

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 29, 1977

Senate called to order by the President.

Prayer by Reverend Richard S. Hasty of First Parish Unitarian Universalist Church in Portland.

Rev. HASTY: The watchmen of the night have gone to rest; now it is for us to watch the day. May each of us be blessed, may all that is done here for all the people of Maine be done with a sense of what is right, that through moral thought and ethical action, that which we call God, may be served. Amen.

Reading of the Journal of yesterday.

Papers From The House
Non-concurrent Matter

Bill, "An Act to Permit Vehicular Traffic to Turn Right at a Red Light." (H. P. 43) (L. D. 60)

In the House April 22, 1977, Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-152) as amended by House Amendment "B" thereto, (H-167).

In the Senate April 26, 1977 Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-152), in non-concurrence.

Comes from the House, that Body having Insisted, and Asked for a Committee of Conference.

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

Mr. MINKOWSKY: Mr. President, I move the Senate adhere.

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

Mr. CONLEY: Mr. President, I move the Senate recede and concur.

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

Mr. SPEERS: Mr. President I urge the Senate to vote against the Motion to recede and concur, and to defeat that Motion, and go on to pass the Motion to adhere.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House.

The Chair will order a Division.

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 opposed to the Motion to recede and concur, please rise in their places to be counted.

Two Senators having voted in the affirmative and 24 in the negative, the Motion to recede and concur does not prevail.

The Senate voted to adhere.

Non-concurrent Matter

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

In the Senate, April 21, 1977 the Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-163) as amended by House Amendment "A" thereto, (H-194), in non-concurrence.

On Motion by Mr. Collins of Knox, tabled until later in today's Session.

Non-concurrent Matter

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)

In the Senate April 21, 1977, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-195), in non-concurrence.

On Motion of Mrs. Cummings of Penobscot, the Senate voted to adhere.

Non-concurrent Matter

Bill, "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot." (H. P. 479) (L. D. 594)

In the House April 21, 1977, Passed to be Engrossed as amended by House Amendment "B" (H-165).

In the Senate April 26, 1977, Bill and Papers Indefinitely Postponed, in non-concurrence.

Came from the House, that Body having Insisted, and Asked for a Committee of Conference.

On Motion by Mr. Katz of Kennebec, the Senate voted to adhere.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

The Maine Maritime Academy has been fully accredited as a post-secondary school for a period of 10 years by the New England Association of Schools and Colleges. (H. P. 1487)

Janice Ann DeRoche of Biddeford has won the Miss Cumberland County Scholarship Pageant held on April 24, 1977, and will participate in the 1977 Miss Maine Pageant. (H. P. 1488)

Terri Elaine Gilpatrick of Lincoln has been selected as Miss Greater Lincoln. (H. P. 1489)

Come from the House, Read and Passed.

Which were Read and Passed in concurrence.

The Honorable Kenneth M. Curtis has brought great credit to the State of Maine, both as Governor and as National Chairman of the Democratic Party. (H. P. 1491)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. KATZ: Mr. President, this is an Order honoring former Governor Kenneth Curtis, who has been named National Chairman of the Democratic Party. I felt perhaps it would be well to have a Republican voice raised in this Body to indicate pleasure, both with the honor that has befallen Governor Curtis, and also the honor that has befallen the State of Maine as a result of his elevation to this extraordinarily high office.

I feel that partisan consideration aside, that the benefits to Maine can be very, very specific and we wish him well in his new job.

Passed in concurrence.

House Papers

Bills and Resolve received from the House requiring reference to Committee were acted upon in concurrence.

Study Report - Marine Resources

The Committee on Marine Resources to which was referred study relative to Marketing, Extension and Research Activities relating to Marine Resources, pursuant to H. P. 253 of the 108th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, Resolve Directing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation Inc. (Emergency) (H. P. 1492) (L. D. 1704) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Marine Resources.

Which Report was Read and Accepted, in concurrence, and the Bill referred to the Committee on Marine Resources, in concurrence.

Senate Papers

Mr. Carpenter of Aroostook presented, Bill, "An Act Relating to the Salaries of Certain Officers in the Executive Department." (S. P. 476)

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

Sent down for concurrence.

Mr. Danton of York presented, Bill, "An Act Amending the Nomination by Petition Election Process." (S. P. 475)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Mr. Wyman of Washington presented, Bill, "An Act to Provide for Payment of Cigarette Tax on a Cash Basis." (S. P. 477)

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 to Establish Fees for Child Care Licenses." (H. P. 161) (L. D. 199)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Require Substantiation of Certain Advertising Claims." (H. P. 744) (L. D. 949)

Reported that the same granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act Concerning Transfer of Assets for the Purpose of Qualifying for Medical Assistance." (H. P. 850) (L. D. 1041)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act to Require the Department of Human Services to Make Reimbursements to Nursing Homes and Most Boarding Homes on the Basis of Reasonable Operating Costs." (H. P. 178) (L. D. 192)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Transfer of Property for Certain Recipients of Medical Care." (H. P. 486) (L. D. 606)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Establish the Salary of State Legislators." (H. P. 725) (L. D. 847)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act Concerning Coach Plates Under the Motor Vehicle Law." (H. P. 249) (L. D. 321)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Decrease the Registration Fee on Daily Rental Cars from \$30 to \$15." (H. P. 891) (L. D. 1099)

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

The Committee on State Government on, Bill, "An Act to Clarify Procedures Concerning the Issuance of General Obligation Bonds for Indian Housing Mortgage Insurance." (H. P. 594) (L. D. 849)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

The Committee on State Government on, Bill, "An Act to Provide Funds for the Administration of the Uniform Crime Reporting Program within the Bureau of State Police." (Emergency) (H. P. 951) (L. D. 1145)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

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

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

Mr. CONLEY: Mr. President and Members of the Senate, I think it is only appropriate that I call the attention of the Senate to L. D. 847 and it can probably be very well construed to note the power of one individual of this Body.

Night after night I have been sitting with my family around the TV set, noting a particular gentleman of this Body waving a Legislative Document around in front of the TV camera. And I just want to congratulate him on his success and wish him the best in his endeavors.

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

Mr. SPEERS: Mr. President and Members of the Senate, I think all of us, as representatives of the people, can certainly relish in the fact that when the people are aroused over a particular issue, we certainly do respond and may that be very adequate notice as to the effectiveness of requesting opinions from the people.

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1977. (Emergency) (H. P. 1481) (L. D. 1690)

Reported (Pursuant to H. P. 138) that the same Ought to Pass.

Comes from the House, the Resolve Passed to be Engrossed.

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

The Committee on Business Legislation on, Bill, "An Act to Amend Certain Provisions of the Laws Relating to Nonprofit Hospital or Medical Service Organizations in Order to Facilitate the Creation of Jobs for Maine People." (Emergency) (H. P. 1413) (L. D. 1525)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read and Accepted in concurrence and the Bill Read Once.

On Motion of Mr. Speers of Kennebec, and Under Suspension of the Rules, the Bill Read a Second Time.

The Bill passed to be engrossed.

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1977. (Emergency) (H. P. 1483) (L. D. 1699)

Reported (pursuant to House Paper 138) that the same Ought to Pass.

Comes from the House, the Report Read and Accepted, and the Resolve passed to be Engrossed as amended by House Amendment "A" (H-207).

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

Ought to Pass - As Amended

The Committee on Agriculture on, Bill, "An Act Concerning the Bee Industry Law." (H. P. 604) (L. D. 741)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-198).

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

The Committee on Taxation on, Bill, "An Act Providing for the Service of Warrants by Agents of the State Tax Assessor." (H. P. 391) (L. D. 480)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-199).

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.

The Committee on Fisheries and Wildlife on, Bill, "An Act Concerning Prosecution of Fish and Wildlife Law Violators Who are 16 Years of Age or Older." (H. P. 193) (L. D. 255)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-205).

Comes from the House, the Bill Recommended to the Committee on Fisheries and Wildlife.

Ought to Pass as amended Report Read and Adopted. Bill Read Once. Committee Amendment "A" Read and Adopted. The Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Taxation on, Bill, "An Act Relating to the Motor Vehicle Excise Tax." (H. P. 243) (L. D. 316)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-201).

Comes from the House, the Report Read and Accepted and the Bill Recommended to the Committee on Taxation.

Which Report was Read.

On Motion by Mr. Jackson of Cumberland, Bill Recommended to the Committee on Taxation, in concurrence.

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act to Avoid Double Taxation on Income Earned in New Hampshire by Citizens of the State of Maine." (Emergency) (H. P. 539) (L. D. 654)

Reported that the same Ought to Pass in New Draft under new title: Resolve, Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the Period January 1, 1975 to March 19, 1975. (H. P. 1482) (L. D. 1698)

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

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

Divided Report

The Majority of the Committee on Election Laws on, Resolution, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections. (H. P. 427) (L. D. 535)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1449) (L. D. 1675)

Signed:

Senators:

DANTON of York

Representatives:

BOUDREAU of Waterville

DURGIN of Kittery

BOUDREAU of Portland

BIRT of E. Millinocket

McMAHON of Kennebunk

TRUMAN of Biddeford

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

Signed:

Senators:

KATZ of Kennebec

TROTZYK of Penobscot

Representatives:

BUSTIN of Augusta

TALBOT of Portland

MITCHELL of Vassalboro

RAYMOND of Lewiston

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

Which reports were read.

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

Mr. DANTON: Mr. President, I move the Senate accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from York, Senator Danton, now moves the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this is a proposed Constitutional Amendment, and in order for a Constitutional Amendment to be considered by the Legislature with any degree of seriousness, there should be an overwhelming amount of merit to the Bill.

This essentially prohibits in the future any referenda or initiative petitions or the like being considered by the electorate on primary election day. And it also redefines what primary election day is. It is restrictive.

At the public hearing there was no evidence at all which indicated that the right of the people to vote for referenda and the like at any election — this evidence was not presented. This Bill is going to have a very rocky road prior to getting two-thirds of the membership of both Houses.

To toss one small pebble in its way, I move indefinite postponement.

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

Mr. DANTON: Mr. President and Members of the Senate, I somewhat agree with the good Senator from Kennebec, Senator Katz, but I think most of us realize that on primary day we really and truly do not get a true feeling from the people on a lot of referendum items.

Many of you know that the Bottle Bill was on the November election. There was no question in any of our minds how the people of Maine felt. They went and voted in favor of the Bottle Bill. On primary day you get Democrats and Republicans. Surely we can say that the Independents have a right to go down and vote on any referendum, but they very seldom do.

That is one reason why I felt that the Bill was a good one. I think in November at the general election you get the people out. They go and vote, and you really and truly know how all the people in the State of Maine vote.

I would hope that you oppose the Motion to indefinitely postpone.

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

Mr. KATZ: Mr. President, to show the weakness of the argument you just heard, which leads me to believe that the gentleman's heart really is not in it. If this Constitutional

Amendment were passed, you could still vote on these important issues at the special elections, in which the turn-out is even worse, such as will be the case when we deal with the Uniform Property Tax Bill in November.

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

Mr. O'LEARY: Mr. President, two years ago this Legislature sent out to referendum the Bigelow question. Now I was at the polls in the Town of Jay on that day as I had a primary opponent. There is possibly 2,700 voters in the Town of Jay, registered voters. And approximately 2,700 voters registered in the Town of Mexico. In Jay I think there was a total of approximately 180 or 190 people that actually showed up at the polls on that day.

That is not a representative group to be voting on anything that is as important as spending a lot of State tax dollars.

I believe if we go to the general election in November, we will have a true consensus of the feeling of the majority of people in the State of Maine.

I would urge passage of this bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that this Bill 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.

15 Senators having voted in the affirmative and 15 Senators in the negative, the Motion to indefinitely postpone does not prevail.

Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of accepting the Ought to Pass Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed to accepting the Ought to Pass Report of the Committee, please rise in their places to be counted.

15 Senators having voted in the affirmative and 16 Senators in the negative, the Motion to accept the Ought to pass Report of the Committee, does not prevail.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, would the Ought Not to Pass Report now be before the Body?

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

Mr. CONLEY: Mr. President, since this is a Constitutional Amendment, and we are equally divided on the Bill, I move this Bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley now moves that this Bill be indefinitely postponed.

The Chair will order a Division.

Will all those Senators in favor of the 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.

19 senators having voted in the affirmative and 12 Senators in the negative, the Motion to indefinitely postpone, does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, with some trepidation, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby this Bill was indefinitely postponed.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act to Equalize the Registration of Dogs." (H. P. 509) (L. D. 628)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-182).

Signed:

Senators:

LEVINE of Kennebec

JACKSON of Cumberland

Representatives:

TORREY of Poland

STROUT of Corinth

SMITH of Mars Hill

MAHANY of Easton

TOZIER of Unity

LOUGEE of Island Falls

WOOD of Sanford

HALL of Sangerville.

The Minority of the same Committee on the same subject Matter Reported that the same Ought Not to Pass.

Signed:

Senator:

HICHENS of York

Representatives:

ROLLINS of Dixfield

CARROLL of Limerick

Comes from the House, the Majority 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 York, Senator Hichens.

Mr. HICHENS: Mr. President, I now move that the Senate accept the Minority Ought Not to Pass Report, and would speak on my Motion.

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and Members of the Senate, L. D. 628 is a Bill to equalize dog fees. Several of the Bills referred to equalizing fees for productive and unproductive dogs, whereas others increased license fees up to \$15.00 per dog, were heard by the Committee this year. As a result, L. D. 628 was retained as a vehicle with which to work and House Amendment H-182 is the measure you will be voting on today.

I and the minority members of the Committee oppose passage of this Amendment for several reasons:

First, I do not believe that a reproductive male dog should necessarily be taxed the same as reproductive female dogs, as most people keep bitches to produce puppies for resale and should be expected to pay more for those privileges, whereas most males are kept for pets or protection.

Secondly, the fee of \$5.50 per dog may not seem excessive, but added to the cost of food for pets, rabies and other inoculations, many families will not be able to keep a pet for their children. As a result many of them will try to evade paying any taxes at all.

Third, costs for neutering animals run from \$35.00 to \$100.00, which again is prohibitory to many families.

Fourth, the reimbursement of increased funds to municipalities and the State, as allocated in this Bill, without specific directions as to how they are going to be used, defeats the purpose of having additional funds.

Lastly, an order is being written up to have

the Committee on Agriculture, with the cooperation of the Committee on Fisheries and Wildlife, study all aspects of dog ordinances now in effect throughout the State, including leash laws, dogs chasing deer, shelter requirements and fees and proper disposal of unwanted or sick dogs and cats.

So I believe that this Bill should be defeated and the content matter studied with eventual passage of this Order.

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

Mr. LEVINE: Mr. President, I rise with great trepidation to differ with my good friend and colleague, Senator Hichens of York. However, this Bill that we now have before us is, as Senator Hichens mentioned, the product of a great deal of time and work by the Committee on Agriculture.

Perhaps it should be understood here that in the Statement of Fact of Committee Amendment "A" (H-182) it states that, in one portion, "This amendment also provides that a portion of the license fees for productive dogs will be retained by the towns for the purpose of enforcing the dog licensing and dog leash laws."

There are a great many problems, especially for small communities in the State at this time. They just do not have the money with which to hire a dog enforcement officer and, therefore, we have a great many dogs running loose. I feel that in itself is a major point for this Bill, as amended.

As to the fact that most bitches are kept for reproduction and most male dogs are kept for pets and protection, I differ with the Senator on that. My wife has a dog — if you can call it that; I prefer to call him a mop — he is a Maltese. It is a male dog, he weighs approximately six pounds. She keeps him as a pet and for protection and also she intends to breed him for remuneration.

Now I realize that we have a problem here, but I do not quite understand Senator Hichens' philosophy. He has voted for the Bill on prostitution which we heard to equalize the penalties for men and women, yet he does not seem here to wish to equalize the fees for male and female reproductive dogs. Perhaps the Senator could explain that to me.

The PRESIDENT: The Senator from Kennebec, Senator Levine has posed a question through the Chair. Does the Senator from York care to answer?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate, my seatmate brought that to my attention, also, that we ought to have a clause in here regarding prostitution laws for dogs. I do not know just how we are going to control that problem as to who will be seducing who, but I did vote for the prostitution equalization, and I do admit that there should be equalization as far as this Bill is concerned.

But I do not think that his statements regarding the use of the monies is clear in any way, shape or manner, and I think that most of it would just go into the general funds in our town and the general fund in our State without being used for the purpose that the Committee hopes it is going to be used for.

Again I would reiterate the fact that we hope to have a study of all these problems, and I think this Bill should be deferred until that study is taken care of.

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

Mr. JACKSON: Mr. President and Members of the Senate, I rise to concur with the good Senator from Kennebec, Senator Levine. I do not know how effective his wife's six pound dog is at guarding her.

As far as the fees go, I do not think they are unreasonable. We say that for those animals

which are not capable of reproducing, the fee would be \$1.50. I do not think that would put anybody in economic hardship. The fee for productive males and females will be \$5.50, of which \$3.00 will be retained by the municipality. If you read in Section 1 of the Committee Amendment, it is quite clear; I would say, ' . . . of which \$3 shall be retained by that city or town and expended for the enforcement of Chapter 703.' I believe Chapter 703 is the enforcement laws of the municipalities for the dogs.

I think this Bill is a step in the right direction to control some of the problems that we have with dogs roaming at large, to provide funds for municipalities, the possibility of paying their dog officers a little more money so they might be a little more effective in their jobs.

I also feel that the whole thing has come to a point where we have heard testimony in the Committee where these dogs are running at large, raising havoc with our wildlife. I think this section here would sort of solve that problem.

I know that I travel 113 miles a day and you would be surprised at the number of dogs you see running loose, back and forth, and they are out there and I think it is some incentive to the municipalities to pay their dog officers a little more money to do the enforcement of that Chapter, that it shall be done.

I oppose the Motion of the good Senator from York, Senator Hichens, to accept the Minority Ought Not to Pass Report and move the Senate accept the Ought to Pass Report.

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

Mr. HICHENS: Mr. President, I think this will be the last time I will get up and speak on this. But I do not think that raising the fee is going to help keep these dogs restrained any more. In fact, a great many people come to me and complain about the fact that they have to keep their dogs leashed up, they cannot let them have the right, and they are paying so much money for this and so much money for that, and they seem to be losing all their rights.

Again, I would invite you to go around to some of these homes, especially in rural areas, where a poor man has a dog, and a very poor man has two. But they are great pets and I am afraid some of these families and youngsters are going to lose their dogs, or the people are going to be dishonest and not have the dogs out in the public when the enforcement officer comes around to charge them for the license fees, and I think it is going to make lawbreakers out of many of them.

The PRESIDENT: Is the Chair ready for the question? The Pending Motion before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair will order a Division.

Will all those Senators in favor of accepting the Ought Not to Pass Report of the Committee, please rise in their places until counted.

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

15 Senators having voted in the affirmative and 16 Senators in the negative, the Motion to accept the Ought Not to Pass Report does not prevail.

Majority Ought to Pass, as amended, Report Accepted.

Bill read once. Committee Amendment "A" read and adopted. Bill, as amended, tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Judicial Review of Public Utilities Commission Decisions." (H. P. 226) (L. D. 290)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
MANGAN of Androscoggin
CURTIS of Penobscot

Representatives:

NORRIS of Brewer
TARBELL of Bangor
BYERS of Newcastle
GAUTHIER of Sanford
DEVOE of Orono

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

Signed:

Representatives:

HENDERSON of Bangor
BENNETT of Caribou
HOBBINS of Saco
SPENCER of Standish

Comes from the House, the Bill and Papers Recommended to the Committee on Judiciary.

Which Reports were read.

On Motion by Mr. Collins of Knox, the Bill and Papers Recommended to the Committee on Judiciary, in concurrence.

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act to Provide for Licensing of Bottle Clubs." (H. P. 232) (L. D. 295)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-166).

Signed:

Senator:

LOVELL of York

Representatives:

MARSHALL of Millinocket
NADEAU of Sanford
RAYMOND of Lewiston
MAXWELL of Jay
IMMONEN of West Paris
GRAY of Rockland

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

Signed:

Senators:

DANTON of York
LEVINE of Kennebec

Representatives:

CONNERS of Franklin
TWITCHELL of Norway
JACQUES of Lewiston
LIZOTTE of Biddeford

Comes from the House, the Bill and Papers, Indefinitely Postponed.

Which reports were read.

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

Mr. LOVELL: Mr. President, I would like to move that the Senate accept the Majority Ought to Pass Report, and speak briefly to the Motion.

The PRESIDENT: The Senator has the floor.

Mr. LOVELL: Mr. President and Members of the Senate, this Bill is for the purpose of regulating bottle clubs which have never been regulated under the Liquor Commission before.

Now the \$100.00 a year fee will not amount to a great deal. But, on the other hand, I was requested this morning by one of my good friends in the Senate here, that this Bill is really an important Bill to regulate these clubs.

Now we did amend the Bill to please the Speaker of the other Body. The Speaker of the other Body belongs to two bottle clubs in Aroostook County and those two bottle clubs are on a great deal of land. So we amended the bill so that they would not have to have a license if they are on, the bottle clubs are on 10 acres or more land. So that pleased the Speaker of the other Body.

Now we find that when it went into the other

Body that they did not agree with it to some extent. But I think that the bottle clubs should be regulated, particularly in places such as the City of Portland, and some of the places where now they stay open from 1:00 to 5:00 in the morning, and they have all kinds of parties, but no regulations. And we should have some regulations.

I hope you go along with the Ought to Pass Report.

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

Mr. DANTON: Mr. President and Members of the Senate, it is obvious the other Body was not too pleased with this Bill or the Amendment.

The PRESIDENT: The Chair would request the Senate to generally refrain as much as possible from referring to the other Body, either as individuals or collectively.

Mr. DANTON: I am sorry, Mr. President. This Amendment, as you can see, has been tailored to benefit some and then go against others. We have had these Bills before trying to regulate bottle clubs. We have always had a problem. I know in my community years ago we had a bottle club that was regulated by the municipality. I think in most rural areas where bottle clubs are really and truly the only place of entertainment for those people to go, are also regulated by the community.

I do not see any need for this Bill or the Amendment to the bill, and I would hope that you would vote against accepting the Ought to Pass Report.

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

Mr. LEVINE: Mr. President and Members of the Senate, I would like to touch upon a point which the good Senator from York, Senator Lovell, touched on earlier.

This Amendment, I think perhaps you should all take a look at this. Excluded from this are nonprofit social and recreational organizations and so on. That is fine with me. But also included in the exclusion is, 'or where the person owns and maintains his own facilities or buildings, owns no less than 10 acres contiguous to the facilities and buildings and uses the facilities, buildings and land for recreational purposes.'

The Amendment is blatantly discriminatory. It discriminates against all those that own less than 10 acres of land. On that ground alone, I would request the Senate vote against the Motion to accept the Majority Ought to Pass Report.

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

Mr. PIERCE: Mr. President and Members of the Senate, it is obvious that this Amendment is not a particularly good one, and I am sure that opponents of the Bill saw to it that it was not particularly good. However, I think it is an Amendment that we can live with at present, because the basic question here is whether or not bottle clubs should be licensed.

Bottle clubs over the last several years, particularly in the last year or two are a growing phenomenon in the State of Maine, and I am sure they are going to continue to be so. They are a problem: Some of them are a real problem, as Capt. Martin testified at the hearing. He feels in many instances very helpless. His men have no jurisdiction in going into these places. He can only get in by paying membership and then if there is somebody 13, 14 or 15 years old drinking in there, there is nothing he can do about it because it is a private club.

I think the time has come for the State to license them. We do not even know in the State of Maine how many of these there are. It is estimated there are at least 200, so it would also provide about \$20,000.00 additional revenue.

The people who had input in writing this Bill were bottle club owners. Most of the good bottle club owners want this legislation, because they are very willing to have liquor inspectors come onto their premises. And already as I talked to Capt. Martin about this, he has indicated that those establishments who feel that they are going to have to close down because of the new 20-year-old law, that their clientele is going to be severely restricted, are now merely planning to convert to bottle clubs and continue to serve the young people in the State of Maine.

I think it is imperative that this Legislature license these clubs. It is a very minimal fee of \$100.00, and it is only right for us to do under these circumstances. I hope you will go along with the Majority Ought to Pass Motion of the Senator from York, Senator Lovell.

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

Mr. MERRILL: Mr. President and Members of the Senate, I would like to pose an inquiry through the Chair to the previous speaker. It is not my understanding that the liquor laws make an exclusion for the providing of alcoholic beverages to minors in bottle clubs. As a matter of fact, I read the exclusions just last week, and I thought that it was specifically limited to parents in the home. If the argument is not that the law specifically exempts them, but only that liquor enforcers do not go into the bottle clubs, then I suggest again that my information must be somewhat limited, because I was under the impression that there have been in very recent times several actions brought against owners of bottle clubs for selling to people who were not members of the club, and I assume that those actions were brought as a result of undercover agents going in and purchasing alcoholic beverages, which indicates that they have been on the premises.

Without further information, I would have a hard time taking it at face value the assertion that alcoholic beverages can be served to minors in bottle clubs with impunity.

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

Mr. PIERCE: Mr. President and Members of the Senate, in response to the question of the good Senator from Cumberland, Senator Merrill, it is my understanding that, yes, some bottle clubs have been brought to answer for particular violations. However, the only violations they have been brought to answer for is those of selling alcohol. And that they can be violated for under present law. However, in talking with Capt. Martin, No. 1, liquor inspectors are not allowed on the premises unless they go on as a paying member and, in fact, become a member, which is another way of skirting the law, and that minors, they cannot arrest them for actual drinking on the premises other than in regard to sales. So there is no provision in the law for consumption.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from York, Senator Lovell that the Senate accept the Ought to Pass, as amended, Report of the Committee.

The Chair will order a Division.

Will all those Senators in favor of accepting the Ought to Pass, as amended, Report please rise in their places to be counted.

Will all those Senators opposed to accepting the Ought to Pass, as amended, Report please rise in their places to be counted.

13 Senators having voted in the affirmative and 15 in the negative, the Motion to accept the Ought to Pass Report does not prevail.

Minority Ought Not to Pass Report accepted.

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

Mr. DANTON: Mr. President, having voted on the prevailing side, I move reconsideration and I hope you vote against me.

A viva voce vote being had,
The Motion to Reconsider does not prevail.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Concerning Municipal Transit Districts." (H. P. 721) (L. D. 973)

Reported that the same Ought to Pass.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

KELLEHER of Bangor

TARR of Bridgton

CUNNINGHAM of New Gloucester

NADEAU of Sanford

McHENRY of Madawaska

PEARSON of Old Town

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

Signed:

Senators:

CUMMINGS of Penobscot

COLLINS of Aroostook

Representatives:

WOOD of Sanford

SMITH of Mars Hill

BERRY of Buxton

LUNT of Presque Isle

Comes from the House, the Majority Report Read and Accepted, and the Bill Passed to be Engrossed, as amended by House Amendment "A", (H-203).

Which reports were read.

On Motion of Mr. Carpenter of Aroostook, The Majority Ought to Pass Report accepted. The Bill read Once. House Amendment "A" (H-203) Read.

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

Mr. SPEERS: Mr. President, I note that this is a divided Report. I wonder if some member of the Committee might enlighten the Senate as to the issues involved here.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to any member of the Committee who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMING: Mr. President, This Bill when it was heard had no opposition, and those of us that voted against it, I think most of our reasons in opposition were taken care of in the Amendment that Representative Jensen, the sponsor of this Bill, put on. The Statement of Fact explains what this is supposed to do. It will not take care of the rural transportation as much as those of us who live in rural districts would like to see, but it is a step in that direction.

I am not an avid supporter, but I certainly am no longer opposed to the passage of the Bill, as it now stands, as it is amended.

House Amendment "A" (H-203) adopted.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Mr. Usher for the Committee on Education on, Bill, "An Act to Provide Educational Benefits to Members of the Maine National Guard." (S. P. 310) (L. D. 1030)

Reported that the same be granted Leave to Withdraw.

Mr. Usher for the Committee on Education on, Bill, "An Act Concerning Post-graduate Training in the Field of Osteopathic Medicine." (S. P. 318) (L. D. 1076)

Reported that the same be granted Leave to Withdraw.

Mr. Katz for the Committee on Education on, Bill, "An Act Relating to Negotiability of Teacher Employment." (S. P. 330) (L. D. 1089)

Reported that the same be granted Leave to Withdraw.

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Fund the Cost of the Employees' Share of the Premium of the Employees' Health Insurance Programs at the University of Maine and the Maine Maritime Academy." (Emergency) (S. P. 171) (L. D. 488)

Reported that the same be granted Leave to Withdraw.

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Open Floods Pond to Fishing." (S. P. 293) (L. D. 919)

Reported that the same Ought to Pass.

Signed:

Senators:

REDMOND of Somerset

PRAY of Penobscot

USHER of Cumberland

Representatives:

MILLS of Eastport

TOZIER of Unity

PEARSON of Old Town

McKEAN of Limestone

PETERSON of Caribou

ROLLINS of Dixfield

DOW of West Gardiner

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

Signed:

Representatives:

MacEACHERN of Lincoln

MASTERMAN of Milo

GILLIS of Calais

Which Reports were read.

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

Mr. McNALLY: Mr. President. A parliamentary inquiry. Is this Bill, as printed in the Calendar, correct or was there an Amendment considered with this Bill?

The PRESIDENT: The Senator from Hancock, Senator McNally, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, since the good Senator from Hancock, Senator McNally, has drawn this Bill to my attention, I do believe that there is supposed to be a Committee Amendment attached to it.

The PRESIDENT: The Chair would advise the Senators that there is no Committee Amendment.

