

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 8, 1975

Senate called to order by the President.

Prayer by Rev. Cecil A. Jones of Gardiner:

Shall we pray. Heavenly Father, thank you for the grace and the patience that you show toward us each day. Thank you for each one that makes up the Senate of the State of Maine, for their devotion, dedication, and their very lives. We are thankful that you love us the way we are and that you accept us the way we are, but our prayer is that we might become more like the way you want us to be. Give each one understanding, wisdom and guidance as they conduct the business of this Senate, we pray in Jesus' name. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Authorize Bond Issue in the Amount of \$6,500,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine." (H. P. 1061) (L. D. 1341)

In the House March 24, 1975, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

In the Senate April 3, 1975, referred to the Committee on Education and Ordered Printed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending Consideration.

Non-concurrent Matter

Bill, "An Act Relating to Public Safety on Passenger Tramways at Ski Areas." (H. P. 633) (L. D. 784)

In the Senate April 2, 1975, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-128), in non-concurrence.

On motion by Mr. Corson of Somerset, the Senate voted to Recede and Concur.

House Papers

Bills and Resolve today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Redefine the Political Activity Rights of Classified Employees of the State." (H. P. 1093) (L. D. 1434)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Human Resources.

Comes from the House referred to the Committee on State Government and Ordered Printed.

Mr. Curtis of Penobscot moved that the Bill be Referred to the Committee on State Government and Ordered Printed in concurrence.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the Motion by Mr. Curtis of Penobscot that the Bill be Referred to the Committee on State Government.

Senate Papers**Appropriations and Financial Affairs**

Mr. Merrill of Cumberland presented, Resolve, Appropriating Funds for the Pharos House of Portland. (S. P. 477)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Education

Mr. Reeves of Kennebec (Cosponsors: Mr. Clifford of Androscoggin and Mr. Graffam of Cumberland) presented, Bill, "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools." (S. P. 476)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Wyman of Washington presented, Bill, "An Act Clarifying the Right to Appeal from Final Decisions of the Public Utilities Commission." (S. P. 472)

Mr. Merrill of Cumberland presented, Bill, "An Act to Provide that Judges of the District Court shall have the Authority to Order a Mental Examination to Ascertain Responsibility for Criminal Conduct." (S. P. 479)

Mr. Collins of Knox presented, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 480)

Mr. Huber of Cumberland presented, Bill, "An Act to Remove Invalidated Language Concerning Abortion from Maine Statutes." (S. P. 484)

The same Senator presented, Bill, "An Act Providing that Spousal Consent to Voluntary Sterilization Procedure is not Required." (S. P. 485)

The same Senator presented, Bill, "An Act Regulating Abortion Procedures." (S. P. 486)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Wyman of Washington presented, Bill, "An Act Relating to Environmental Controls and the Sardine Industry." (S. P. 471)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Mr. Reeves of Kennebec presented Bill, "An Act to Establish the Electric Facility Siting Act." (S. P. 483)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Natural Resources and Ordered Printed.

Mr. Trotzky of Penobscot then moved that the Bill be referred to the Committee on Public Utilities and Ordered Printed.

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

Mr. SPEERS: Mr. President, I would ask a question through the Chair of the good Senator from Penobscot, Senator Trotzky, as to whether or not the bill in question does relate to the siting of electrical producing facilities, and whether or not such a question of the location of these facilities and the siting of these facilities is not more properly the subject for the Committee on Natural Resources?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to the Senator from Penobscot, Senator Trotzky, who may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, this bill deals with siting, but it also deals with the hearing procedures by which nuclear power plants and other energy plants are

sited. And the hearing procedures, I believe, are involved very much with the Public Utilities Commission, so I believe it should go to the Committee on Public Utilities.

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

Mr. SPEERS: Mr. President, the explanation that I heard was that the bill deals very much with the hearing procedures having to do with site location. That being the question, I would ask for a division on the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has requested a division on the motion of the Senator from Penobscot, Senator Trotzky, that Item 3-10, Senate Paper 483, be referred to the Committee on Public Utilities.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Thereupon, on motion by Mr. Merrill of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Trotzky of Penobscot that the Bill be referred to the Committee on Public Utilities.

