

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

Thursday, April 21, 1977

Senate called to order by the President.
Prayer by the Reverend Richard Cleaves of the Augusta Mental Health Institute in Augusta.

Rev. CLEAVES: May we pray, Lord, we ask Your guidance of each of us who has responsibilities to our people and, in particular, we would ask for Your guidance for these men and women as they work their way through the rocks and shoals of the Legislative process.

The Lord is my pilot, I shall not drift. He lights me across the dark waters, He steers me through the deep channels, He keeps my log, He guides me by the star of Holiness for His Name's sake. As I sail through the storms and tempests of life, I will dread no danger for You are near me. Your love and care shelter me. You prepare a haven before me in the Homeland of eternity. You quiet the waves with oil, my ship rides calmly. Surely, sunlight and starlight shall be with me wherever I voyage and at the end of my sailing, I shall rest in the port of my God. Amen.

Reading of the Journal of yesterday.

(Off record remarks)

**Papers From the House
Joint Order**

WHEREAS, the question of the responsibility for criminal conduct of persons with mental diseases or defects is one of the most complex and controversial in criminal law; and

WHEREAS, legislation, L.D. 466, "AN ACT to Revise the Legal Test for Insanity," has been introduced, and would repeal the test adopted recently in the Maine Criminal Code, Title 17-A, section 58; and

WHEREAS, the importance of this question demands careful and detailed study, involving both legal and medical expertise; now, therefore, be it

ORDERED, the Senate concurring, that the Criminal Law Advisory Commission is requested and authorized, in consultation with the Legislative Council, through the Joint Standing Committee on Judiciary, to examine in depth the question of criminal responsibility, including statutory definitions, court procedure, sentencing and treatment; and be it further

ORDERED, that the Criminal Law Advisory Commission shall complete its study no later than December 1, 1977, and shall report its findings, together with any proposed recommendations and legislation, to the Second Regular Session of the 108th Legislature; and be it further

ORDERED, that, upon passage in concurrence, a copy of this order be transmitted forthwith to the Criminal Law Advisory Commission as notice of this directive.

Comes from the House, Read and Passed.

Which was Read.

On Motion of Mr. Speers of Kennebec, tabled Pending — passage.

Joint Resolutions

Expressions of Legislative Sentiment In Memoriam:

Whereas, the Legislature has learned with deep regret of the death of The Honorable Gerry Wade of Skowhegan, who served in the 100th and 101st Legislatures. (H. P. 1443)

Whereas, the Legislature has learned with deep regret of the death of The Honorable Arthur E. Ela of North Anson, Member of the 91st, 92nd, 93rd, 94th and 95th Legislatures; and a member of the Executive Council, (H. P. 1439)

Come from the House, Read and Adopted.

Which were Read and Adopted, in concurrence.

House Papers

Bills and Resolution received from the House

requiring reference to Committee were acted upon in concurrence with the following exception:

Bill, "An Act to Prohibit the Use of Offensive Names for Geographic Features and Other Places Within the State of Maine." (H. P. 1418) (L. D. 1661)

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

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

Mr. KATZ: Mr. President, I rise only to call the attention of the Senate to this item, LD 1661, it is three pages long and I think it would make very interesting reading for the Senators.

On Motion of Mr. Speers of Kennebec, referred to the Committee on Legal Affairs and Ordered Printed in non-concurrence.

Sent down for concurrence.

(Off record remarks)

**Communications
House of Representatives**

April 20, 1977.

Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board" (S. P. 27)

Respectfully,

Edwin H. Pert
Clerk of the House

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair will appoint on the part of the Senate to serve on the Conference Committee: The Senator from Knox, Senator Collins; the Senator from Hancock, Senator McNally; and the Senator from Penobscot, Senator Pray.

Senate Papers

Mr. CHAPMAN of Sagadahoc presented, Bill, "An Act to Provide New Car Dealers with a Use Tax Credit." (S. P. 468)

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

Sent down for concurrence.

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 Relating to the use of Force in Defense of Premises." (H. P. 633) (L. D. 774)

Bill, "An Act Relating to the use of Force in Property Offenses." (H. P. 631) (L. D. 772)

Bill, "An Act Concerning Criminal Trespass." (H. P. 589) (L. D. 716)

Bill, "An Act to Keep Certain Business and Personal Records Confidential." (H. P. 225) (L. D. 289)

RESOLVE, Appropriating Funds to the Maine Mothers Committee to Offset Expenses incurred by the Maine Mother-of-the-year in Representing Maine in Washington, D.C. (Emergency) (H. P. 349) (L. D. 442)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on,

Bill, "An Act Providing for Additional Staff for the Public Utilities Commission." (H. P. 171) (L. D. 209)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Appropriations and Financial Affairs on,

Bill, "An Act to Allocate Money from Federal Antirecession Fiscal Assistance Funds for the Expenditure of Municipal Government." (Emergency) (H. P. 857) (L. D. 1046)

Reported that the same be Granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Permit Certain Native Americans to Hunt Moose in Maine." (H. P. 909) (L. D. 1108)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Revise the Legal Test for Insanity." (H. P. 377) (L. D. 466)

Reported 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 to Increase the Salaries of the Register and Deputy Register of Deeds of Cumberland County." (Emergency) (H. P. 773) (L. D. 962)

Reported 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 to Increase the Salaries of the County Commissioners and the Register of Probate for Washington County." (H. P. 771) (L. D. 961)

Reported 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 to Revise the Salary of the County Treasurer of Washington County." (H. P. 774) (L. D. 963)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Natural Resources on,

Bill, "An Act Relating to Public Utility Gas Pipelines." (H. P. 652) (L. D. 850)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Health and Institutional Services on,

Bill, "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation." (H. P. 473) (L. D. 579)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-164).

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

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Agriculture on,

Bill, "An Act Relating to Weights and

Measures." (H. P. 297) (L. D. 399)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
JACKSON of Cumberland
LEVINE of Kennebec

Representatives:

MAHANY of Easton
ROLLINS of Dixfield
TOZIER of Unity
TORREY of Poland
CARROLL of Limerick
STROUT of Corinth
SMITH of Mars Hill
WOOD of Sanford
LOUGEE of Island Falls

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

Signed: Representative:

HALL of Sangerville

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

Which Reports were read.

Majority Ought Not to Pass Report Accepted in concurrence.

Divided Report

The Majority of the Committee on Education on,

Bill, "An Act Relating to the Computation of per Pupil Cost by School Administrative Units Operating New Physical Plants." (H. P. 861) (L. D. 1050)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
USHER of Cumberland
PIERCE of Kennebec

Representatives:

LYNCH of Livermore Falls
MITCHELL of Vassalboro
BIRT of E. Millinocket
FENLASON of Danforth
PLOURDE of Fort Kent
BEAULIEU of Portland
CONNOLLY of Portland
WYMAN of Pittsfield
LEWIS of Auburn

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

Signed:

Representative:

BAGLEY of Winthrop

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

Which Reports were read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee.

The Chair will order a Division.

Will all those Senators in favor of accepting the Majority Ought Not to Pass Report, please rise in their places to be counted?

Will all those Senators opposed to accepting the Majority Ought Not to Pass Report, please rise in their places to be counted?

27 Senators having voted in the affirmative and 2 Senators in the negative, the motion to accept the Majority Ought Not to Pass Report does prevail.

Divided Report

The Majority of the Committee on Judiciary on,

Bill, "An Act to Increase the Penalties for Violation of State Anti-trust Laws." (H. P. 273) (L. D. 347)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
MANGAN of Androscoggin

CURTIS of Penobscot

Representatives:

DEVOT of Orono
TARBELL of Bangor
BYERS of Newcastle
NORRIS of Brewer

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-163).

Signed:

Representatives:

HENDERSON of Bangor
HUGHES of Auburn
HOBBINS of Saco
BENNETT of Caribou
GAUTHIER of Sanford
SPENCER of Standish

Comes from the House, the Minority Report Read and Accepted, and the Bill Passed to be Engrossed, as Amended by Committee Amendment "A".

Which Reports were read.

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

Mr. CONLEY: Mr. President, I move the Senate accept the Minority Ought to Pass Report.

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

Mr. COLLINS: Mr. President, I request a Division on this matter.

Mr. President, this is a Bill where we ought to ask the question, is this the time and place to imitate the Federal Government. This Bill does two things, it increases the penalties for violation of the anti-trust law here at the State level. And that in itself is not very much of a problem. The present penalties are rather modest, \$1,000.00 fine, so on. This would increase it to the Class C crime so that it might be a \$10,000.00 fine and, of course, a considerable amount of time in jail. But the feature of the Bill which is dangerous as the majority of the Committee on Judiciary saw it, is the tremendously increased power that it gives to the Attorney General.

I think we all know that the anti-trust enforcement activity of the Federal Government reaches into the State of Maine. In my own small county, for example, a firm that employs about 300 people and has its only manufacturing place in my county, was prevented under the anti-trust laws from merging with a larger firm by the Federal Government. Another firm that employs a little over 200 people had a number of its activities policed and curtailed by Federal Trade Commission action.

When the representative of the Attorney General's office came before our Committee, we asked him if there had ever been any prosecution under this State of Maine anti-trust law, which has been on the books for many, many years, and he did not know of any. We inquired if there was any price fixing or anti-trust activity in the State that demanded the attention of State level personnel, and he did not know of any. So, it seemed to the majority of our Committee that we would be creating a great deal of heavy artillery to attack something that no one knows about, and where it does exist, it is already under heavy regulation and attack from the Federal Government.

This is not to criticize the theory of anti-trust regulation at all. It is a healthy thing. We want competition in this country. It is part of our free enterprise system. But the activity of the Federal Government in this area pervades into the smallest communities of our State already and we see absolutely no need to bring the Attorney General's office into this same kind of activity against the small business that does not involve itself in interstate commerce at all. There are very few of those businesses in Maine these days, and we just see no need for this type of action.

If we passed this Bill, it would introduce into

our criminal justice system a power that has not existed before on the criminal side. It would permit the Attorney General's office to serve a demand called a civil investigative demand on a business, saying we want to look at all your books and records relating to thus and so, and if the business did not comply, of course, they would be in danger of being hauled into Court at the expense of the business to show why they should not. This is a reverse procedure from what we are accustomed to in our criminal law and without the protection of the Court, it seems to me that this is a measure that we just do not need here in Maine.

We must remember also that under anti-trust laws when there is a violation, there is not only criminal liability, there is also a civil liability so that the person injured by price fixing or other illegal activity can sue and recover triple damages. This triple damage feature of course has been of value to the State of Maine acting in a national capacity, in a national arena I should say, in recovering for certain illegal price fixing. But that law is all in place, and we do not need to augment the State of Maine law to have enforcement of good anti-trust law already on the books.

I submit that you should vote against the pending motion.

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

Mr. CONLEY: Mr. President and Members of the Senate, it always gives me a great deal of pleasure to occasionally be on the opposite side from the good Senator from Knox, Senator Collins.

First, I would like to state and make it clear from the outset, there is nothing partisan about this issue, although I speak as the Minority Floor Leader. I only stress that it seems to be a partisan issue, noting the fact that — I should say noting the fact the three members of this Senate have all signed the same side of the Report, which was Majority Ought Not to Pass Report.

But, in fact, I am very pleased to be on the side of Teddy Roosevelt, former President Ford, small Maine businessmen and decentralized government. The Bill before us is based upon the Anti-Trust Improvements Act of 1976 which was introduced into the U.S. Congress by then President Ford and passed with bi-partisan support.

One of the intents of the Act was to decentralize administration of the Act and permit the States to play a greater role in anti-trust enforcement. This Bill provides that for the State of Maine, by carefully protecting privacy, but at the same time providing meaningful penalties for convicted violators of Maine's anti-trust laws. This is the real test of any law, whether we are willing to provide penalties which fit the crimes and are strong enough to permit the law to be enforced.

Right now violators of Maine's anti-trust laws are guilty of a Class E crime. That means they are classified as lesser law breakers than persons who put slugs in gumball machines, misuse a credit card, bounce a check for the first time, gamble illegally, or are cruel to animals, all of which are Class D crimes.

No wonder many of our citizens feel that our legal system is rigged in favor of the wealthy. No wonder there is a temptation to violate the law. To quote an executive interviewed in the June 2nd issue of Business Week Magazine, and I quote, when you are doing \$30 million a year and stand to gain \$3 million by fixing prices, a \$30,000.00 fine does not mean much." Face it, most of us would be willing to spend 30 days in jail to make a few extra million dollars.

Now I do not think this is the kind of mentality that prevails in the Maine business community. Most Maine businessmen would be disgraced by conviction of any crime, Class E or otherwise. This law is not going to affect any Maine

businessmen if they are all honest. This law is going to give greater protection to the small businessmen against the out-of-state corporations, which are the least likely to share our own sense of ethics.

It would be argued that this Bill could lead to fishing expeditions. These same arguments were used against Archibald Cox during his distinguished service as Special Prosecutor. There are ample statutes on the book now to set an Attorney General off on various kinds of fishing expeditions, if that particular person is so inclined. The best protection is always the nature of our citizens, who I believe are quick to recognize fraudulent muck raking for what it is.

This Bill is not going to add or subtract from the sum total of potential ability of an Attorney General to abuse the office. It is, however, going to give a responsible Attorney General the ability to function more effectively and to seek meaningful penalties for violation of a State law.

At the present time, given the complexity of proving an anti-trust violation, a responsible Attorney General is probably not going to commit any resources to the prosecution of a Class E crime. In other words, the present law is without teeth. Perhaps that is what some people want, but I do not think our citizens want illegal high prices with a slap on the wrist for those guilty of this kind of white-collar crime. I do not think our small businessmen want illegal price fixing condoned, and I do not think Teddy Roosevelt will like it either.

I would hope the Senate would support the motion to accept the Minority Ought to Pass Report.

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

Mr. MANGAN: Mr. President, being a member of the Committee which reported this out, I can assure the members of the Senate that it is certainly not a partisan issue. I can almost guarantee that specific thing. The only thing that bothers me about this Bill — not the only thing, but one of the many things, if we look at Section 1107 of LD 347, we see in the initial Bill itself 'whenever it appears to the Attorney General that any person has engaged in, is engaging in, or is about to engage in any act or practice declared to be unlawful by this chapter.' The entire issue here is drags on, 'when it appears to the Attorney General that something is about to happen'.

We go back now to the witch hunts, to the old McCarthy era of the early '50's, we go back into a situation where an Attorney General could theoretically really wreak havoc over the business industry of the State of Maine. Under the Amendment, the terminology changes just a little bit. It is whenever the Attorney General believes any person, including any corporation, to be engaging in or having engaged in any act. How can a subjective test of what he believes be included in any law in the State of Maine. It is very difficult.

Now if we assume the Attorney General in his great wisdom decided that he believes that somebody has done something, or it appears to him somebody is about to conspire, and conspiracy is always one of the hardest things to prove, he can force a company to bring in all of its books, all of its materials, all of its documents, its ledgers, its checkbooks and say prove that you are not really conspiring. Now this is really changing the whole burden of proof from somebody who has committed a crime and the Attorney General is trying to prove that they committed a crime to you are conspiring, now prove you are not. This whole scenario becomes the first step to a possible Gestapo-type of state.

I feel that if we look at the great prosecutions of the past, if I recall correctly, the lobstermen of the State of Maine were brought in for anti-

trust legislation. These were not the great multi-national companies of the entire United States, etc. These were our small Maine businessmen trying to make a living off the coast.

Now one of the examples that was brought into the Judiciary Committee hearing was the fact that many lobstermen, who pound their lobsters together, have at one point or another determined that they are going to sell their lobsters for X dollars a pound that day. In theory this could be conspiracy under this Bill. Now I wonder whether the intent of this Bill is to provide us with a very strong, really responsive to no one, Attorney General and are we not, in fact, creating some kind of a monster that we really do not want to deal with later on.

I would urge the acceptance of the Majority Ought Not to Pass, and I would hope that you would vote down the Minority Report.

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

Mr. MERRILL: Mr. President and Members of the Senate, if ever any citizen is in need of knowing that in many minds there are two standards of justice, one for the average person and another for white-collar criminals, all he need do is listen to the debate on a matter such as this, and his suspicions will be confirmed.

Certainly when we are talking about the powers of the Attorney General to investigate crime and to bring a charge against somebody in the name of the State, we are talking about awesome powers. Imagine if the Attorney General of the State of Maine were to bring an action against one of us for committing a violation of the criminal law that is presently on the books. Imagine what effect it would have on our careers, not only here but our careers that we have back home. These are awesome powers that we give to an Attorney General or a District Attorney. — The power to literally destroy people. Yet somehow that concern is not raised with such wringing of hands when we are talking about some individual committing a crime. When we talk about the businessmen in this State committing a crime, a crime that I have heard no argument about here today, I have heard no one take exception to the fact that we should make it a crime to conspire to set prices. And that is a legitimate argument, I suppose, if someone wants to bring it up, and I am ready to debate it. If he thinks it should not be a crime, that they should be allowed to conspire, then let us face it directly.

Assuming there is agreement, that it should be a crime, assuming that there is agreement that when people do it, it is such a harm to the common good that we should prohibit it and make it a crime, then why do we then and only then become concerned about the powers of the Attorney General. Consider the power that the Attorney General has now with respect to individuals, to bring charges against the person in a closed hearing in which the person has no right to be there in person or with his counsel and, as a result of that closed hearing, having heard only one side of the case, to have that Grand Jury issue an indictment. That is the power that the Attorney General has with respect to each one of us and the District Attorney with respect to crimes that are under their jurisdiction.

Now I think that this Bill is a fairly simple Bill. The first thing that it does is that it increases the penalty. I have not heard anybody specifically object to that, and I think it would be helpful if anybody has a specific objection to that part to make that clear. Otherwise, we can assume, I guess, that all members of the Senate agree that Class E crime for conspiring to fix prices, conspiring to, in essence, rob the consumers of this State of thousands and thousands of dollars, that probably that is probably not a proper measure and probably a person who con-

spires to set the prices for vending machines should be guilty of at least as great a crime as the person who put a slug in one.

If there is anybody who disagrees with that, then I think we ought to have that on the record. If not, then I assume that the only disagreement comes in how the powers of the Attorney General to investigate these crimes is changed by this law. I am certainly not an expert on this, but I think, my understanding is that presently what the Attorney General can do is he can undertake an investigation which is protected by the law to be secret, and after he has undertaken this investigation, then he can have a public hearing for the purpose of making his decision. And as I understand how this law would change things, is that the Attorney General if he came to believe that conspiring and conspiracy had taken place to fix prices, could go to the business directly and either through the cooperation of the business or through the powers that are granted in this Bill, look at the records of the business and make a determination on that basis, and if the company being investigated thought that it was being wronged by the Attorney General, as I understand it, they would have the power to go to the Court and stop the investigation.

Frankly, I do not know how that leads to more of a witch hunt than the present law, and if I were an Attorney General looking for publicity, looking to carry on a McCarthy type witch hunt, I think that the present law would be just perfect. Establish all your records under the shroud of secrecy and protected by the law and then have a public hearing, which you could make your charges, flail around with no remedy up to that point available to the business man that is being accused, and possibly having great damage done as a result of the process.

So I do not know if I were a businessman concerned about the abuses of the powers of the Attorney General that I would feel all that disposed to be against this legislation. Now in that it makes the Attorney General probably more effective in discharging his duties and protecting us against these conspiracies, if I was a businessman engaged in illegal practices, I would probably feel more comfortable under the present law.

Finally, to deal with a small point, but I think it is an important one, because it is a red herring that has been dragged across this Bill in the debate. In the law as it was drafted, as the Senator from Androscoggin, Senator Mangan, rightly points out, it gave the Attorney General powers to act when he thought that such a conspiracy was going to be entered into and that was to deal with the situation of the merger, when the Attorney General saw a merger that would violate the anti-trust laws, and that was removed by the amendment, and with this Bill, as amended, it will not be put into effect. So if you are concerned about the Attorney General having powers to act when he thinks that such an act is going to take place in the future event and thus be able to deal with mergers, you should not be concerned.

Now when we talk about the word belief of the Attorney General, I suppose to a layman who is not familiar with the law, that can conjure up great fears and concern. The fact of the matter is that much of the law up to the stage of final decision moves on people's beliefs. What people believe, what people truly believe, determines the fate of much of what happens in a Court of Law, whether or not indictments are brought, whether or not warrants are issued, all through the process of our law until the final stage and then we ask for some burden of proof greater than that.

So what we are talking about here and the language that we see here with respect to Maine's business community is no different than the language that we see with respect to

other citizens who face violations of the law. I think when people such as ourselves sit in a chamber such as this, we think about the businessmen that we know and think about the possibility of them being prosecuted, that we become concerned, and we have a tendency to want to vote against legislation such as this. But the same would be true when we enacted a criminal code. If we thought about every individual that we knew, and we thought about the people that lived next door and we started reading what could be done to them as a result of the laws that we enacted, we would be concerned. Of course, we enact the laws, knowing full well they are designed not to reach the average person and not to reach the masses of people, but to reach the people only and only the people who violate the law. That is what this is about.

I think that if we are going to have a crime as serious as conspiring to fix prices, a crime that can result in millions of dollars being robbed from the people of Maine and we decide, in the wisdom of this Senate, that we are going to leave it a Class E crime, then we would do better by ourselves to set aside the hypocrisy and remove the crime from the books.

I ask that when the vote is taken, it be taken by the yeas and nays.

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

Mr. MANGAN: Mr. President, it is interesting to note that yesterday the Judiciary Committee took up a very interesting piece of legislation. That piece of legislation really concerned the right of one of the potato processors in the County of Aroostook to be able to sue the State of Maine. What actually came out in those discussions, the witnesses testimony and what not, is that there is currently one starch producing plant in Aroostook County that is left, and they may be closed by the Attorney General because of the Department of Environmental Protection's pollution laws and what not. There is, as a result of DEP and the Attorney General's office, almost all the actual potato processors in Aroostook County have been closed. I believe there are two that are left, one is McCain's and they have eaten up all the small producers and then you have Cyr which is currently closed. I am wondering now who is actually going to investigate the Attorney General's office as to a possibility of them conspiring to close up all of these plants.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call, please rise to be counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, in listening to the remarks of the good Senator from Cumberland, Senator Merrill, I almost had the vision that anti-trust violations were running rampant in the State of Maine. I do not think that is so at all, but again I want to point out a thought that came to me when the good Senator waved before his audience the Criminal Code that we enacted in the last Legislature.

The thrust of that Code was to put an emphasis on the most serious crimes, to concentrate our somewhat limited resources on those things that most clearly hurt society. Now anti-trust violations certainly do hurt society, but they are being handled capably by the Federal Government. We have to make decisions about where we shall concentrate our resources. If we enact this kind of law, the Attorney General's office will be wanting more and more money for additional personnel to investigate, to serve civil demands, so on.

Is this where we need to spend our money?

We just did not see any evidence of that before our Committee. We invited such evidence and it was not forthcoming. It seems to me that the Attorney General's office should concentrate its efforts on the violent crimes, burglaries, other things that we do have in the State of Maine that it knows how to deal with, has the personnel to deal with. There is plenty of work for the Attorney General's office to do without invading this field that is being capably handled by the Federal Government.

