offering a separate amendment under Senate Amendment "B" (S-385) with language that would amend the legislation that we have just enacted, and the Governor signed into law dealing with mandatory use of seat belts. As you recall, this year we

increased the mandatory age up to the age of 19 for seat belt usage. This language was originally offered to our Committee last Friday and we rejected it. We felt it was substantive of language. At the time the Seat Belt Bill was on the Governor's desk and had not yet been signed into law. We learned today that that Bill has been signed into law by the Governor. Therefore, we reconsidered and did consent to offer this language on the floor as a separate floor amendment. Let me explain to you what the language does. As you know, over the last few years we have gradually increased the age requirement for usage of the seat belts. Until this year, I believe, all youngsters 16 years of age and under were required to buckle up. In any event, the language never included drivers, because drivers never were of that age level. This year by going up to the age of 19 we do pick up drivers, and apparently, it was a truly innocent technical mistake, but the language of the Bill that was signed into law only makes the seat belt usage required of passengers and not the driver. I understand that this was not the intent of the Committee on Transportation, nor the intent of the Maine Legislature or the Governor who signed the Bill into law. So what Senate Amendment "B" does is clarify, if you will, and make certain that mandatory seat belt usage law applies to drivers as well as passengers up to the age of 19. With that I offer this amendment and move it's adoption.

On further motion by same Senator, Senate Amendment "B" (S-385) to Committee Amendment "A" (S-373) **ADOPTED.**

Committee Amendment "A" (S-373) as Amended by Senate Amendments "A" (S-383) and "B" (S-385) thereto, **ADOPTED.**

Which was, 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.

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 **TRANSPORTATION** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 652 L.D. 926

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-692).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY Committee AMENDMENT "A" (H-692).**

Which Report was **READ.**

Bill and Accompanying Papers **RECOMMITTED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE.**

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

Senator **CONLEY** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, L.D. 1954 ordered sent down forthwith for concurrence.

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 to Preserve the Integrity of the Maine State Lotteries

S.P. 80 L.D. 143
(C "A" S-187)

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter: