

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

## SENATE

Tuesday, March 22, 1977

Senate called to order by the President.

Prayer by the Reverend Ralph Durgin of St. James Episcopal Church in Old Town.

REV. DURGIN: Let us pray. Our Heavenly Father, you have filled the world with beauty. Open our eyes to behold your gracious hand in all your works, but rejoicing in your whole creation we may learn to serve you with gladness. Open our eyes specifically to see the opportunities that lie ahead in this new day that you have given us, opportunities to see your hand at work in this building and in this City and State. Help us all here present to be co-builders with you of your Kingdom of Love this day. O God, the fountain of all wisdom whose world is good and gracious, and whose law is truth, we beseech you to guide and bless this day, and the Members of this Senate, that their deliberations may lead to enactment of such laws as will please you, and bring glory to your name, and be for the welfare of your people, through Jesus Christ, our Lord. Amen.

Reading of Journal of yesterday.

Out of Order and Under Suspension of the Rules.

On Motion by Mr. Conley of Cumberland, WHEREAS, we all humbly serve in this Legislature in order to insure a better world for our most important natural resource, our future generation; and

WHEREAS, Alysha Shana Levine joined us at 10:49 a.m., March 20th, weighing in at 6 pounds, 1 ounce, to become one of Maine's newest citizens; and

WHEREAS, her mother, Lyn, is delighted to present Alysha, their first blessed event; now, therefore, be it

ORDERED, that we, the members of the Senate of the 108th Legislature, now assembled in regular session, extend our sincerest congratulations to Senator Matthew Levine and his wife, Lyn, on the birth of their daughter; and be it further

ORDERED, that a suitable copy of this Order, attested by the President of the Senate, be transmitted forthwith to these proud parents in honor of the occasion.

Which was Read and Passed.

Senator Levine of Kennebec was granted unanimous consent to address the Senate on the record.

Mr. LEVINE: Mr. President, I wish to thank all of the Senators here present, and to say that despite sometimes the fact that we have differences in philosophies or opinions on certain legislation, I am very proud to live in the State of Maine and to have these fine gentlemen and ladies to serve with, in order that we may insure that my daughter has the best life possible. Thank you.

(Off Record Remarks)

**Papers From The House  
Non-concurrent Matter**

Bill, An Act to Revise the Salaries of County Officers. (H. P. 738) (L. D. 752)

In the Senate March 16, 1977, Passed To Be Engrossed as amended by Senate Amendments "A" (S-26), "B" (S-27) and "C" (S-30).

Comes from the House, Passed To Be Engrossed as amended by Senate Amendments "A" and "B" in non-concurrence.

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

Mr. JACKSON: Mr. President, I move that we Recede and Concur.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves the Senate recede and concur with the House. The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I initially added to LD 752, Senate Amendment "C". Since discovering that Members of the Androscoggin delegation did not necessarily approve of Senate Amendment "C", — that really does not bother me in the long run, but since the time that we have begun discussing this Bill, it has come to light that LD 752 also contains, in Section 8, an Amendment to Title 30, Section 958. Title 30, Section 958, as amended, would indicate that all fees received by full time Deputies for service of civil process will be deemed fees for use of the County and shall be paid to the County Treasurer for the use and benefit of the County.

It is my impression that what this Bill will actually do is discourage all full time Deputy Sheriffs from actually serving papers for the Court and for the Attorneys, and will only allow in effect part time Deputy Sheriffs to serve papers. If this is the case, it will be a very difficult process for the Court to find part time Deputy Sheriffs to serve papers: Since all of the fees automatically go to the County, they will receive nothing but the travel for this, and probably at this time if we look at Androscoggin, the most experienced paper servers are all full time Deputy Sheriffs, and if they cannot receive any income at all, with the, I assume, possible exception of travel expenses, the Deputy Sheriffs may not be so willing to go out and serve papers on their off-time.

I would hope that the Senate would consider this fact, and I would request a Division when the poll is taken.

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

Mr. FARLEY: Mr. President and Members of the Senate, We in York County have that same problem. I thought Senate Amendment "B" would solve this problem, but obviously it does not. It solves some of the problem but not all of it.

I wish someone would either table this, or we would get another Amendment on here. The Bill is in engrossment now, but we certainly would like to have an opportunity to amend the Bill to suggest exactly what Senator Mangan just suggested.

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

Mr. JACKSON: Mr. President and Members of the Senate, Section 8, 958, repealed and replaced with, all fees received by full time Deputies shall go to the County Treasurer. If you will look on Page 6, under Section B, Deputy Sheriffs, it might explain part of the problem that the Senator from Androscoggin, Senator Mangan, had. We felt in the Committee when we submitted this Amendment to the Bill, that this was a function of your Sheriff's Department, serving the summonses and the papers respectively. Also we found that the Deputy Sheriffs that were doing it, the full Time Deputies that were doing it after their day, were using County automobiles, were being reimbursed for mileage for the County automobiles, and we felt that if these full time Deputy Sheriffs were doing this, they were being compensated in many Counties adequately for the position that they hold, and taking the fees and repaying the County Government to help the taxpayers, the property taxpayer out there, who pays part of the burden for County Government, and the possibility of maybe a reduction in his tax bill. I think this is a function of the Sheriff's Department, and it is a function of County Government, and whereas we pay the Deputy Sheriffs, and we are paying them fairly well, I believe, in this State, that to take the fees away from them and give them to the County Treasurer, I do not think that is any sort of a slap to them or whatever the case may be, or what the temptation may be.

I would oppose any motion to amend this Bill to take that section out, and I would urge the

Members this morning when the Division is on the Recede and Concur, that they go with the Recede and Concur Motion.

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

Mr. FARLEY: Mr. President and Members of the Senate: The salary changes of the Deputy Sheriffs in our budget have always been, they have not been exorbitant, because we have taken into consideration there are fees involved here. We have not made that adjustment in our County budget, and rather than go through all of that again, I would like an opportunity to amend, at least for my County. If the other Counties have an understanding with their County Officials, with their Deputy Sheriffs, that this in fact is the case, then fine; but it is not the case in York County.

Now every one of us goes through the County budget. We take some degree of objectivity about some of the selection of our Deputy Sheriffs. The fact is, we do not pay them a whole lot of money. We look for the caliber of an ex-FBI agent, and when you take the money we pay them, we criticize them.

Now once they have been collecting the fees, if you want to get away from the fees, fine, but let us make some kind of a salary adjustment. It has always been a part of their salary, and part of their income. I say either leave it the way it is, at least in my County, or give us time to make the salary adjustments. Since we have already gone through our County budget, I would not want to go through that again. The simplest thing, I would suggest today, is to let us put an amendment on there to get my County out of there, and then let them pass the Bill.

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

Mr. DANTON: I move this item lie on the table for two legislative days.

The PRESIDENT: The Senator from York, Senator Danton, now moves that Item 1-1 be tabled for two legislative days, pending the Motion of the Senator from Cumberland, Senator Jackson, that the Senate Recede and Concur. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested on the Tabling Motion.

Will all those Senators in favor of Tabling this Item for two legislative days please rise in their places to be counted.

Will all those Senators opposing Tabling this Item for two legislative days please rise in their places to be counted.

10 Senators having voted in the affirmative, and 20 in the negative, the Motion to Table does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur? The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I move the Indefinite Postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Chair will advise the Senator the only Motion in order at this time is the Motion to Recede. Since we are not in concurrence with the House, a Motion to Indefinitely Postpone is not in order at this time.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, would a Motion to Recommit be in order?

The PRESIDENT: The Chair would advise the Senator that no Motion is in order except the Motion to Recede at this particular posture of the Bill.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, just to clarify

a point of discussion earlier, if possible. I would assume that in most Counties the civil Deputy Sheriffs do not have County owned vehicles to serve papers, that most of these County owning vehicles are few and far between. Androscoggin, I believe, has five or six, hopefully on the road with the regular criminal Deputies, and that these vehicles are not being used. I can see a reimbursement of .12 a mile for miles traveled; however, I just cannot see a full time Deputy Sheriff being overly enthused about running off after serving, as has happened in Androscoggin in the past, twelve-hour days, and serving civil papers at night for four or five additional hours. Sixteen hour days are long days, and I would move that when this Division comes in that Members vote down the Motion to Recede and Concur.

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

Mr. JACKSON: Mr. President, so that there will be no misconception or misleading here, I am sure that the most of the Members of the Senate are aware of what Deputy Sheriffs receive by law. Now in the last Session of the Legislature we enacted a measure which set a minimum as to what a Deputy Sheriff could receive for salary, a full time deputy. He shall not receive less than \$21.00 a day if he has not completed the training at Waterville State Police Academy, or a degree in law enforcement, or has been a member of a full time police department for, I don't remember how many years it is. Now if he meets these qualifications, he shall not be paid less than \$23.00 a day.

Now I am aware of it, and I am sure many other Members here are aware that their Deputy Sheriffs, or the majority of them, are receiving \$23.00 a day plus. Now I really do not see any reason to hold this Bill up. We have a deadline we have to meet on those County budgets, unless we put in a Joint Order asking for an extension of time. We have an April 1st deadline we have to meet so that the Counties can assess the taxes sometime in April to the municipalities.

Now to hold this Bill up for one day, it will set us behind for three days. Now we would like to, the Committee would like to get those budgets out of there, and so that the Counties can assess their taxes during the month of April, so that the municipalities will know exactly what they have got to expend.

Now I think regarding the Deputy Sheriffs, I think they are adequately paid for full time compensation. If you did not feel they were being adequately paid, the salaries should have been adjusted. We gave the Members of this Body and the complete Legislature ample time to meet with the Committee, or send down some sort of notification to the Committee, regarding the salaries.

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

Mr. FARLEY: Mr. President and Members of the Senate: We have in York County a non-partisan sub-committee on both sides of the aisle, and it has worked out very, very well in the last three years. In their deliberations with regard to salaries for the Deputy Sheriffs, we were not aware of what this Bill here did. In fact, we were not aware of another instance in this Bill, and that is why we brought this Amendment on with regard to the Register of Probate three or four days ago when this Bill was in here last time. We did not take into account this Section here in regard to Deputy Sheriffs.

I do not particularly care what the delegation from Kennebec County or Aroostook County does, or any other County does. Certainly that is for that delegation, and the business of that County there.

I do find an intrusion here in York County

business, and we have made an agreement with both sides of the aisle of the delegation as to what we were going to pay our Deputy Sheriffs and our Register of Probate, our Register of Deeds, and anybody else. I do not believe that we here in Augusta ought to be telling York County what they are going to pay. If they do not like what we pay them, then two years from now they can decide. It seems to me we ought to at least have the opportunity to amend this Bill with regards to York County. If the York County delegation does not approve of it, it will not get on there anyway.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Jackson, that the Senate Recede and Concur with the House. A division has been requested.

Will all those Senators in favor of the Motion to Recede and Concur please rise in their places to be counted.

Will all those Senators opposing the Motion to Recede and Concur please rise in their places to be counted.

23 Senators having voted in the affirmative, and 8 in the negative, the Motion to Recede and Concur does prevail.

#### Joint Orders

Expressions of Legislative Sentiment recognizing that,

The Rumford High School Panthers and Coach John Shaw have won the western Maine Class "A" Basketball Championship for Academic year 1977; and

Whereas, the Panthers have won this championship for the second time in a row; (H. P. 894)

Timothy Ziko of the Rumford High School Basketball team has won the Vinal Trophy as outstanding player in the Western Maine Class "A" basketball tournament, (H. P. 895)

The Minutemen of Stearns High School of Millinocket have won the Eastern Maine Class A Boys' Basketball Championship for the Academic year 1977; (H. P. 896)

The Portland High School Bulldogs Boys' Track Team has won the State Class A Track Title for the Academic year 1977; (H. P. 897)

The Cheverus High School Stags Boys' Track Team has won the Southwestern Maine Track Championship and the State Class B Track Title for the Academic year 1977; (H. P. 898)

Mrs. Jennie W. Casparius of Falmouth has been selected as Maine Mother of the Year by the Maine Mothers Committee (H. P. 900)

The Lake Region Lakers Girls' Basketball Team has won the Western Maine Class B Regional Championship for the Academic year 1977; (H. P. 920)

Curtiss F. Kimball of Shapleigh has been advanced in Troop 327 to the rank of Eagle Scout, (H. P. 921)

The "Red Riots" of South Portland High School have, with 21 wins and no losses, won the Western Maine Class "A" Girls' Basketball Championship for the 1977 Academic year. (H. P. 922)

Come from the House, Read and Passed. Which were Read.

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

Mr. HEWES: Mr. President, I would like to discuss the South Portland Girls' Basketball Team. You will note that the Order relates to the South Portland Girls' Basketball Team winning the Western Maine Class "A" Girls' Basketball Championship. I am very pleased to report, at least to the South Portland people, the people in our area, that they went on to win the State Championship by a margin of perhaps 20 points. They are a group of very outstanding young ladies, and I am very proud that they are being recognized by this Body.

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

Mr. FARLEY: Mr. President and Members of the Senate, I just want to inform the Senator from Cape Elizabeth that I will duly bring a message back to Thornton and Thornton Academy, the ones they defeated.

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

Mr. CONLEY: Mr. President and Members of the Senate, lets give a big cheer to the South Portland High Track Team at the same time. Which were Passed in Concurrence.

#### STATE OF MAINE

One Hundred and Eighth Legislature

WHEREAS, Maine's hardworking citizens working in agriculture contribute mightily to Maine's economy and fully deserve the recognition which March 22nd, "Agriculture Day," accords them,

We, the members of the Senate and House of Representatives, do hereby join in this order to extend our acknowledgement and congratulations, and be it

ORDERED, while duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, that this official expression of sentiment be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 901)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

The PRESIDENT: I think it is only fitting today, since this is "Agriculture Day", which has been such an important industry in this State for so many years, that the Chairman of the Joint Standing Committee on Agriculture be escorted to the rostrum by the Sergeant-at-Arms so that he may say a few words, and also introduce some of the Princesses that we have in the rear of the Chamber. The Sergeant-at-Arms will escort Senator Hichens to the Rostrum.

Mr. HICHENS: Thank you, Mr. President. Today we observe Agriculture Day in recognition of those who have made agriculture so important to Maine's economy. Agriculturists are honored on the Maine State Seal, and by giants of agriculture, who have served both the State and the Nation.

You have all taken advantage, I trust, of the display out in the rotunda, had some of the maple milk and the cheese and the cake which have been prepared for us. You all have an apple and potatoes and sugar on your desk, and there are more things to come, I understand.

Having come to Maine from an industrial city, and made my living as a poultry farmer and vegetable gardener for 40 years, I am pleased to represent agricultural interests, and also as Chairman of the Committee on Agriculture, and in that capacity introduce some of the Agricultural Queens we have here this morning.

Our Potato and Grange Queens are attending out-of-state colleges and could not be present today, but there are seven Queens here with us this morning. I would like to have the Sergeant-at-Arms escort them to the front of the Chamber at this time, so that I may introduce them to you.

I do not know in what order they may be standing in front of me, but I would like to introduce Michelle Trask, the Apple Queen, if she would raise her hand, please; Susan Brown, the Broiler Queen from Northport; Jackie Rush, the Egg Princess from Clinton; Linda Carroll, the Dairy Princess from Alfred; Tracie Simons, the Blueberry Queen from Machias; Karen Giasson, Miss Rodeo Queen from Auburn; and then Luanne Burtchell, the Farm Bureau Queen from Mars Hill, who I understand has brought a basket of goodies here with her.

I would like to have you stand again and ap-

plaud these Queens, and introduce yourself to them later on.

MISS BURTCHELL: Mr. President, on behalf of the Farm Bureau Organization of the State of Maine, I would like to present you with this food basket. It has bread, potatoes and maple syrup.

Mr. HICHENS: Thank you, Mr. President.

**House Papers**

Bills and Resolution received from the House requiring reference to Committee were acted upon in concurrence with the following exceptions:

Bill, An Act to Prohibit Producers, Refiners and Distributors of Motor Fuels from Engaging in the Retail Sales of Gasoline. (H. P. 680) (L. D. 972)

Committee on Business Legislation suggested.

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

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

Mr. SPEERS: Mr. President, it is my understanding that the Committee on Business Legislation already has two other Bills dealing with the same subject, and I move this Bill be referred to the Committee on Business Legislation in non-concurrence.

Which was referred to the Committee on Business Legislation in non-concurrence.

Sent down for concurrence.

Resolution, Proposing an Amendment to the Constitution Allowing Certain Crimes to be Prosecuted by Information. (H. P. 838)

Committee on State Government suggested.

Comes from the House referred to the Committee on Judiciary and ordered printed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, at the request of the Sponsor of this Bill, and other interested parties, I now move the Indefinite Postponement of H. P. 838.

On Motion of Senator Collins of Aroostook, The Senate voted to Indefinitely Postpone in non-concurrence. Sent down for concurrence.

**Communications**

House of Representatives  
Speaker's Office

March 11, 1977

Sen. Richard H. Pierce  
Rep. Nancy R. Clark  
Chairpersons  
Legislative Joint Standing Committee  
on Business Legislation

State House  
Augusta, Maine 04333  
Dear Dick and Nancy:

Under the procedure developed for handling the Confirmation of Gubernatorial Appointments, we are officially notifying you of the Governor's nomination of Mr. John A. Durham to the position of superintendent of the Bureau of Banking for the State of Maine.

The law requires that the Joint Standing Committee on Business Legislation hold a public hearing in Augusta at a time convenient to the public, within 20 days from the date of the Governor's notice to the President of the Senate and the Speaker of the House. Such notification was received in our offices on Wednesday, March 9, 1977.

Sincerely yours,  
(Signed) JOSEPH SEWALL  
President of the Senate  
(Signed) JOHN L. MARTIN  
Speaker of the House  
(S. P. 309)

Which was Read and Ordered Placed on File.  
Sent down forthwith for concurrence.