Mr. McNALLY: Mr. President, I guess we might as well let it go to the second reading, because the Bill right now is worthless because it is exactly what is on the books right now for the restriction to fishing on Flood Pond, unless there is an Amendment put on it, it is absolutely worthless and foolish to go along with it.

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

Mr. PRAY: Mr. President, I move the Senate accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, first of all, I would like to move this Bill and any accompanying papers be in-

definitely postponed and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President, This Bill concerns Flood Pond, which is a small pond outside of the City of Bangor. It is the water supply for the City of Bangor, for Clifton, for Eddington, for Hermon; 90 per cent of the water for Hampden, Orono, Veazie and the City of Brewer will be hooked in some time in the next year.

This Bill allows fishing on Flood Pond or will attempt to allow fishing on Flood Pond. The Bill was put in as a courtesy to a Fisheries biologist who is studying the Sunapee trout fish population in Flood Pond and Sunapee trout, I believe, are only located in one or two ponds in the State of Maine. It is similar to the blueback trout which are a very small trout.

At hearing, the biologist, made note that it is possible that the trophy sized salmon fish are in Flood Pond. Surrounding Flood Pond there are many other lakes that people can fish in, such as Green Lake — and these are large lakes, very, very large lakes — Green Lake, Lucerne Lake, Beech Hill Lake, Branch Lake, and so on. The pond itself is about a mile and a half, one and a half square miles. The American Waterworks Association opposes any recreation in lakes of that size that are used for water supplies, for drinking water supplies.

I firmly believe that this is not in the best interest of the State of Maine and of the people in this area. There are 55,000 people who get their water supply from Flood Pond, one of the major cities of the State. And for one Fisheries biologist to do a study on Sunapee trout, I do not think that the Legislature should go along with this Bill, and I hope you will support the Motion to indefinitely postpone.

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

Mr. McNALLY: Mr. President, you have been told part of it, and I would like to go along and tell the rest. In the first place, this is a rather unique Bill in the fact that it is in a town which is no longer on the map of the State Highway Commission. The town of Otis has been left completely off the map, but still there is a town, I can assure you of that.

Now this pond is fed by two other ponds, Burnt Pond and one other that flows into it on the upper end and if you leave the mile and a half in there, which was written wrongly, you might just as well not have any Bill, because already that is what it is, just a little narrow outlet, perhaps twice as long as this room, that you can fish. Now the pond is being fished along the shore.

This Bill distinctly states that there will be no outboard motors of any kind, there will be no ice fishing and the size and number of fish, there are salmon in there and they are a good salmon, good sized salmon — and there will be no more than two of them taken and they shall be no less than 16 inches long. There are common brook trout in there, and you can take no more than five of them, and they shall be no less than six inches long, and the same would apply to the Sunapee trout, if that is what you wish to call it.

Now due to the fact that China Lake supplies just as many people as Flood Pond is supplying, and I think that they want to preserve their health exactly as well. They even allow outboard motors on China Lake, and the only restriction that I know, I asked the Superintendent of the Kennebec Water District, was the fact that you could not swim within a certain area around the intake of China Lake. You can fish within a 100 feet of the intake in Standish of the Portland Water District. You can find other

ponds that are not restricted, because the thing that would pollute the ponds would be your outboard motors. There is no question that when you think of littering if the people are going around on the shore, still walking around and fishing, that there would be just as likely to be as many beer cans thrown into the pond as there would be if there was not.

It distinctly says in this Bill, 'no person shall bathe, swim or icefish in or on the waters of said Flood Pond, Town of Otis, Hancock County — and there is a town. No person shall engage in or attempt to engage in boating or fishing in or upon the waters of Flood Pond within — and it should when it has an Amendment — three-tenths of a mile of the intake.

Well, I think it is a worthwhile Bill. It is something that I see no reason why through the years that due to the fact they was very lucky they had a bunch of Legislators in here who was receptive to the Bangor Water District demand, and by the way the Bangor Water District, when they formed this bunch of ponds, took over Beech Hill, Flood Pond, and Burnt Pond, Mutiny Pond and several others and, of course, some day I hope back at that time they would maybe take over the Beach Hill. It has over 300 cottages dumping the sewage directly into the lake, and maybe that would be pretty good when they hook that water in with Flood Pond.

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

Mr. Trotzky: Mr. President and Members of the Senate, first of all the two lakes that the good Senator McNally referred to are Sebago Lake, which is a very large lake, second largest in the State. He also refers to China Lake, which is a very large lake. Flood Pond is small. That is why the name is not even on the map. But there are many, many other lakes in the State of Maine here that the Fish and Game, Fisheries and Wildlife Committee can design regulations for. All the Bangor Water District and the communities around are asking for is that the Ponds be left free of recreation.

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

Mr. PRAY: Mr. President and Members of the Senate, I rise to support the good Senator from Hancock, Senator McNally, on this Bill.

I would like to point out a few of the things that went on at the hearing. We had only one opponent, that was the good Senator from Penobscot, Senator Trotzky.

Senator Trotzky is continuously rising up here supporting the DEP, and the environmental laws of this State. I would like to point out that the Department of Environmental Protection said that there would be no adverse effect to have this pond opened up to fishing, and the biologists that testified also testified that there would be no adverse effect to opening it up.

I think the Fish and Game Department could go in there and run a test now, if they wanted to, on any type of fish on any of the State waters.

I would point out that it is interesting that the City of Bangor in Penobscot County goes to Hancock County to get their water, and somewhere between the process of Flood Pond and the taps in Bangor, it is treated, so definitely there is something involved in there that at this time on algae counts or what have you, that the water has to be treated.

The testimony at the hearing, except for the Senator from Penobscot, Senator Trotzky, was unanimously in favor of opening this area up, and that is could, even the size of that pond, could stand this pressure.

I would like to get into the Second Reading so that we could put the Amendment on, which I thought was on it, to cut down the in-take size of the area that would be cut off to protect the intakes for the Bangor Water District.

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

Mr. MERRILL: Mr. President and Members of the Senate, I think this has been an enlightening debate, and I would like to thank Senator McNally for pointing out that the Town of Otis has been left off the map. I have been reluctant to mention this for fear of embarrassing the Senator from Aroostook, Senator Carpenter, but the Town of Merrill is also left off the map, and I thought until today that it might be a Republican plot, that Town having gone with Mr. Carter and Mr. Muskie, but I am glad to know that the Transportation Department's oversights are not partisan in nature, and I hope the Town of Otis and the Town of Merrill will be included on the map next year.

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

Mr. TROTZKY: Mr. President and Members of the Senate, the Senator from Penobscot, Senator Pray, seems to suggest that there were a tremendous number of proponents to this Bill. I attended the hearing, and the only proponents that I recall at that hearing was the biologist who is studying Sunapee trout, and by the way asked me to sponsor this Bill and I refused, one gentleman from the DEP, and I believe possibly one fisherman. Those were the only proponents.

If the other Representatives from the area were aware of this hearing, I am sure you would have found quite a few other opponents to the Bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Trotzky, that the Senate indefinitely postpone L. D. 919.

Will all those Senators in favor of the Motion to indefinitely postpone, please rise in their places to be counted.

Will all those Senators opposing the Motion to indefinitely postpone, 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.

Majority Ought to Pass Report accepted.

The Bill 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 a Consumer's Notice of Right to Cure under the Credit Code. (H. P. 312) (L. D. 403)

Bill, An Act Charging the Boiler Owner or Contractors for the Fees for Additional Inspections Required by the Code. (H. P. 402) (L. D. 512)

Bill, An Act to Expedite the Collection of Sales Tax on the Rental of Automobiles. (H. P. 600) (L. D. 725)

Bill, An Act to Change the Name of the Maine Boxing Commission to the Maine Athletic Commission. (H. P. 682) (L. D. 864)

Bill, An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act. (H. P. 772) (L. D. 978)

Bill, An Act to Prohibit Hunting and Fishing on Property Belonging to the Unity Utilities District. (H. P. 817) (L. D. 990)

Bill, An Act to Revise the Law Pertaining to Guardian Release of Ward's Interest in Real Estate. (H. P. 820) (L. D. 993)

Bill, An Act to Amend the Savings and Loan Association Law. (H. P. 1458) (L. D. 1686)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1977. (Emergency) (H. P. 1463) (L. D. 1688)

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

Bill, An Act to Redescribe the Boundary Line between the City of Brewer and the Towns of Orrington and Holden. (H. P. 770) (L. D. 977)

Which was Read a Second Time.

On Motion of Mr. Speers of Kennebec, Tabled for two legislative days, Pending Passage to be engrossed.

House — As Amended

Bill, An Act to Clarify the Banking Code. (H. P. 97) (L. D. 121)

Bill, An Act to Promote Consistency Between Certain Regulatory and Proprietary Decisions of the State. (H. P. 338) (L. D. 429)

Bill, An Act Relating to Motor Vehicle Sales Financing under the Maine Consumer Credit Code. (H. P. 405) (L. D. 515)

Bill, An Act Authorizing Use of Subpoena Powers to Enforce Support Obligations. (H. P. 702) (L. D. 883)

Bill, An Act Relating to State Liquor Identification Cards. (H. P. 769) (L. D. 960)

Bill, An Act Concerning the Criminal Penalty for the Crime of Deceptive Business Practices. (H. P. 1038) (L. D. 1268)

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

Bill, An Act to Provide for Specially Designed Registration Plates for the Maine National Guard. (H. P. 504) (L. D. 623)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President and Members of the Senate, I call the Senate's attention to L. D. 1030, which was a bill to give specific educational benefits to Maine National Guard. Now that Bill was given leave to withdraw.

Of course, at the hearing it became apparent that there were some problems with the Guard, apparently they are having problems retaining members of the Guard. But our feeling was that an educational bill was not a proper vehicle to meet their problems.

It seems to me that there is a very rare relationship between the public hearing we held on the educational benefits, and the special interest Bill exemplified by L. D. 623. I do not think there is any question as to the importance of the Maine National Guard, and the feeling of honor and gratitude the Members of this Legislature and the people of the State should show for the Guard. But here again I question whether this is a proper vehicle to address any problems they may have with retention, and consequently, with reluctance, I move indefinite postponement, and request a Division.