Public Utilities

Mr. Berry of Androscoggin (Cosponsor: Mr. Reeves of Kennebec) presented, Bill, "An Act to Prohibit the Arbitrary Imposition of Certain Fuel Charges by Electric Power Utilities." (S. P. 469)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Reeves of Kennebec presented, Bill, "An Act to Provide for Election of Commissioners to the Public Utilities Commission." (S. P. 470)

Mr. Reeves of Kennebec (Cosponsors: Mr. Thomas of Kennebec and Mr. Carbonneau of Androscoggin) presented, Bill, "An Act Establishing Financial Disclosure Procedures for Elected and Appointed Officials." (S. P. 473)

Mr. Berry of Cumberland presented, Bill, "An Act to Abolish the Department of Business Regulation." (S. P. 475)

Mr. Merrill of Cumberland presented, Bill, "An Act to Create the Commission on Governmental Ethics and Election Practices." (S. P. 487)

(On motion by Mr. Corson of Somerset, tabled and Specially Assigned for April 10, 1975; pending Reference.)

Mr. Reeves of Kennebec (Cosponsor: Mr. Carbonneau of Androscoggin) presented, Bill, "An Act Establishing Registration Procedures for Administrative Lobbyists and Proscribing Certain Lobbying Activities." (S. P. 474)

Which, except for the tabled matter, were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Taxation

Mr. Merrill of Cumberland presented, Bill, "An Act Exempting Residential Uses of Water, Gas and Electricity from the Sales Tax." (S. P. 478)

The same Senator presented, Bill, "An Act to Provide State Relief to Homeholders for Extraordinary Property Tax Burdens." (S. P. 481)

Mr. Berry of Androscoggin presented, Bill, "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes." (S. P. 482)

Which were referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Committee Reports

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to the Priority of Mechanics' Liens." (H. P. 593) (L. D. 740)

Bill, "An Act to Eliminate Set Back Standards for Seasonal Homes in the Unorganized and Deorganized Townships of the State." (H. P. 689) (L. D. 851)

Bill, "An Act to Remove Restrictions on the Number of Days of Per Diem Allowed to Board Members of the State Board of Cosmetology for Services Performed within the State." (H. P. 384) (L. D. 477)

Bill, "An Act Relating to the Scope of the Purchasing Authority of the Purchasing Agent of the State of Maine." (H. P. 588) (L. D. 727)

Bill, "An Act to Extend the Maine Housing Authority's Mortgage Purchase Program Benefits to Certain Veterans." (H. P. 718) (L. D. 894)

Leave to Withdraw

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Provide that Equal Protection of the Laws shall not be Denied or Abridged on Account of Sex. (H. P. 307) (L. D. 370)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Providing that Every Proposed Amendment to the Federal Constitution be put to a State-wide Advisory Election. (H. P. 288) (L. D. 340)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Concerning Municipal Refund Claims Against the State under the Forestry Tax Statutes." (H. P. 259) (L. D. 306)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Relating to Property Tax Exemption of Institutions and Organizations." (H. P. 198) (L. D. 243)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Use of Correctional Institutional Appropriations for Academic and Vocational Training." (H. P. 497) (L. D. 615)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on, Bill, "An Act to Amend the Laws Relating to the Licensure of Health Facilities." (H. P. 260) (L. D. 307)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act Requiring Secondhand Retail Dealers to be Licensed." (H. P. 1009) (L. D. 1315)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act to Prohibit Insurance Policies from Requiring Premium Prepayment for more than 3 Months in Advance." (H. P. 525) (L. D. 642)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act to Create a Life and

Health Insurance Guaranty Association." (H. P. 467) (L. D. 579)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass in New Draft

The Committee on Local and County Government on, Resolve, Providing for Purchase of Copies of History of Popham Beach, Maine. (H. P. 51) (L. D. 63)

Reported that the same Ought to Pass in New Draft under New Title: Resolve, Providing for Purchase of Copies of Town Histories (H. P. 1381) (L. D. 1410)

Comes from the House, the Resolve in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Resolve in New Draft Read Once and Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Mr. Clifford for the Committee on Judiciary on, Bill, "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings." (S. P. 35) (L. D. 92)

Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Relating to Immunity of State Officers and Employees from Personal Liability." (S. P. 130) (L. D. 416)

Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Concerning Credit for Confinement within a County Jail after Sentencing." (S. P. 370) (L. D. 1197)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted. Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Providing Compensation for Members of Inland Fisheries and Game Advisory Council." (H. P. 542) (L. D. 658)

Which was Read a Second Time.

Mr. Conley of Cumberland then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I am at kind of a loss as to why we would indefinitely postpone this bill. This is a case where you had an Advisory Council with the law so written that anything the Fish and Game Department does is subject to review and assent of the Advisory Council. They never have had any payment themselves, and there has been a fund of \$2,000 a year, or biennium, I guess it is — I don't recall just which it is — but anyway, it is only \$2,000, and this bill raises it \$1,000 more due to the fact that you have some of this Council up in Aroostook County. They have to come down here sometimes and spend two or three days, and it is ridiculous to expect those men to come down and advise Inland Fisheries and Game without some sort of payment for them.