Department of  
Finance and Administration

March 16, 1977

To: The Honorable James B. Longley and Members of the 108th Legislature

The accompanying Comprehensive State Master plan for Data Processing is submitted in accordance with the provisions of Title 5, MRSA, Chapter 157. This statute was enacted in 1975 and this is the first submission under its provisions.

The statute requires that the plan include a report on the current status of State data processing, including information on major items of equipment, major applications, data processing personnel, costs and sources of funding for State data processing.

The plan was prepared with the assistance of several individual members of the Computer Services Advisory Board and was reviewed by the entire Board at a regular Quarterly Meeting on February 25, 1977.

Respectfully submitted,  
(Signed) STEPHEN W. LOCKE, Sr.  
Director  
(H. P. 899)

Comes from the House Read and with accompanying papers, Ordered Placed on file.

Which was Read and with accompanying papers, Ordered Placed on file in concurrence.

Office of the Governor  
March 17, 1977

Honorable Joseph Sewall  
President of the Senate

and  
Honorable John Martin  
Speaker of the House

Dear Joe and John:

This is to formally notify you that Carl E. Cianchette and A. Margaret Bok were nominated to the Maine Maritime Academy, Board of Trustees today.

In accordance with Private and Special Law 1967, Chapter 177 as amended, these nominations are subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature.

Thank you for your assistance.  
Sincerely, Signed JAMES B. LONGLEY  
Governor  
(S. P. 316)

Which was Read and Referred to the Committee on Education.

Sent down forthwith for concurrence.

**Senate Papers**

Mr. Hichens of York presented, Bill, "An Act to Require Posting of Prices of Certain Internal Combustion Engine Fuel." (S. P. 312)

Which was Referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Mr. Martin of Aroostook presented, Bill, "An Act to Provide Educational Benefits to Members of the Maine National Guard." (S. P. 310)

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

Sent down for concurrence.

Mr. Hichens of York presented, Bill, "An Act to Provide Certified Interpreter Service for the Hearing Impaired." (S. P. 311)

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

Sent down for concurrence.

Mr. Redmond of Somerset presented, Resolve, to Extinguish Certain Debts Owed by Counties to the State of Maine. (S. P. 315)

Mr. Curtis of Penobscot presented, Bill, "An Act to Establish the Right of Municipalities to Raise More as Well as Less Money in the Town Warrants." (S. P. 313)

Which were referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Mr. Redmond of Somerset presented, Bill, "An Act to Place the Office of Energy

Resources in the State Planning Office." (S. P. 314)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

(Off Record Remarks)

**Committee Reports  
House**

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act to Increase the Salary of the Cumberland County Register of Probate to \$10,500." (H. P. 37) (L. D. 54)

Bill, "An Act Concerning the Appointment of Deputy Registers of Probate." (H. P. 38) (L. D. 55)

**Leave to Withdraw**

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to the Taking of Smelts and Bait Dealer Licenses." (H. P. 194) (L. D. 256)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act Concerning Meetings of the County Commissioners of Cumberland County." (H. P. 287) (L. D. 372)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Reports Read and Accepted.

Which Reports were Read and Accepted in concurrence.

**Ought to Pass — As Amended**

The Committee on Election Laws on, Bill, "An Act Relating to Notification of Results of Election Contests by the Commission on Governmental Ethics and Election Practices." (H. P. 318) (L. D. 409)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-67).

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A".

The Committee on Judiciary on, Bill, "An Act Amending the Aggravated Unlawful Gambling Statute." (H. P. 149) (L. D. 179)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-68)

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A".

The Committee on Liquor Control on, Bill, "An Act to Provide for the On-premises Sale of Alcoholic Beverages by Indoor Racquet Sport Clubs." (H. P. 436) (L. D. 543)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-71)

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A".

The Committee on Natural Resources on, Bill, "An Act to Adjust Allocation of Funds from Certain Public Lands." (H. P. 168) (L. D. 206)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-72)

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A".

Which Reports were Read and Accepted in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted

in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Local and County Government on, Bill, "An Act to Provide for the Purchase of Copies of 'The History of the Town of Cumberland' Edited by Phyllis Sweetser." (H. P. 335) (L. D. 426)

Reported that the same Ought to Pass in New Draft under New Title "An Act to Provide for the Purchase of Certain Town Histories". (H. P. 876) (L. D. 899)

Comes from the House, the Bill, in New Draft, Passed To Be Engrossed.

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

#### Divided Report

The Majority of the Committee on, Fisheries and Wildlife on, Bill, "An Act Authorizing the Issue of Combination Hunting and Fishing Licenses at Reduced Fees to Members of the Maine National Guard." (H. P. 112) (L. D. 142)

Reported that the same Ought Not to Pass.