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

Mr. MERRILL: Mr. President and Members of the Senate, this Bill, I think, is very similar to a Bill that was passed by this Legislature a few years ago, but was vetoed by the Governor, and the veto was not sustained due to the fact that some members that usually vote on these items with trepidation, voted rather differently than they usually do.

I do not think that there is any reason that the Senate should deny the Members of the National Guard from having the vanity plates. I know some have raised concern that other groups will get vanity plates as well. But if we are making money on the vanity plates, and we certainly should be, — if the rate is not high enough now so that we are, we should be. I do not see any reason why Members of the Maine National Guard should not have these plates if they want to pay the extra amount of money for them. I really cannot understand the concern.

The most of the members of this Body have vanity plates on their cars. I personally do not use one, but I see no reason why they should be denied to members of the National Guard, and

if it develops there is some extra fee on the part of people that are in the Guard, then I think we have made a little extra money for the State and accomplished a worthy purpose.

I might point out that in an autobiographical sense that I served with pride in the Maine Army National Guard for six years, and part of that service was under the command of the good Senator from Kennebec, Senator Pierce, who was a man who had the same fine military bearing when he was in uniform as he has here in the Senate, and I feel that it is a small service that we can provide these people, and I think it is one we should provide, and I would hope that the good friends of the Governor who sit in this Body could convince him to take a different view of this at this time if we send it down to him.

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

Mr. MINKOWSKY: Mr. President, just reviewing the public hearing on this particular Bill, if I remember correctly there were no opponents to the vanity plates being issued to the Maine National Guard. They met the criteria insofar as having at least 1,100 members who would qualify, both the regulars and the retirees, and I believe the in-put also came from the Secretary of State's office which claimed that the additional revenue would be of benefit to them, and there was also a safe-guard built into it that if a member of the Guard should retire or resign, or not renew his enlistment that within 30 days he would have to terminate his plate and go back to regular issue.

I think really that it promotes the Maine National Guard in the State of Maine, and makes people cognizant of the fact that they are serving a vital purpose, and I also think from a psychological point of view, it gives the members of the National Guard the satisfaction of knowing that they are recognized by the people of the State of Maine in the performance of their duties.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that their Senate indefinitely postpone L. D. 623.

A Division has been requested.

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.

8 Senators having voted in the affirmative, and 22 Senators in the negative, the Motion to indefinitely postpone does not prevail.

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

Mr. PIERCE: Mr. President, while this Bill is in its present posture, there are some Amendments being prepared, and I would ask that someone might table this for one legislative day at this time.

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

Senate

Bill, "An Act Establishing the Offense of Illegal Transportation of Alcoholic Beverages Onto or Off of the Premises of a Licensee Licensed for On-premise Consumption. (S. P. 380) (L. D. 1256)

RESOLVE, Directing the Commissioner of Transportation and the Secretary of State to Evaluate and Determine the Feasibility of Transferring the Functions of the Motor Vehicle Division to the Department of Transportation. (S. P. 174) (L. D. 491)

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

Sent down for concurrence.

Bill, "An Act to Provide Reimbursement for Snow Removal on Accepted Ways." (S. P. 170) (L. D. 487)

Which was Read a Second Time.

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

Bill, "An Act to Exempt Historical Societies and Museums from Sales Tax." (S. P. 211) (L. D. 660)

Which was Read a Second Time.

On Motion of Mr. Conley of Cumberland, Tabled for one legislative day Pending passage to be engrossed.

(Off Record Remarks.)

Enactors

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

An Act to Correct the County Officers Salary Act. (S. P. 459) (L. D. 1582)

An Act to Provide Civil Immunity for Persons Participating in Administering Immunizing Agents. (S. P. 460) (L. D. 1583)

An Act Relating to the Fair Trade Act. (S. P. 188) (L. D. 585)

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 the Maine Chapter of the Arthritis Foundation. (H. P. 473) (L. D. 579)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table, Pending enactment.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional Office. (H. P. 655) (L. D. 798)

This being a Constitutional Amendment and having received the affirmative votes of 29 members of the Senate, was Finally Passed and having been signed by the President, was by the Secretary presented to the Secretary of State.

Orders of the Day

The President laid before the Senate: 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)

Tabled — April 25, 1977 by Senator Speers of Kennebec

Pending — Consideration

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

Mr. LOVELL: Mr. President, on the Amendment of the Senate just yesterday we passed the \$290 million school funding Bill. The loss of revenue as stated on the statement of fact on this is \$9 million, if we equalize the prices in the 77 liquor stores with that at Kittery. That is \$9 million. However, if the people of Maine, and we have got 40,000 alcoholics in Maine, if the people in Maine can drink three times what they are drinking now, we will not lose that much. But I do not think the people can.

I think this Bill has gone far enough, and I move we recede and concur.

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

Mr. PIERCE: Mr. President and Members of the Senate, first of all, I would like to thank the Members of the Senate for tabling several items which they thought might be of interest to me while I was away, and, secondly, I guess I would couple that with an apology because I am going to be on my feet for the next few minutes speaking on some of them.

This one, however, I agree that at this time it is the proper moment to dispose of the Bill. Last

Session was the first time when this particular Bill got through the other Body, and I was very pleased, and then coming over here I thought maybe I could fight it here and get it through this Body, which I did, forgetting that I was no longer in the other Body to fight the Bill over there.

At least, perhaps, we are making some headway. I think we had an overwhelming vote in this Body that the Kittery store is absolutely discriminatory and wrong, and some day both Bodies will get together and correct that situation.

Thank you.

On Motion of Mr. Lovell of York,
The Senate voted to recede and concur.

The President laid before the Senate:
Bill, "An Act to Improve the Marketability of Real Estate." (H. P. 1415) (L. D. 1627)

Tabled — April 25, 1977 by Senator Speers of Kennebec

Pending — Consideration.

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

Mr. COLLINS: Mr. President, This Bill deals with the recording of legal title opinions concerning real estate in the Registry of Deeds. The Judiciary Committee yesterday heard three Bills relating to real estate title matters, and this is the Committee that customarily has dealt with such matters in the past.

I, therefore, move that the Senate adhere.

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

Mr. PIERCE: Mr. President and Members of the Senate, I would think by this time this Body has probably come to the realization that in many instances, in most instances, it is the other Body which does our reference of Bills for us.

However, on the argument alone that every Bill does deserve a public hearing, I certainly think that we are in no position this morning to kill this bill without that public hearing, so I would move that we do recede and concur.

The PRESIDENT: The pending motion before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate recede and concur.

The Chair recognizes the Senator from Knox, Senator Collins.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion of the Senator from Kennebec, Senator Pierce, that the Senate recede and concur with the House, please rise in their places to be counted.

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

15 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to recede and concur does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to adhere?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, may I ask the Chairman of the Judiciary whether there are presently in the Judiciary Committee vehicles to deal with the substance of this Legislation?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to the Chairman of the Judiciary Committee, who may answer if he so desires.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, in answer to the inquiry from the Senator from Kennebec, Senator Katz, I would say that there is a Bill which was heard yesterday that could be amended to include the substance of this Bill, and in my opinion that Amendment would be germane.

The PRESIDENT: The pending question before the Senate is the Motion to adhere.

A Division has been requested.

Will all those Senators in favor of the Motion to adhere, please rise in their places to be counted.

Will all those Senators opposing the Motion to adhere, please rise in their places to be counted.

19 Senators having voted in the affirmative, and 9 Senators in the negative, the Motion to adhere does prevail.

The President laid before the Senate:
Joint Order — Relative to Toll-Free Telephone Lines. (S. P. 472)

Tabled — April 26, 1977 by Senator Huber of Cumberland

Pending — Passage

On Motion of Mr. Huber of Cumberland, Retabled.

The President laid before the Senate:

SENATE REPORTS — from the Committee on TAXATION — Bill, "An Act Exempting New Machinery and Equipment used in the Hatching of Poultry from the Sales and Use Tax Law." (S. P. 290) (L. D. 916) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass

Tabled — April 26, 1977 by Senator Jackson of Cumberland

Pending — Motion of Senator Martin of Aroostook to accept Majority Ought Not to Pass Report

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

Mr. KATZ: Mr. President, the previous Legislature exempted new machinery in industry from sales tax. The poultry industry is really the foundation, with all due respect to the notable exception in Aroostook County, — the poultry industry is really the foundation on which we build what we have of agriculture in the State of Maine.

Might I request of the Chair for the rationale for not extending the same exemption to the poultry industry.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair of any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, I am no longer a member of the Taxation Committee, but while serving on the Taxation Committee and while serving on the Legislative Tax Policy Committee, we discovered that the law is presently unfair in regards to these exemptions with regards to many practices that are carried on in the State, — practices of, for example, a fisherman who buys machinery and equipment is not exempt from sales taxation, and it would cost us a great deal of money in order to provide the same tax exemption that the 106th provided to machinery used for industrial purposes across the board and make it fair.

I think the rationale is that we cannot afford to do it. It might not have been well-advised in the 106th. I admit to the Senator from Kennebec, Senator Katz, that it is not perfect equity as it presently exists, but I would suggest to the Senate that if we are really ready to take this problem on, we should be ready to address the problems of farmers, the problems of fishermen, and the problems of other people who are in a business of one kind or another in

the State, who have an equal right to and may be would benefit to a greater extent from extending this exemption to them.

I think it is primarily a recognition on the part of some of the members of this Body that we cannot afford to be as generous with everybody as the 106th was with those who used this machinery for industrial purposes.

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

Mr. HEWES: Mr. President and Members of the Senate, I was the sponsor of a predecessor of the Bill referred to by the Senator from Cumberland, Senator Merrill, allowing tax exemptions for purchase of new equipment.

I think the purpose of this is to encourage industry to buy new equipment so as to provide jobs for people in Maine. I think it is really a job-producing type of Bill. Apparently it only cost the State at the present time \$12,000.00 the first year, and \$15,000.00 the next year. I would think if we could encourage industry, whether it be the poultry industry or any other industry to buy new equipment so to be competitive throughout the country and the rest of the world, and hence provide jobs for Maine people and make them productive, I think it is a very good worthy Bill.