I hope the bill is not indefinitely postponed, and I will ask for a division.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Conley, that L. D. 658 be indefinitely postponed. A division has been requested.

Will all those Senators in favor of the indefinite postponement of L. D. 658, "An Act Providing Compensation for Members of Inland Fisheries and Game Advisory Council", please stand in their places until counted. Will those Senators opposed to indefinite postponement rise in their places until counted.

A division was had. Eight having voted in the affirmative, and 23 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

House — As Amended

Bill, "An Act Establishing the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financial Agencies." (H. P. 410) (L. D. 516)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Enactors

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

An Act to Allow a Trade-in Credit on the Sales Tax on Boats. (H. P. 185) (L. D. 233)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

An Act to Exempt Fuel Adjustment Charges from the Sales Tax. (H. P. 189) (L. D. 266)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Factors to be Considered Concerning Release on Personal Recognizance or Bail Bond. (H. P. 263) (L. D. 310)

An Act Clarifying Sprinkler System Requirements in Boarding Homes and Existing Places of Assembly. (H. P. 531) (L. D. 649)

An Act to Provide Criminal Penalty for Tampering with Passenger Tramways. (H. P. 632) (L. D. 783)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees." (S. P. 4) (L. D. 4)

Tabled — April 4, 1975 by Senator Speers of Kennebec.

Pending — Consideration.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-40).)

(In the House — Indefinitely Postponed, in non-concurrence.)

Mr. Speers of Kennebec then moved that the Bill be retabled and Specially Assigned for April 10, 1975, pending Consideration.

On motion by Mr. Pray of Penobscot, a division was had. 23 having voted in the affirmative, and eight having voted in the negative, the motion prevailed.

The President laid before the Senate the

second tabled and Specially Assigned matter:

Bill, "An Act Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act." (H. P. 230) (L. D. 286)

Tabled — April 7, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Cummings of Penobscot to Indefinitely Postpone Bill and accompanying papers.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-85).)

Mrs. Cummings of Penobscot then withdrew her motion that the Bill be Indefinitely Postponed.

Mr. Roberts of York presented Senate Amendment "A" to Senate Amendment "B" and moved its Adoption.

Senate Amendment "A", Filing No. S-49, to Senate Amendment "B" was Read.

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

Mr. KATZ: Mr. President, I am a little taken aback at the turn of affairs and I wonder if the sponsor of this amendment could explain the substance of it?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair which any Senator may answer if he so desires.

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President, it is going to be difficult because it involves the changing of the word "if" to the word "provided". As the Senator from Knox, Senator Collins, pointed out last Friday, the bill as drawn had a hiatus in it inasmuch as it didn't make sense as you go from the bottom of page 1 of Senate Amendment "B" to the top of the next page. To correct that and make it read grammatically, the word "if" has been deleted and the word "provided" put in its place, which now makes it read properly, I hope.

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

Mr. SPEERS: Mr. President, perhaps by way of further clarification, Senate Amendment "B" is Filing No. S-47, and at the bottom of page 1 of that Senate Amendment appears the word "if". As you read along in that sentence, that word really does not belong in that place, and presumably Senate Amendment "A" to Senate Amendment "B" would make it grammatically correct.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I think that this bill should be clearly understood. There is no way of knowing what the cost of this is going to be in the years to come.

At the moment, the amendment that we are talking about will limit any responsibility that the towns have to cover the injury to the firemen to a six month period, which does make it innocuous. However, we all know about the nose of the camel under the tent, and I just hope that you do know what you are voting for. If the bill goes through, obviously this amendment must be on.

I am hoping to present an amendment which would remove cardiovascular diseases from this, my theory being that it is extremely difficult six months after having fought a fire to prove whether your heart attack was caused by that particular activity.

Also, of course, what this bill does is

change the burden of proof from the individual to the town, and it is extremely difficult for a town to prove that the actions taken while fighting the fire were the direct cause of either a heart attack or a lung disease.

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

Mr. KATZ: Mr. President and Members of the Senate: I would ask the Senate's indulgence. I have in front of me a — first time that I ever got one — a letter to meet with the Kennebec County Municipal Association to discuss this bill. Although I haven't been involved in it, I know that everybody with feelings of conscience towards the firefighters nonetheless has some real misgivings about making a presumption of service-connected disability here or service-connected illness.