Signed:

Senators:

REDMOND of Somerset  
USHER of Cumberland  
PRAY of Penobscot

Representatives:

PETERSON of Caribou  
MASTERMAN of Milo  
McKEAN of Limestone  
DOW of W. Gardiner  
MILLS of Eastport  
TOZIER of Unity  
PEARSON of Old Town  
ROLLINS of Dixfield

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

MacEACHERN of Lincoln  
GILLIS of Calais.

Comes from the House, the Majority Report Read and Accepted.

Which Reports were read. Majority Report accepted in concurrence.

#### Divided Report

The Majority of the Committee on, Liquor Control on, Bill, "An Act Providing for the Revocation and Nonrenewal of Liquor Licenses for Nonpayment of State Taxes." (H. P. 383) (L. D. 474)

Reported that the same Ought to Pass.

Signed:

Senators:

LOVELL of York  
LEVINE of Kennebec  
DANTON of York

Representatives:

MAXWELL of Jay  
GRAY of Rockland  
MARSHALL of Millinocket  
NADEAU of Sanford  
CONNERS of Franklin  
TWITCHELL of Norway  
IMMONEN of W. Paris  
LIZOTTE of Biddeford

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

Signed:

Representatives:

RAYMOND of Lewiston  
JACQUES of Lewiston

Comes from the House, the Majority Report Read and Accepted, and the Bill, Passed To Be Engrossed.

Which Reports were Read. Majority Report accepted in concurrence.

Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on, Liquor Control on, Bill, "An Act Concerning Open Alcoholic Beverage Containers in Motor Vehicles." (H. P. 83) (L. D. 103)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LEVINE of Kennebec  
DANTON of York

Representatives:

MAXWELL of Jay  
RAYMOND of Lewiston  
NADEAU of Sanford  
JACQUES of Lewiston  
LIZOTTE of Biddeford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-69).

Signed:

Senator:

LOVELL of York

Representatives:

GRAY of Rockland  
MARSHALL of Millinocket  
CONNERS of Franklin  
TWITCHELL of Norway  
IMMONEN of West Paris

Comes from the House, the Minority Report Read and Accepted, and the Bill, Passed To Be Engrossed as amended by Committee Amendment "A" (H-77) as amended by House Amendment "A" thereto. (H-77)

Which Reports were read.

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

Mr. LOVELL: I would like to move that the Minority Ought to Pass Report be accepted, and speak briefly to the Motion.

The PRESIDENT: The Senator has the floor.

Mr. LOVELL: This particular Bill, Members of the Senate, came before our Committee, and we had to cut it down by Amendment to make it conducive to the people. Now in the past weekend when I went home, I did not find my lawn covered with cans, but I did find five slats in my fence kicked out.

Now this particular Bill prevents or stops the people, or the persons, either young or old, from having an open bottle in their car and drinking while driving, which is rather prevalent at the present time, particularly in the cities; I don't know how it is in the country areas. Now in my particular position, I live directly across from a supermarket and 100 feet up the street, the First National Store, another supermarket. And throughout the supermarkets in the Sanford area at night, winter and summer, 6 and 7 cars will gather there in front of the supermarket and they sit there and drink beer and hard liquor, boys and girls, and then they start out and screech their wheels. I do not know how they get all the money to buy the tires, but they screech their wheels when they come out and nobody in the neighborhood can sleep. And they do it until 2:00 or 3:00 o'clock in the morning, particularly in the summertime.

Now this Bill, as amended, may not do an awful lot of good, but it is going to help some. It will cut it down. It states by the Amendment that the person must be caught with the open bottle in their car while driving or parking with the keys in the ignition. So consequently if they are fast enough or the Policeman is not fast enough, all they have to do is put the cap on the bottle and you can not arrest them.

However, I think it does some good, and I hope you would vote for the Minority Report on this Bill.

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

Mr. CONLEY: Mr. President, I move this

item be tabled one Legislative day pending acceptance of either report.

Which was Tabled, pending the Motion to Accept the Minority Ought to Pass Report, for one Legislative Day.

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Provide an Excise Tax Credit for Construction and Operation of Breweries within the State." (H. P. 340) (L. D. 431)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington  
JACKSON of Cumberland  
MARTIN of Aroostook

Representatives:

MAXWELL of Jay  
CARTER of Bangor  
CHONKO of Topsham  
TEAGUE of Fairfield  
IMMONEN of West Paris  
CAREY of Waterville  
TWITCHELL of Norway  
MACKEL of Wells

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

Signed:

Representatives:

POST of Owls Head  
COX of Brewer

Comes from the House, the Majority Report Read and Accepted, and the Bill Passed to be Engrossed.