I respectfully request a Division on the pending Motion which I understand is the acceptance of the Majority Ought Not to Pass Report.

I thank you.

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate, I again would like to remind you of the fiscal note attached to this Bill. It is \$12,000.00 the first year, and \$15,000.00 the second year.

I really do not see where this Committee on Taxation or the State of Maine can afford this Bill at this time. I will admit, however, it has merits. At this time and in this Session we cannot afford it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Martin, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A Division has been requested.

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

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

15 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Accept the Majority Ought Not to Pass Report does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought to Pass Report?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request a Roll Call.

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 in their places to be counted.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, as we address issues similar to this, I am reminded of some of the issues that have gone by in the last day or so, and I also recall a Bill that I had in during the 107th which would have called for a sales tax exemption on drug and alcohol abuse centers, which would have

cost the State \$6,000.00, and that Bill, because the State could not afford \$6,000.00, also went down the drain.

I would hope that we could defeat this Legislation that we have before us, and get on with more important matters.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, we see this sales tax exemption, sales tax trade-in credit bills go by here every day, and I think we are not really being honest with ourselves.

I notice that the good Senator from Cumberland, Senator Huber, was voting against this measure. I think to belabor these points and to debate them here, and have them go to the Appropriations Table and die on the Appropriations Table, which we know they are all going to do, is being less honest.

I also think if we are going to do this, we are going to go after the problem, and it is a problem, I think we should be fair. Now I sell automobiles when I am not down here, and we have a sales tax credit on automobiles. We have sales tax trade-in credit on many of our pleasure craft, yet there are men and women out there working in the poultry industry and the farming industry and the logging industry who do not have this same break, if you want to call it that.

If we are serious about this problem, if we are serious about this Bill, I would suggest very strongly that we all get together with some sort of an omnibus Bill and rectify all of these situations at once. Here again is an example of, in my opinion, piece meal legislation, similar to the way we work our whole budget process, and this is piece meal legislation in the area of taxation. I just hope when you vote on this today you will be completely honest with yourself and we have talked many times in this Chamber and the other Chamber about how much time we are wasting down here, when we are going to get out of here, to pass this Bill along with only, only, I say, a \$12,000.00 price tag on it, I think is being less than fair, and I would hope that you would vote with the Senator from Aroostook, Senator Martin, on this.

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

Mr. LOVELL: Mr. President and Members of the Senate, I have been in industrial development since 1954 since Sanford lost 3,500 jobs, and I have spent much time in traveling to get new industries into the Sanford area, and have succeeded in getting a number.

Now you have to give concessions to get industries if you want jobs. Now we have got 10 percent of the working people of Maine out of work. Now I do not know how many jobs giving an exemption on machinery for the chicken industry means, but if it means 100 jobs or a million dollars a year pay-roll, the State will get much more back in sales tax with the turn-over of this money, as well as income tax from the people that are working. I think anything that is going to bring jobs into the State of Maine, I am willing to give a concession on it as we did two years ago on the cement plant in Thomaston.

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

Mr. MERRILL: Mr. President, just to expand on one point, and to make one other — let me say at the outset that I am totally sympathetic with the desires of the previous speaker, the good Senator from Cumberland, Senator Hewes, and I would just elaborate a bit on what I said previously about the Legislative Tax Policy Committee's findings.

The findings of that Committee were that as a goal for the State Government and its tax policy, the sales tax should become a levy on personal consumption, and that we should move to extend the sales tax exemption that is

presently on machinery used for industrial purposes, and that we should extend it to depreciable machinery and equipment that is used by the fishing industry, and equipment that is used in agriculture, and I certainly include in that equipment that is used in the poultry industry.

I think that would be a proper way to go, and if this Legislature is ready to address the expense of that item, in terms of revenue loss, then I suggest it is perfectly appropriate for them to do so, and I would point out that the Bill before us is drafted to pertain only to one specific industry, and it would be my understanding that it probably would not be germane to amend it to include machinery, depreciable machinery used in fishing and agriculture. However, if we defeat the Bill presently before us, and if it is the desire of Senator from Cumberland, Senator Hewes, and the Senator from Kennebec, Senator Katz, and the others who have spoken on this matter, to address this problem in its entirety, I would point out to the Senate that there will be a vehicle coming along in which we can do that, — not just for one, but for all. And that vehicle will be the Bill that was introduced to implement the report that I hold in my hand, and it is a Bill sponsored by a Member of the other Body, Representative Morton, and so there will be a vehicle before us in which we can address this problem in a fair and equitable way, and not move as we have previously in granting it to some and not granting it to others. I think the whole idea of having a study as far as tax policy is concerned is so that when we make these changes, that we will make them in view of the whole picture, and not just look at one individual industry that we feel is important or whatever at the time, so that we have tax equity, and we treat equals equally.

I would point out that I think, as most Members of the Senate would agree, that when it comes to the ability to produce jobs with the tax exemption, that with the opportunities available to the Maine fishing industry now, with the 200 mile limit, if we could just get the new hardware necessary to be able to take advantage of the opportunities that provide to our State, that if anywhere, with all due respect to agriculture, if there is any place that we could make a change and produce some jobs, it is probably there, and next I would suggest it is probably to the farmers, where we presently find ourselves in a situation where there is great possibility for agriculture to grow in this State.

If you look at the farmers and if you look at the fishermen, I think you will see those parts of our business activity in the state where there is the greatest shortage of capital, upfront capital to provide this new machinery that is necessary to produce these jobs. If we are going to grant it anywhere, and we recognize we cannot grant it across the board, we would want to grant it to those industries that are the most capital-short, the ones where it would do the most good, where it would be most likely to make a difference, and I think those are the areas that I have spoken of.

The Senator from Kennebec, Senator Katz, will have the possibility to amend the Bill that is coming through, and the others of us will have the possibility at the same time to see to it that the approach is an even handed one across the board.

I would support the activities in the Senate designed to killing this Bill at this time, and point out to the Members of the Senate that there will be another vehicle by which we can treat this matter in a more fair and equitable way.

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

Mr. PIERCE: Mr. President and Members of

the Senate, in response to the good Senator from Cumberland, Senator Merrill, I would like to make a couple of statements.

First of all, yes, we could attach this on a larger vehicle; but, of course, the larger the vehicle, the less chance of passage as the cost does naturally grow.

I think the poultry industry is rather unique in many ways. It has grown by leaps and bounds over the past few years, and done a great benefit to the State of Maine. However, they have some real special problems, — namely, and I am sure you have all read about them, and that is the extremely large increase in the cost of grain, and, at the same time, coupled with the great increase in cost of fuel. So they are under extreme pressure and on the verge of some real serious problems, and their problems become our problems in the State of Maine.

This particular Bill is not a high cost item. I would hope that at this point at least we would be able to pass it.

By way of background on the Bill, I might point out that this was originally brought to my attention because such machinery, up until a very short time ago, was not taxed, and all of a sudden the Department of Taxation decided that it came more under agriculture than it did under industry, so they have started to tax it. This is a new policy. Presently there are several matters in the Courts concerning this, and surrounding this particular problem.

It puts some of these people in a unique position where they were buying two pieces of equipment that were identical, one they were putting in their industrial end and not getting taxed for, and the other they were putting in their hatchery and getting a tax charged to them. It really did not make too much sense to them, especially since the shift in policy.

I would urge that the Senate give this little bit of help to the poultry industry today, and accept the Ought To Pass Report.

I thank you.

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

Mr. CONLEY: Mr. President and Members of the Senate, listening to the debate on this particular measure, perhaps I will be as guilty as the sponsor of this Bill we are discussing, because I have a Bill that will be coming up for a hearing very shortly dealing with personal property tax on commercial fishing vessels.

I am sure each one of those gentlemen who are in that industry obviously hope that they will be able to get some type of an exemption.

I am aware of the fact that right now we have a Bill on the Appropriations Table dealing with Bangor International Airport which is going to cost the State somewhere in the neighborhood of \$215,000.00 each year, if it is to be passed.

I concur with everything that has been said by the proponents of this particular measure, but again I can only say that there are limited dollars, and remind you of what the good Senator from Knox, Senator Collins, said yesterday, debating a different item. He spoke of the peer pressure groups. I can assure you if we line up the Appropriations Table with all of these Bills looking for tax exemptions, you will begin to get a clear understanding of exactly what peer pressure groups are, and it is a question of exactly where the dollars and cents are going to come from.

I think the best thing to do today is to accept the Majority Ought Not to Pass Report so we will not be faced with that problem in the future.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate, I can agree with the good Senator from Cumberland, and it would be nice to have this all in one Bill, or to have these exemptions, and not do them piece meal. But sometimes it

does not work that way, and we seem to do things piece meal or else we do not get them done at all.

With this particular exemption, if we have one Bill to cover all exemptions, the figure is going to be large, and I think we will have a much greater possibility of losing the Bill.

I find from my own business, it is very difficult to do business up in Maine, this corner of the country, and particularly up where I live, because so much has to be hauled in and hauled out, and the freight rates are high, and in competition with other areas it puts us at a disadvantage.

I would say at this point, even though it may be piece meal legislation, I would favor supporting this Bill, and I hope it may pass along and if it dies on the Appropriations Table, so be it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the acceptance of the Ought to Pass Report of the Committee.

A Roll Call has been ordered.

A yes vote will be in favor of accepting the Ought to Pass Report of the Committee. A Nay vote will be opposed.

The Secretary will call the Roll.

YEA — Chapman, Greeley, Hichens, Katz, Lovell, Minkowsky, Pierce, Redmond, Snowe, Trotzky, Wyman.

NAY — Carpenter, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Hewes, Huber, Jackson, Levine, Martin, McNally, Merrill, Morrell, O'Leary, Pray, Speers, Usher.

ABSENT — Mangan.

11 Senators having voted in the affirmative, and 20 Senators in the negative, with one Senator being absent, the Motion to accept the Ought to Pass Report does not prevail.