Certainly, I am unaware of any Veterans Administration disability which follows a serviceman on the same basis of presumption of service connection, and I hope that before we go too far down the road we get some real assurance as to the workability of this law and the cost of the thing. Looking at the statement of fact on Senate Amendment "B", the last paragraph, I am not certain that the statement of fact that this merely restores to firefighters the special recognition that they enjoyed from 1955 to 1967 will stand scrutiny of being completely correct because of the difference of presumption.

Although I will certainly support the efforts of the good Senator from York, Senator Roberts, to bring this thing along, I hope that we get some strong reassurance later on down the road.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The motion prevailed.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "B", as Amended by Senate Amendment "A"?

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President, the motion that you are now presenting to us, is that Mrs. Cummings' motion that she just made?

The PRESIDENT: The Chair would reply in the negative, the Senate has never adopted Senate Amendment "B". Is it now the pleasure of the Senate to adopt Senate Amendment "B"?

Thereupon, Senate Amendment "B", as Amended by Senate Amendment "A" Thereto, was Adopted.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill as amended be passed to be engrossed?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, might I ask through the Chair of the Senator from Penobscot, Senator Cummings, whether another amendment is in the process of preparation on this?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair, which the Senator from Penobscot, Mrs. Cummings, may answer if she so desires.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I expect to, if I can get this tabled.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Tomorrow

Assigned, pending Passage to be Engrossed.

The President laid before the Senate the third tabled and Specially Assigned matter:

House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspension." (H. P. 333) (L. D. 405) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — April 7, 1975 by Senator Johnston of Arroostook.

Pending — Acceptance of Either Report. (In the House — Passed to be Engrossed as amended by House Amendment "B" (H-107).)

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I move the Senate accept the Minority Ought Not to Pass Report of the Committee, and I request a division.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I think this bill has been pretty much discussed, but I just would like to review basically what it does and why the majority of the Committee on Judiciary voted in favor of passage of the bill, and I think the reasons being why the other body passed it as well.

It deals with provisional licenses. Right now, under the law, the provisional licensee, whether that provisional licensee is a younger person or whether he or she is an older person, automatically, without hearing, without a chance to be heard, loses his or her license upon the conviction of any moving violation, which can be a very minor offense, such as failure to come to a complete stop, a loose muffler, or failure to keep to the right.

This bill does not change the basic philosophy which is behind that law. It merely allows a person who is affected by this law to request a hearing, or if a hearing is not automatic then the hearing has to be requested, and the Secretary of State still has discretion as to whether or not to relieve the suspension.

I would hope that you could go along with the majority of the Judiciary Committee, and go along with the other body, and pass this bill along so we could have a situation where the nature and the general idea behind the bill is not affected, but that those people in particular unusual circumstances would have an opportunity to be heard before the Secretary of State in those situations which would justify that hearing. Thank you, Mr. President.

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

Mr. KATZ: Mr. President, there is a very honest and sincere division of opinion on this bill. Consequently, so that I may get an opportunity to record my vote, I request a roll call.

The PRESIDENT: A roll call has been requested. The pending motion before the Senate is the motion by the Senator from Waldo, Senator Greeley, that the Senate Accept the Ought Not to Pass Report of the Committee. In order for the Chair to order a roll call, it requires the affirmative votes of at least one-fifth of those Senators present and voting. Will all those in favor of a roll call please stand in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion by

the Senator from Waldo, Senator Greeley, that the Senate accept the Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of Acceptance of the Minority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Collins, Corson, Curtis, Gahagan, Graffam, Greeley, Hichens, Huber, Katz, McNally, O'Leary, Roberts, Speers, Trotzky, Wyman.

NAYS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Graham, Johnston, Marcotte, Merrill, Pray, Reeves, Thomas, Sewall.

ABSENT: Senator Jackson.

A roll call was had. 16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Mr. Speers of Kennebec then moved that the Bill be tabled and Specially Assigned for April 10, 1975, pending Acceptance of the Majority Ought to Pass Report of the Committee.

The **PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. **MERRILL:** Mr. President, in light of the fact that the first two items that came off the table today have been put back on the table, I would ask for a division.

The **PRESIDENT:** The Senator from Cumberland, Senator Merrill, requests a division on the motion of the Senator from Kennebec, Senator Speers, that this item, L. D. 405, be tabled for two legislative days. Will all those Senators in favor of the motion to table please rise in their places until counted. Those opposed please rise in their places until counted.

A division was had. 17 having voted in the affirmative, and 13 having voted in the negative, the motion prevailed.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Speers of Kennebec: Bill, "An Act to Redefine the Political Activity Rights of Classified Employees of the State." (H. P. 1093) (L. D. 1434)

Pending — Reference to Committee.

Thereupon, Referred to the Committee on State Government and Ordered Printed in concurrence.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.