Which Reports were Read. Majority Report accepted in concurrence.

Bill Read Once and Tomorrow Assigned for Second Reading.

#### Senate

##### Ought to Pass

Mr. Hichens for the Committee on Local and County Government on, Bill, "An Act to Require Notice and Hearing to Counties When Ordered to Pay Surveyor's Fee." (S. P. 184) (L. D. 584)

Reported that the Same Ought to Pass.

Mr. Minkowsky for the Committee on Transportation on, Bill, "An Act Relating to Vehicle Sizes and Weights." (Emergency) (S. P. 90) (L. D. 214)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once and Tomorrow Assigned for Second Reading.

##### Ought to Pass — As Amended

Mr. Pierce for the Committee on Business Legislation on, Bill "An Act Relating to the Purchase of Insurance by the Maine Insurance Advisory Board." (S. P. 89) (L. D. 213)

Reported that the same Ought to Pass, as Amended by Committee Amendment "A" (S-34).

Mr. Hichens for the Committee on Local and County Government on, Bill, "An Act to Authorize the State Librarian to Purchase Town Histories and other Maine Histories for Distribution to Public Libraries and Schools." (S. P. 182) (L. D. 496)

Reported that the same Ought to Pass, as Amended by Committee Amendment "A" (S-35).

Mr. McNally for the Committee on Transportation on, Bill, "An Act to Amend the Charter of the Belfast and Moosehead Lake Railway." (Emergency) (S. P. 169) (L. D. 486)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-36).

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.

#### Ought to Pass in New Draft

Mr. Lovell for the Committee on Human Resources on, Bill, "An Act to Require that Newly-constructed Public Buildings be made Accessible to the Physically Handicapped." (S. P. 43) (L. D. 86)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 307) (L. D. 969)

Mr. Collins for the Committee on Judiciary on, Bill, "An Act to Empower all Sworn Public Safety Department Personnel with Criminal Powers of Arrest." (S. P. 40) (L. D. 66)

Reported that the same Ought to Pass in New Draft under New Title: Bill, "An Act to Empower Liquor Inspectors with Limited Powers of Arrest" (S. P. 308) (L. D. 970)

Which Reports were Read and Accepted and the Bills, in New Drafts, under New Titles, Read Once and Tomorrow Assigned for Second Reading.

#### Second Readers

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

##### House

Bill, "An Act Relating to Powers of District Court Judges to Order Persons Produced for Trial." (H. P. 376) (L. D. 465)

Bill, "An Act Concerning the Administration of the Office of the Chief Medical Examiner." (H. P. 298) (L. D. 354)

Bill, "An Act to Expand Protective Services to Mentally Retarded Individuals." (Emergency) (H. P. 322) (L. D. 413)

Bill, "An Act Pertaining to Hospital Liens." (H. P. 379) (L. D. 468)

Bill, "An Act Appropriating Funds for the Purchase of Sets of "The History of Old Broadway" by Jasper J. Stahl." (H. P. 268) (L. D. 368)

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

##### House — As Amended

Bill, "An Act to Improve the Viability and Efficiency of Local Conservation Commissions." (H. P. 236) (L. D. 299)

Bill, "An Act Appropriating Funds for the Purchase of Copies of "Archaeological Excavations at Pemaquid, Maine, 1965-1974," by Helen Camp." (H. P. 334) (L. D. 425)

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

Bill, "An Act to Remove Service Facilities from Tax Exemption Facilities from Tax Exemption Granted to the Maine Turnpike Authority." (H. P. 42) (L. D. 59)

On Motion of Mr. Speers of Kennebec, Tabled for one Legislative day pending passage to be engrossed.

Bill, "An Act Concerning Chemical Control of Vertebrate Animals." (H. P. 800) (L. D. 812)

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

Mr. CONLEY: Mr. President and Members of the Senate: I present Senate Amendment "A" to L. D. 812, and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now presents Senate Amendment "A" to L. D. 812, and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A", (S-38) Read.  
The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: It is not generally my role to become involved in vertebrate animals, control of rats and mice, but it is my understanding that the Department sent this Amendment over as further clarification. As I read the amendment, I thought I understood it, then I read the statement of fact which is twice as long as the

Amendment, and left me to be even more confused, but I move the adoption of the amendment.

Senate Amendment "A" (S-38) adopted.  
The Bill, as amended, Passed to be Engrossed in non-concurrence.