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

Mr. O'LEARY: Mr. President, is a Motion to indefinitely postpone this bill and all of its accompanying papers now in order?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. O'LEARY: Mr. President, I so move.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that this Bill and all its accompanying papers 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.

19 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to indefinitely postpone does prevail.

The Bill and all accompanying papers indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act Relating to Mother's Day and Father's Day." (S. P. 202) (L. D. 600)

Tabled — April 26, 1977 by Senator Speers of Kennebec

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

On Motion of Mr. Merrill of Cumberland,

The Bill indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Establish a Presidential Primary in the State of Maine." (H. P. 187) (L. D. 249)

Tabled — April 26, 1977 by Senator Katz of Kennebec

Pending — Enactment

The PRESIDENT: Is it the pleasure of the Senate that this Bill be passed to be enacted?

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate, I know there is a move afoot right now for a New England-wide primary. I submit that in due time all six New England States will have passed Legislation similar to this, and that we will be the tail on the dog that is being wagged out of Boston or Hartford.

I think that if we want to maintain our independence, that it would not be in our best interest to pass this Bill, and I would hope that you would vote against enactment.

I request a Division.

Even though I know there has been a lot of enthusiasm for it in certain sectors, I really think that it is not in the best interest for us to do that. We like to participate possibly in a crucial primary vote or convention vote, as we now have conventions and nominate our candidates to the general convention, and I hope you will not enact this.

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

Mr. CONLEY: Mr. President and Members of the Senate, I believe that most people feel that there should be an enlightened public, and particularly when it comes to the primary system and the nominating or the winning of delegates for the national convention.

I really cannot think of a Bill that would bring more excitement to the State of Maine than the Bill we have before us. So often we go to our State conventions every spring, only to find that through some manipulations or something we end up with generally a candidate for the presidential office, but it always appears that the guy that we really want, the gentleman or lady that we would like to support, unfortunately never gets to the convention.

I notice that watching the New Hampshire primaries, as well as the many others that take place throughout the country, that I enjoy watching, whether it is Jerry Ford or whether it is Jimmy Carter appearing on the tubes and how they are being received before different national audiences.

I know that a great deal of excitement was certainly brought about when our President of today, Jimmy Carter, came to Maine months and months before primaries began to take place throughout the country. I just think of how much money is going to be generated through the news media, through the State, the excitement it is going to create, but most of all, I believe, it is going to give the people of this State a real opportunity to get out and see and hear and perhaps even on occasion to be able to discuss issues with these gentlemen who seek that high office.

It would be my hope that the Senate would vote against the recommendations of the good Senator from Cumberland, Senator Hewes, and pass this Bill, and hope that the Chief Executive will sign it, and see what happens in the future.

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

Mr. LOVELL: Mr. President and Members of the Senate, I have noticed that New Hampshire said that no matter when Maine has their presidential primary, that they were going to set it ahead of Maine, and that is going to dilute, and if it goes down toward the primaries and presidential primaries in December or the first part of January, there is going to be so much snow around here that the candidates cannot get in to spend any money.

Now we are being careful on money this morning. I note there is no fiscal note on this. Could I inquire from Appropriations how much it costs for an election such as this state-wide in the middle of the winter?

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

Mr. HUBER: Mr. President and Members of

the Senate, the estimated cost on this Bill is \$100,000.00 every four years.

There are various rumored benefits, apparently generated by the use of media and so on in asking the voters of the State for the longest period in the Nation as anticipated in the Bill.

I would go along with any movement in the Senate to see that this Bill is killed.

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

Mr. SPEERS: Mr. President and Members of the Senate, I share many of the sentiments that were expressed so very well by the good Senator from Cumberland, Senator Conley, with regard to this Bill.

I feel generally that there could indeed be a considerable amount of excitement that could be generated within the State with a presidential primary which could be involved.

There are some items with regard to this particular Bill, however, that I have some very grave doubts about. Specifically the Bill that is presented to us this morning does require that the primary be a binding primary, binding upon the delegation being sent to the national convention. Now I know that there are a lot of comments and a lot of questions with regard to the convention system of choosing presidential candidates, but until such time as we address the presidential system and the convention system itself with regard to choosing the delegates to the conventions, and with regard to the manner in which the presidential nominees may be chosen, whether it be by nation wide primary or by the convention system that we still do have, I have some doubts as to whether a State, certainly the State of Maine, should bind its delegation to the various conventions.

With regard to this particular Bill, we would be forced obviously to hold a primary very early in the year, in the presidential year. The conventions are not held usually until the latter part of August in a convention year. An awful lot can happen within four or five months, particularly when we are talking about a national presidential election. We could even have more candidates crop up within that period of time.

So that is one very serious consideration and concern that I have with regard to this particular Bill, and that is that the delegation would have to be a binding delegation.

The other concern that I have with this Bill is that it provides a good deal of discretion to the Secretary of State of this State, and I certainly do not want to cast any aspersions upon the present office holder, but I would submit that there is a good deal of discretion that is being given by this Bill to any individual who would be holding that particular office.

Finally, of course, the expense has been alluded to; although there is no appropriation on this particular Bill, there would be a cost at the time that the next presidential election would be held. Of course, this is in 1980.

I would suggest that it may very well be that if this Bill is not enacted here today, that it would be a good idea for another Bill to be introduced in the next session of the Legislature, which will be the Legislature dealing with the biennium which would have to deal with the appropriations on the particular Bill. If it were enacted today, we would be binding that Legislature to make the appropriations, and it may very well be far more responsible to act upon legislation in the biennium that would be demanding the appropriations for the Bill as well.

I simply want to reiterate that I do have some very sympathetic feelings with regard to having a primary in this State, and perhaps in the year that the appropriations would have to go on, some of these concerns that I have mentioned could also be addressed, and the State could indeed enact such legislation at that time.

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

Mr. LEVINE: Mr. President, first of all, I am a little unclear here. A few moments ago it was mentioned that we did not want the tail wagging the dog, and it seems that we are very concerned that New Hampshire will hold a primary early in the year, and we will have to hold ours also.

Again, I wonder, are we to listen to threats from New Hampshire on every issue that comes before the Maine State Senate. After all, this is the State of Maine, and this is not the State of New Hampshire.

With all due respect to the Governor of New Hampshire, I do not intend to listen to everything that he has to say and follow his line right down the road.

The second point that I want to address is a point that these delegates would be held by law. They would be bound to vote in the way that people prescribed to them. Well, I say that that is the proper and right way to go about it. I think the people should have a choice in who their delegates should vote for the President of the United States. I think that they should have a true choice in who the party shall elect to represent them for the office of President of the United States.

Mr. President, and this time I would request when the vote is taken that it be taken by the yeas and nays.

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

Mr. FARLEY: Mr. President and Members of the Senate, what the Senator from Kennebec, Senator Speers, is suggesting is that we re-introduce this Bill next year at the Special Session, or the second annual Session.

As you can realize, it will take a change in the rules, since this Bill has come before this Body, and I think it would open up another bag of jokes to all of us to get the Bills in.

I would only, for all of us here, point out the two last elections where this process, the present process we have in the State of Maine, and many States throughout the country, our candidates are elected, was for the Republican Party in 1964 Senator Barry Goldwater, and in 1972 our candidate Senator George McGovern used the process we have in the State of Maine very well. In both cases, people in this country rejected their candidacy, both of them.

There is a move throughout the country in every State to get into a primary election of presidential candidates. I think we ought to get aboard that. I think we owe it to our people. They ought to participate in the democratic process like everybody else, and not allow just a few people who jam our caucuses and cram their candidates down the throats of the Maine citizens.

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

Mr. SPEERS: Mr. President, just to clear up perhaps what may have been a couple of misconceptions.

The good Senator from Kennebec, Senator Levine, mentioned that he did not wish to see New Hampshire directing the State's primaries in the State of Maine. Well, I want to make it very clear that I certainly have no hesitation whatever of trying to steal some of the thunder that New Hampshire has been able to gain. And that is not a serious consideration of mine.

But I would point out to the good Senator and to the rest of the Members of the Senate, that the way the law is written right now, that is precisely what would happen. The State of New Hampshire would be making the determination as to the date of Maine primary, and so if the Senator is concerned about being directed by the State of New Hampshire, then I would say that he should share the concern that I feel with this particular Bill.

Secondly, he mentioned the people should expect the delegations to the national convention to be bound. I would submit that while we have the convention system, that perhaps we should not be binding the delegations, particularly binding them five or six months ahead of the time that they would have to go to the convention and make the various decisions that they are directed and expected to be making.

Now to be concerned about having perhaps a direct primary, a direct election of the presidential nominee is an issue that perhaps should not be addressed in this particular Bill, if we are going to have direct primary elections. That is a separate issue. But I would submit that we do not have that issue before us today. We do not have an issue before us which would eliminate entirely the convention system of nominating presidential nominees as we do have now. Perhaps we will be moving toward that kind of a system, perhaps not, but that is not the issue that is before us at the present time.

Lastly, I would like to clear up any misconceptions that I may have indicated to the Senator from York, Senator Farley. I am not suggesting that this matter be brought before the second annual Session of this Legislature, because that is not the Session that will be dealing with the appropriations that will be involved in the next biennium, which is the biennium in which the presidential primary would be held, and in which the appropriations would have to be used. I would submit that that is far more responsible for that Legislature to deal with the appropriations and the Actual Bill itself, then it would be for this Legislature to enact legislation which would commit the next legislature to passing an appropriation.

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

Mr. KATZ: Mr. President, I would like to deal with the report of the public hearing on this piece of legislation.

The only really interesting part of the hearing was the arrival of four members of the New Hampshire Legislature in opposition to this Bill. But their testimony was none the less very helpful. All four of them loved what it is doing for New Hampshire. All four of them identified very, very important economic benefits to New Hampshire. All four of them indicated that the ability of New Hampshire people to personally press the flesh with the various candidates of both parties was an extraordinarily beneficial experience for New Hampshire.

Now that is the only one going in the nation, New Hampshire. They love it. They do not want us to share it.