I urge you to vote against the pending motion.

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

Mr. MERRILL: Mr. President and Members of the Senate: When the esteemed Chairman of the Judiciary Committee, the Senator from Knox, Senator Collins, points out that when the Code was written we tried to deal with only serious crimes, those things which could be affected by the criminal law, of course, he is absolutely correct. But when he implies that the definition of serious crime is something that goes on a great deal, serious in that sense, he is absolutely wrong.

I would draw the attention of the Senate, without unduly waving around and claiming my colleagues to the state of being out of control, but I would draw my colleagues attention to the fact that in this Criminal Code that we enacted there is a crime entitled, "Bribery of public officials in political matters." Well, this is the code as it was reported out with the Ought to Pass Report of both myself and the previous speaker. Now does anybody mean to suggest that that is a serious crime in the sense that it goes on a great deal? If that is what we were saying when we reported that out, then I repudiate the report.

Obviously it is not. The possibility of an action that has a serious effect, whether it goes on a great deal or not, can be very serious. And I think that what we are dealing with here is a very serious matter because what we are dealing with here is the faith of the people themselves that justice is in fact blind and that the laws are, in fact, equally applied to people in unequal stations. There is nothing more serious than that. If what the criminal law is, is nothing more than a device to keep the oppressed under control, then there certainly is no justification for it, and I certainly put my life in the wrong direction when I decided to make my life in the law.

If what the law is is a device to treat people who are of unequal stations, equally when they come before the State in the person of the Court, then the law is something to be respected and defended, and there is nothing less at issue here. And when we say that the Federal Government can do it, we are ignoring, I think, the whole trend at the Federal level, which is to say that the States have greater responsibility in this area. And I think that trend has developed from the philosophy that has been espoused certainly by both parties, but with all due deference to my own, I think it has been espoused longer and louder by the other party than by my own. Now when recognition is given to that theory in the area of investigation of this sort of white-collar crime, suddenly and surprisingly we are told we should leave the Federal Government to do it.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate accept the Minority Ought to Pass as amended Report of the Committee. A Yes vote will be in favor of accepting the Minority Ought to Pass Report. A no vote will be opposed.

The Secretary will call the roll.

YEAS — Carpenter, Conley, Danton, Farley, Hichens, Levine, Martin, Merrill, O'Leary, Pray, Usher.

NAYS — Chapman, Collins, D.; Collins, S.; Curtis, Greeley, Hewes, Huber, Jackson, Katz,

Lovell, Mangan, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman.
ABSENT — Cummings, Minkowsky.

11 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators being absent, the motion to accept the Ought to Pass Report does not prevail.

Majority Ought Not to Pass Report Accepted in non-concurrence.

Sent down for concurrence.

(Off record remarks)

Divided Report

The Majority of the Committees on Public Utilities on,

Bill, "An Act to Require Utilities to Pay Excise Tax on their Vehicles." (H. P. 917) (L. D. 1113)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot

COLLINS of Aroostook

CARPENTER of Aroostook

Representatives:

KELLEHER of Bangor

PEARSON of Old Town

SMITH of Mars Hill

NADEAU of Sanford

TARR of Bridgton

CUNNINGHAM of New Gloucester

BERRY of Buxton

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

Signed:

Representatives:

McHENRY of Madawaska

WOOD of Sanford

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

Which Reports were read.

Majority Ought Not to Pass Report accepted in concurrence.

Senate

Leave to Withdraw

Mr. Jackson for the Committee on Local and County Government on, Bill, "An Act Concerning Funding of Social Service Agencies and Non-profit Corporations by Counties and Municipalities." (S. P. 298) (L. D. 924)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Greeley for the Committee on Transportation on, Bill, "An Act to Require Minimum Standards for Automotive Fire Apparatus." (H. P. 212) (L. D. 661)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

Mr. Greeley for the Committee on Transportation on, Bill, "An Act to Establish a Sign on the Maine Turnpike Announcing the Moosehead Lake Region." (S. P. 278) (L. D. 891)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-83).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended Tomorrow Assigned for Second Reading.

Second Readers

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

Senate

Bill, "An Act to Require Telephone Companies to List the Name of a Customer's Spouse

in the Telephone Directory if the Spouse so Chooses." (S. P. 344) (L. D. 1128)

Bill, "An Act to Lower the Retail Price of Alcoholic Beverages Throughout the State to Equal the Price at Kittery." (S. P. 466) (L. D. 1638)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Revising the Maine Business Corporation Act." (S. P. 229) (L. D. 707)

Which was 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 Relating to Reconstruction of Certain Railroad Grade Separation Structures on Nonfederal Aid State Aid Highways. (S. P. 112) (L. D. 271)

An Act Pertaining to Funding the Central Licensing Division of the Department of Business Regulation. (S. P. 165) (L. D. 441)

An Act to Revise the Laws Relating to State Financing of the Expenses of the Superior and Supreme Judicial Courts. (S. P. 424) (L. D. 1412)

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

An Act Appropriating Funds to Maine Vocational Development Commission. (H. P. 516) (L. D. 634)

On Motion of Mr. Huber of Cumberland, placed on the Special Appropriations table

Pending — Enactment.

Resolve

RESOLVE, increasing to \$25,000 the Amount for which Romeo and Genevieve St. Amand or their Legal Representatives may bring a Civil Action against the State of Maine. (H. P. 827) (L. D. 1000)

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

Orders of the Day

The President laid before the Senate:

Bill, "An Act Realigning to Irreconcilable Marital Differences as Grounds for Divorce and Mental Illness as an Impediment to Divorce." (H. P. 1367) (L. D. 1596)

Tabled — April 20, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Conley of Cumberland to Indefinitely Postpone.

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

Mr. SPEERS: Mr. President and Members of the Senate: I do not want to go into the merits of this particular Bill at this point because I feel that the merits can be discussed both in Committee and back on the floor of this Body at the appropriate time. I very well may concur at that time with the opinions of the good Senator from Cumberland, Senator Conley. But I think that we must recognize that this is a very rare motion to be made at this time.