#### Senate

Bill, "An Act Relating to Maintaining Records on Premises under the Laws Relating to Alcoholic Beverages." (S. P. 133) (L. D. 308)

Bill, "An Act Providing Legal Definition of Hunter Orange." (S. P. 100) (L. D. 229)

Which were Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence.  
Bill, "An Act to Allow Water Utility Rates Under Bond." (S. P. 79) (L. D. 187)

Which was Read a Second Time.  
On motion of Mr. Speers of Kennebec, Tabled pending Passage to Be Engrossed.

#### Senate - As Amended

Bill, "An Act Converting Rangeley Plantation into the Town of Haley." (Emergency) (S. P. 146) (L. D. 387)

Bill, "An Act to Clarify the Responsibility for Payment of Expenses on Rendition of Prisoners." (S. P. 155) (L. D. 395)

Which were Read a Second Time and Passed To Be Engrossed, As Amended.  
Sent down for concurrence.

#### Enactors

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

An Act to Annex the Town of Otisfield to Oxford County. (H. P. 127) (L. D. 160)

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

An Act to Clarify the Role of the Department of Education and Cultural Services Relating to Local School Systems. (H. P. 99) (L. D. 123)

Comes from the House, Recommended to the Committee on Education.

On Motion of Mr. Katz of Kennebec, Recommended to the Committee on Education in concurrence.

#### Orders of The Day

The President laid before the Senate,  
Bill, "An Act to Amend the School Lunch and Milk Program." (H. P. 467) (L. D. 484)

Tabled — March 16, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.  
The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, under suspension of the rules, I move that the Senate reconsider its adoption of House Amendment "A" as amended by House Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate suspend its rules in order to reconsider its action whereby it adopted House Amendment "A" as amended by House Amendment "A". Is this the pleasure of the Senate? It is a vote.

Mr. KATZ: Under suspension of the rules, I move we reconsider adoption of House Amendment "A" to House Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the rules be further suspended to reconsider adoption of House Amendment "A" to House Amendment "A". It is a vote.

Mr. KATZ: I now move that House Amendment "A" to House Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate indefinitely postpone House Amendment "A" to

House Amendment "A". Is this the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, I present Senate Amendment "A" to House Amendment "A", and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "A" to House Amendment "A", and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-33) read.

The PRESIDENT: The Senator has the floor.  
Mr. KATZ: Mr. President, this Amendment consolidates the implications of the previous two Amendments and clarifies the language in one of the Amendments that was very, very confusing. We had a situation, for example, in Millinocket where everybody goes home for lunch. The teachers go home for lunch, the fathers go home for lunch, the mothers go home for lunch and the kids go home for lunch, and the thing we wanted to accomplish is to say if everybody wants to go home for lunch, let them all go home for lunch.

Senate Amendment "A" to House Amendment "A" adopted. House Amendment "A" as amended by Senate Amendment "A" thereto adopted in non-concurrence.

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

The President laid before the Senate. Bill, "An Act to Provide for Legislative Review and Automatic Termination of State Agency Rules." (H. P. 173) (L. D. 211)

Tabled — March 17, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed  
The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, under filing S-37, I offer Senate Amendment "A" to L. D. 211 and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now offers Senate Amendment "A" to L. D. 211, and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-37) Read.  
The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I want to commend Senator Collins for offering this particular amendment, and share with the Senate some of the experiences that I have had through chairmanship of the National Conference of State Legislators, Legislative Improvement and Modernization Committee.

At our last meeting it was brought out that in another state whereby they do have legislative review of administrative rules and regulations, what has happened has been that the departments have indeed submitted rules and regulations for review, but at the same time they have promulgated what they term administrative memoranda within the departments themselves. And these administrative memoranda covered just about everything that rules and regulations formerly covered. So that they have been getting around the process of submitting the policy decisions for review to the Legislature. In quickly reading this amendment, I would agree that the Amendment is certainly needed and it certainly would be the policy of the Legislature by adopting this Amendment that the departments not be allowed to get around the Legislative review by submitting or promulgating what they can simply term as administrative memoranda, or other terms of that sort.

Senate Amendment "A" adopted.  
The Bill, as amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider additional Papers from the House.

**Enactors**

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

**Emergency**

An Act to Suspend Certain Municipal Charter Provisions to Fiscal Year Transitions. (S. P. 285) (L. D. 890)

An Act Converting Wallagrass Plantation into the Town of Wallagrass. (H. P. 543) (L. D. 656)

These being emergency measures and having received the affirmative votes of 29 Members of the Senate were passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

On Motion of Mr. Huber of Cumberland  
Adjourned to 10:00 tomorrow morning.