If there are problems with this particular Bill, and I would agree with him that there are, that those problems could be addressed at Committee hearing and then, if not amended in the Committee, can be discussed on the floor of the Senate, and if still not alleviated, of course, the Bill can be killed at that time.

I do not feel that we should take the position on this particular Bill, at least, that it should be killed without a fair and open hearing before the Judiciary Committee.

I would, therefore, urge the Senate to oppose the pending Motion.

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

Mr. CONLEY: Mr. President and Members of the Senate: I find the Bill reprehensible. I think perhaps the Majority Floorleader, with all due respect to him, the good Senator from Kennebec, Senator Katz, does not want to discuss the merits or demerits of the Bill, because I find no merits whatsoever in this. Some day I believe that the Holy Roman Empire and Israeli Army will merge forces and pass a law here that will prohibit this Bill from coming in for at least six continuous sessions. I hope so that we can eliminate a lot of our precious time dealing with this matter, that the Senate does vote to support the motion to indefinitely postpone.

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

Mr. CURTIS: Mr. President, I do not really appreciate the humor that is involved in the pending motion, because I think it is a serious matter what the Senate decides to do on a question like this. We are running a system in which everybody has an opportunity to bring forth a piece of legislation in our Legislature, no matter how unpopular, have it subjected to a public hearing, and have it disposed of by the Legislature.

Now I happen to find some merits in this piece of legislation myself, and it is a particular piece of legislation that has not yet been addressed by the Judiciary Committee. I think it would be unworthy of this Senate to follow the pending motion and defeat a piece of legislation sponsored by a person who is concerned about a problem before it even had an opportunity for a full public hearing.

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

Mr. MERRILL: Mr. President, at the fear of putting everyone's compass off to such an extent they will not be capable of getting through the rest of the day, I rise to say that I agree wholeheartedly with the Majority Floor Leader, the Senator from Kennebec, Senator Speers.

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

Mr. DANTON: Mr. President and Members of the Senate: I have been here four terms and this Bill has been here four terms. I am sure if Senator Greeley from Waldo wanted to get up, he has been here many, many terms, and this Bill has also been here many, many terms. I am sure that the person that introduced this Bill is acting at the request of a constituent of theirs' and I think that person that sponsored this Bill has done exactly that.

There is no need for this Bill. It is just wasting more time. I am sure the good Senator from Knox, Senator Collins, the Chairman of the Judiciary Committee, has many, many, many more important matters. He does not have to waste his time on this Bill. It will be lobbied to get killed, and I am sure it is going to get killed. Let us get on. We have been here — it is April 21st, I turned on the news last night. The Vermont Legislature has already adjourned, and I would like to see us get out of here by the first of August.

Therefore, I would hope that you would vote to indefinitely postpone this Bill right now. Thank you.

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

Mr. SPEERS: Mr. President, a parliamentary inquiry: would it be appropriate for a request to have the reporter read back the record?

Mr. President, I withdraw the request.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that this Bill, LD 1596, be indefinitely postponed. The Chair will order a Division.

Will all those Senators in favor of indefinite

postponement, please rise in their places to be counted.

Will all those Senators opposed to indefinite postponement, please rise in their places to be counted.

10 Senators having voted in the affirmative and 18 Senators in the negative, the Motion to indefinitely postpone does not prevail.

Which was Referred to the Committee on Judiciary and Ordered Printed in concurrence.

The President laid before the Senate:

Bill, "An Act Relating to General Assistance Payments for Home Heating Fuel." (H. P. 1417) (L. D. 1617)

Tabled — April 20, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator Huber of Cumberland to refer to Committee on Appropriations and Financial Affairs.

Which was Referred to the Committee on Appropriations and Financial Affairs, Ordered Printed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act in Support of Regional Library Systems." (S. P. 462) (L. D. 1585)

Tabled — April 20, 1977 by Senator Merrill of Cumberland

Pending — Passage to be Engrossed

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

Mr. MERRILL: Mr. President and Members of the Senate, it is with some trepidation that I rise to raise any questions about this Bill. It is my understanding that this Bill was sponsored by the Senator from Penobscot, Senator Cummings. It deals with a matter which I think most of us support as a general principle, and that is the improvement of our library system, but it looks to me, with an initial reading of the Bill, as if it does create a whole new or begins the creation of a whole new appendage to the Regional Library System. Although some of the ideas of the Bill seem to me to be very good, for example, the idea of a card that could be used in all libraries around the State, it would seem to me it could be accomplished without such expense and on a voluntary basis, instead of starting out with this traditional carrot approach where in order to get certain monies they have to go along with this program.

So it just seemed to me that we were making a major step, creating major new responsibilities for the Department of Education, and that it should at least be defended and explained before we go ahead and pass on this Bill.

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

Mr. KATZ: Mr. President, this is a redraft of the Bill that came before the Committee on Education. Presently, I think everyone agrees, that the baby that Minnette Cummings sponsored some few years back creating the Regional Library System has worked out very well indeed. Under existing law we fund the Regional Library System with an allocation of .10 per capita. This Bill increases it to .25.

The Committee has broken down the bill into various components, and at the proper time, if this ever reaches the Appropriations Table, we will make recommendations as to our sense of priority, as to what might be funded on a first basis top priority, second priority and so forth. I regret that I do not have the material at my desk this morning. I think that we will be able to offer to the Senate a very clear-cut program as to what might be funded, if funding is limited, and I suspect funding is limited.

The whole thrust of the Regional Library System. I am sure the Senator from Penobscot, Senator Cummings, would like me to say this morning, is to act as a supportive service to the small libraries around the State. There are three Regional Libraries, one at Bangor, one at Portland, and the Maine State Library here in

Augusta, and the notion is to protect the small libraries from the necessity of attempting to stretch their budget by buying a whole host of volumes which might be available for loan at the Regional System. It is a sharing of resources. It is a concentration of resources at three convenient centers in the State, and it is hoped that our experience in the past will be duplicated, and that the people of the State get an expanded service by using this Regional approach than if every small library in the State went alone.

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

Mr. MERRILL: Mr. President and Members of the Senate: I thank the Senator for his explanation, and as usual it was very helpful.

I just wonder if he could provide a little further clarity in my own mind as to what the relationship between the local library, which I think is what is referred to in this Bill as the local unit, and the Regional Library System, and when it says eligibility for this direct State aide shall include membership in the Regional Library District, an agreement to honor library cards of other members of the regional systems, is this a change in the present law, and how much of a burden, how much of a demand does this put on the local library if it participates in this Regional program?

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

Mr. KATZ: It was a very well attended hearing, and there was no opposition to this concept of sharing, of accepting other library cards at a small rural library. Subsequent to the hearing I had only one library write to me objecting, and unfortunately, and I am sure you will share in my dilemma, it was one of my constituent libraries, the only one in the State.

But the burden would be upon, let's say, the Augusta Library to accept the card of an adjacent community, and Bangor, which is the better example, Bangor is doing some pretty good supportive services for all of Aroostook County, where somebody living up in West Granville Center can walk into the Bangor Library, and by presenting their West Granville Center Library card, have access to all of the files of Bangor. This gives some kind of a cultural advantage to people in the rural areas, and the compensation to the Regional Center is .10 presently, and .25 per capita.

I think the main problem with the program is that I have no illusions of seeing this Bill funded in its entirety, but I hope that we can make a small step.

I would like to go one step further and it is not often that we talk about libraries in the Senate. Through the New England Board of Higher Education, you might be interested to know, that we are also involved in NELINET, the New England Library Network, and by use of a computer out in Columbus, Ohio member libraries in New England can tie into the computer system and locate exotic books all over the place. That means that a learned student at Orono, who is trying to do some kind of a doctoral paper, can locate the material he needs, and it might be down at MIT or it might be up at the University of New Hampshire. But the whole thrust has been shared resources, and cutting down of the expense of capitalizing libraries.

One final comment — those of you who recall the musical comedy "Music Man", and may remember with some fondness Marion, the Librarian, might be interested to know that of all the groups that I have run into in education, the one group that seems to be most dynamic, most anxious and willing to change and try some exciting new things are the Marions, the Librarians of this world.

The PRESIDENT: Is it now the pleasure of

the Senate that this Bill be Passed to be Engrossed and sent down for concurrence?

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I have been watching a lot of these educational Bills with a great deal of interest. I know that we have only a limited amount of money left for other programs, so I think that in order to insure that we do not fund just education and not anything else, I would move for the indefinite postponement of this Bill and all of its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that this Bill be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I wish the Senator would reconsider his Motion. I am not suggesting that this Bill be funded, necessarily be funded, and I am not suggesting that education grab everything off the table, — quite the contrary. But it is a worthy Bill. It was vigorously supported by the Committee on Education after a long hearing, and a lot of work on the Bill, and I would strongly urge the Senator to let it go to the Appropriations Table. I may vote for it in the final enactment, or may not, but it belongs on the Appropriations Table.

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

Mr. HEWES: Mr. President and Members of the Senate, I would concur with the Senator from Kennebec, Senator Katz.

It seems to me that books open up so much to the general public, and particularly in the rural areas that many of us represent here, — not just books, but movies and other mediums of intellectual enlightenment can be exchanged and shared throughout the State, that I certainly think that the basic concept of the Regional Library System is excellent, and I would hope that ultimately there will be an increase in the per capita share of the appropriation for these regional libraries, and I certainly hope that you will vote against the Motion to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I note with a great deal of interest we put another Bill on the Appropriations Table for the Education Department this morning, Regional Vocational Education Development Commission, for \$100,000.00, and this total is around \$730,000.00.

I will withdraw my Motion, but it is with the assurance that as long as these Bills are on the Table, there is no way that I will vote to support a tax increase of any kind to support any programs.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now requests leave of the Senate to withdraw his Motion to indefinitely postpone. Is it the pleasure of the Senate to grant this leave?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I thank the Senator for his courtesy. I would like to point out that the Bill to which he refers about Vocational Education is an Industrial Development Bill, and just in passing involves the Vocational component of our system. This Bill pertaining to libraries really had a minimal to do with education, and an awful lot to do with the ordinary public, which really does not get much benefit out of educational dollars.

Bill Passed to be Engrossed.
Sent down for concurrence.

(Off Record Remarks)

The President laid before the Senate:
HOUSE REPORTS — from the Committee on

EDUCATION — Bill, "An Act Relating to Corporal Punishment." (H. P. 517) (L. D. 635) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass as Amended by Committee Amendment "A" (H-121)

Tabled — April 20, 1977 by Senator Katz of Kennebec

Pending — Acceptance of Majority Report
The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, a parliamentary inquiry — if we do not accept the Majority Ought Not to Pass Report, in what posture would the Bill then be in?

The PRESIDENT: The Chair would advise the Senate that if the Majority Ought Not to Pass Report does not prevail, the Bill would then be before the Body. It would be given its first reading.

Mr. PIERCE: Mr. President and Members of the Senate: Yesterday I think a lot of people voted to recede for several reasons: first of all, those of us who believed that the Bill had merit; secondly, those who wanted to extend the courtesy to address the Amendments which we have; and I think that intention to recede should follow through today so that we could defeat the Majority Ought Not to Pass Report, simply to put the Bill back before us, so that we could deal with it in the manner we meant to yesterday.

The other Body has dealt very clearly and cleanly with this measure, and I would hope that this Body would do the same. I think it is an issue that has given rise to a lot of emotion and a lot of interest. I would hate to see it go down in a cloudy atmosphere, where we got into a parliamentary procedural problem, and we did not deal with it after dealing with the Amendments. I think it was the clear intention yesterday that we would address those Amendments, we could give the Bill a first reading today, second reading tomorrow, and we will address the Amendments and dispose of it one way or another, and I am sure we will all be on record in that direction.

I hope that you would vote against the Motion Ought Not to Pass, and would ask for a Division.

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

Mr. CONLEY: Mr. President, I hope that the Senate does vote to accept the Majority Ought Not to Pass Report, and when the vote is taken, I request it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: This issue has been discussed at great length. The other day when I was sitting here reading through the House and Senate Registers, which we finally got after a long wait, I found it of interest reading the constitution that we at one point, in Section 14, Article 1, addressed the issue of corporal punishment, and one of the severest conditions of our times, when the State is in a state of emergency, and the Governor declares martial law, the issue of corporal punishment is addressed, and it is the only time that it is addressed, and it says that "no person shall be subject to corporal punishment under martial law." Considering the conditions of what we would be under if martial law were ever declared, and that our forefathers would go to great length to assure that we would not at that time use corporal punishment, I think it is kind of ridiculous that we come under the situation of saying in the classroom that the teacher would be in such a

state of emergency that he would need to use corporal punishment.

I hope that we accept the Majority Ought Not to Pass Report.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all of those Senators in favor of a Roll Call, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

Is the Senate ready for the question? The pending question before the Senate is the acceptance of the Majority Ought Not to Pass Report of the Committee. A yes vote will be in favor of accepting the Majority Ought Not to Pass Report. A no vote will be opposed.

The Secretary will call the Roll.

YEA — Chapman, Conley, Curtis, Danton, Farley, Hewes, Huber, Katz, Levine, Merrill, Morrell, O'Leary, Pray, Redmond, Snowe, Trotzky, Usher, Wyman.

NAY — Carpenter, Collins, D.; Collins, S.; Greeley, Hichens, Jackson, Lovell, Mangan, Martin, Pierce, Speers.

ABSENT — Cummings, McNally, Minkowsky.

18 Senators having voted in the affirmative, and 11 Senators in the negative, with 3 Senators being absent, the acceptance of the Majority Report does prevail.

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

Mr. CONLEY: Mr. President, a point of parliamentary inquiry, it is my understanding now that the Senate has twice accepted the Majority Ought Not to Pass Report. Is a Motion in order now to move to adhere, or has the Senate already done that?

The PRESIDENT: The Chair would advise the Senator that the Senate in effect has already adhered to its original position.

Mr. CONLEY: Mr. President, I would now move the Senate reconsider its action whereby the Senate has adhered, and would move the Senate vote against the Motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby it adhered to accepting the Majority Ought Not to Pass Report of the Committee.

A viva voce vote being had,

The Motion to Reconsider does not prevail.

The President laid before the Senate:

Bill, "An Act to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education." (H. P. 1349) (L. D. 1621)

Tabled — April 20, 1977 by Senator Snowe of Androscoggin

Pending — Motion of Senator Katz of Kennebec to refer to Committee on Education

Which was Referred to Committee on Education and Ordered Printed in non-concurrence. Sent down for concurrence.

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

Mr. SPEERS: Mr. President, is the Senate in Possession of Bill, "An Act to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances Maintained by the State from the Department of Finance and Administration to the Department of Public Safety." (H. P. 204) (L. D. 264)

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate

reconsider its action whereby L. D. 264 was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

On Motion of Mr. Speers of Kennebec,

Tabled for two legislative days;

Pending passage to be engrossed.

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

Mr. KATZ: Mr. President and Members of the Senate: My relationship with Maine teachers is an on again-off again kind of an affair. Most of the time I find myself in support of them, because we dump so many impossible tasks on them, and then we expect the ultimate in fine performance.

The action of a group of the representative assembly yesterday, I felt, was unwise, and I regret that this small group representing the teachers took this action.

In effect, they expressed a complete lack of confidence in the educational leadership of Commissioner Millett. Well, I guess those of us who are sitting up in the Senate have had about as good an opportunity to view Commissioner Millett's performance as anybody else in the State, and, without putting into the record some of the pressures under which the Commissioner has operated for the past something over two years, I think we are aware of the fact that this extraordinary man has walked a tight rope to such good advantage that he has been an extremely valuable person to the Governor, and an extremely valuable asset to the Maine Legislature.

I think that Commissioner Millett has to take a full share of credit out of the fact that some way or another that on two successive Legislative Sessions now we have been able to come to consensus agreement in the funding of education.

I think the teachers were wrong in declaring a lack of confidence in Commissioner Millett. I think he has been the right man for Maine at the right time, and, although I am confident that I have not always been in agreement with him, I am also sometimes not in agreement with either of my seatmates, who are the closest thing to infallibility in this Senate.

(Off Record Remarks)

Senator Curtis of Penobscot was granted unanimous consent to address the Senate on the record.

Mr. CURTIS: Mr. President and Members of the Senate, I would like to join my outstanding colleague, and seatmate, Senator Katz from Kennebec, in expressing my vote of confidence in support for the Commissioner of Education. Having served with the Honorable Sawin Millett in the House of Representatives, I would like to reiterate my previous position that he certainly is an outstanding gentleman, who knows a great deal about education. He is very patient and very courageous, and a fine public servant.

The PRESIDENT: The Chair would appoint on the part of the Senate as Conferees to the Committee of Conference on Bill, An Act Pertaining to License Fees for the Regulation of Certain Amusements (H. P. 577) (L. D. 701) the Senator from Cumberland, Senator Hewes; the Senator from Penobscot, Senator Cummings; and the Senator from Aroostook, Senator Carpenter.

The PRESIDENT: The Chair would also like to urge all Senators to work as hard and diligently as they can on getting Legislation out of Committees so that it can come onto the floor of this Body and the other Body, and be debated, and as the good Senator from York, Senator Danton, indicated this morning, time is running

out, and it will really be to everybody's advantage to put a little extra effort into getting this Legislation out and into the process.

On Motion of Mr. Huber of Cumberland,
Adjourned to 2:00 tomorrow afternoon.