I would ask you to make your decision this morning, not on I think essentially spurious question about binding another Legislature, we do that every day in the week. There is no way for us to appropriate money to be used two years from now. If there were, maybe we should do it.

But ask yourself, a serious question, and hopefully unlock your minds for just a minute. Do you think the people of the State of Maine presently have personal access to presidential candidates running for office to the extent that they really would like to have. Parenthetically, do you think it would be great if Senator Jackson had presidential candidates streaming into his store shaking hands with his friends and neighbors? Do you think it would be great having presidential candidates walking down Water Street so that Augusta people could really get to know them, in a way other than through the media? Do you think the \$100,000.00 cost would be made up through increased State tax revenues through occupancy, through increased economic activity? Is there any question in your minds that the cost would be made up through increased revenues?

And, finally, is there anything so terrible about turning over to the people of the State of Maine the decision as to who they would like to support at the presidential conventions of the two big parties. Who goes to the annual convention? I see my good friend, Robin Lambert, here who has been to presidential party conventions, but by and large, if you take a look at the establishment nature of these conventions, people go to these conventions who can afford to go to the convention.

I really do not feel that they have, despite the statistics you hear about our improvement, I really do not think they are representative of a cross section of America.

But the people who vote in New Hampshire, in their first of the nation's presidential primaries, really, really are a cross section of New Hampshire.

I think there is something absolutely splendid about that.

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

Mrs. SNOWE: Mr. President and Members of the Senate, there have been some allusions made to the broad discretionary powers given to the Secretary of State, and I would just like to bring up one of them for you. I would like to read it so we are all aware of what we are talking about. It states: "The ballot shall include the name of any person who is a member of the political party who has been determined by the Secretary of State in his sole discretion to be generally advocated or recognized as a candidate for nation-wide stature and the national news media throughout the United States. This sub-section shall not be construed to include so-called favorite son candidates, whose candidacy may be limited to one state."

So I ask the question, first of all, what is the justification for such broad discretionary powers. I consider it a very subjective determination, and I also think that we should not delude ourselves into thinking that if we had a presidential primary here in Maine, that we will be a strong competitor to New Hampshire. I think that the New Hampshire primary sets the pace in this country. It is a giant step forward for any presidential candidate to win that primary. Since 1952 every winning presidential candidate has won the first in the nation primary. And that is quite a step.

The PRESIDENT: Is the Senate ready for the question? 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 in their places to be counted?

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, just for the record, as far as making my position on this particular matter very clear, I want to say that I am actually very sympathetic to the idea of a presidential primary in the State of Maine, but I do have the very concerns with this particular Bill that I have mentioned.

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

Mr. CONLEY: Mr. President, not only am I going to vote for this Bill, but there is another reason I want to vote for it, because the good Senator from Kennebec, Senator Katz, has spoken about how the revenues may be generated, and when we come back in four years, maybe we can get that tax exemption to the poultry people.

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

Mr. LOVELL: Mr. President, just to clear the record. I have been informed that if New Hampshire has its presidential primary before

January 1st of the presidential election year, then Maine's primary election would be the first Tuesday of March.

The PRESIDENT: The Bill, having had its two several readings in the House, and its two several readings in the Senate, having been passed to be Engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, having been Passed to be Enacted in the House and signed by the Speaker, is it now the pleasure of the Senate that this Bill be Passed to be Enacted.

The Secretary will Call the Roll.

A yes vote will be in favor of Enactment. A no vote will be opposed.

YEAS — Carpenter, Conley, Curtis, Danton, Farley, Katz, Levine, Martin, Merrill, Minkowsky, Morrell, O'Leary, Pray, Usher.

NAYS — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Hewes, Hichens, Huber, Jackson, Lovell, McNally, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman.

ABSENT — Mangan.

14 Senators having voted in the affirmative, and 17 Senators in the negative, with one Senator being absent, this Bill fails enactment. Sent down for concurrence.

The President laid before the Senate: Bill, "An Act to Clarify the Marking of Ballots." (H. P. 1235) (L. D. 1388)

Tabled — April 26, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

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

Mr. SPEERS: Mr. President, this Bill has been debated several times prior to this, but I would simply remind the Senate that there seems to be some general agreement that there are some problems with the concept that an individual could cast a vote by entirely or completely blacking out the box on a particular ballot. The basic argument is that this would create a good deal more litigation or confusion, more contention with regard to elections, than certainly it was designed to alleviate, and I would move the indefinite postponement of this Bill.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves indefinite postponement of L. D. 1388.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, and Members of the Senate, I do not recall this specific piece of legislation that closely, but it was my hope that the Election Laws Committee would be able to give us a vehicle at this Session whereby we could make a greater relationship between the voter's clear intent, and whether or not the vote would be counted and some of the technical requirements that have caused ballots to be disqualified in the past.

It was my understanding that that was the purpose of this Bill, and I would inquire as to whether or not there is another Bill that is going to come before this Body to accomplish that purpose, so whether if we defeat this Bill today, we will be defeating the possibility of this Legislature to deal with the problem, which I think is a serious one.

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

Mr. KATZ: Mr. President, I want you to know that the Election Laws Committee has got enough vehicles to change the lives of everybody in the State of Maine four times over. Legislators have been very generous with the filing of legislation. But this is the vehicle that I think is proper to do the job that the Senator from Cumberland, Senator Merrill, suggests.

The reason that it has been tabled and re-tabled is because there is a lack of consensus as to the proper form. There are a

couple of other points of view in the other Body and I think, without any question, we will end up in non-concurrence.

I hope that the Senate does not kill it at this time.

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

Mr. PRESIDENT: Mr. President, maybe my thinking on this matter is altogether too simple, and, if so, I am anxious to be corrected by people who worked with the details, but it would seem to me if we could put some language in that said that the purpose of all the specific requirements was to help lead to the divining the intent of the voter, and that the final decision should be made on the question of whether or not intent seemed to be clear, we would at least take a step forward from the present situation, which in regards to distinguishing marks, puts the question outside of the issue of the intent of the voter. For example, if a ballot is marked and the intent is very clear to vote for one party or another, than later on on the ballot somebody writes in the name of somebody who may be a fictitious person, that is a distinguishing mark and the ballot is not counted. It would seem to me if we had specific language that said that when the intent of the voter is clear, that the vote will be counted, that that would be a fairly simple statement that we could make in a Bill such as this, that would go a long way towards clarifying some of these matters.

I know that there was a great deal of concern raised about the re-count for the United States Congress two years ago, and there was a lot of questions as to who had won that election. But when the United States Congress, the Committee of the House, set out to count, it is my understanding that they said, well, our first rule is going to be clear intent. And when they went through the ballots on the basis of that, it became clearer to them what the results of the election should be, and, of course, it is a matter of history, and I think that there are some elections this time that went a different way because the clear intent of the voters was not allowed to be counted, because of these technical requirements.

I would hope that we would not defeat this legislation. I do not think that my suggestion is that technical a one, and I note that this has been tabled, and I thought the purpose of tabling it on the part of the people that did, was to see to it that this end result could be reached.

I do not know what the best approach at the present time to get to that end is, but it certainly, as I understand what has been said in response to my question, it is not to kill this Bill.

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

Mr. HEWES: Mr. President and Members of the Senate, I feel that a citizen's right to vote is perhaps his most basic right, one of the most basic rights that we have, and his vote should be counted as he intended it.

I am in favor of this Bill. I note that it says; "If a voter marks his ballot in a manner" . . . and then it goes on . . . "that it is possible to determine the voter's choice, then that vote for the office or question concerned shall be counted". I submit that this Bill does two things. It makes the intent of the voter govern how his vote shall be counted, and that is the purpose of the election process. And the other is that it allows, in addition to an X or cross, it allows the blacking in of a box for a certain nominee or a certain issue. I think that college students now, or high school students, or people in the service, often have to black in a box in order to indicate how they want to have something done. I favor the idea of enlarging the way in which you may vote from just a cross or an X, to include the completely blacking in of an area. So I like that part of it.

I also like the part where it says the "voter's

intention where it can be determined, shall govern how that vote shall be counted."

I hope you will vote for the passage and engrossment of this Bill.

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

Mr. SPEERS: Mr. President, the first portion of what the good Senator from Cumberland, Senator Hewes, read is the portion of this Bill that I would agree that we could maintain and retain, and enact into law, but as has been mentioned prior to this, there are other vehicles coming along to which that Amendment can be placed, that will enable us to do precisely that, — that is to insure that an individual in marking the ballot will have that ballot counted as he so intended.

As to the second portion of the particular Bill, that is being able to vote by completely blackening a square, I would emphasize the words completely blackening in a square, because that is how the law would read, and I think any of us can recognize that if you blacken in a square, there may be a small portion of that square that is not entirely blacked in, not completely blacked in, and this would give rise to a good deal of litigation, a good deal of contention as to whether or not that ballot should be counted.

Now I will withdraw the Motion that I made to indefinitely postpone this Bill so that an Amendment, which has already been prepared but not reproduced, can be offered to this particular Bill. That Amendment could have been offered to any other number of vehicles that are coming along, but if the Senate is concerned about having it offered to this particular item, I have no concern about that, and would certainly be amenable to it.

I will withdraw my Motion to indefinitely postpone this Bill, but I would like the Senate to realize that the objectionable portion that I feel is wrong with this Bill, and that is the enabling to vote by blackening in a square, because I do feel that that would give rise to a good deal more confusion and litigation than we have at the present time.

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

Mr. PIERCE: Mr. President and Members of the Senate, I move this item lie on the table for one legislative day.

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

Mr. SPEERS: Mr. President, a parliamentary inquiry, prior to the making of that Motion, has my Motion been withdrawn.

The PRESIDENT: The Chair would answer in the negative. The Senator from Kennebec, Senator Speers, now requests leave of the Senate to withdraw his motion to indefinitely postpone this Bill. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, I support this particular piece of legislation before us also. The Bill has been laying around here on the calendar for a period of three weeks, and I know how diligent the Chairman of the Election Committee is, and how he really becomes very enthused about the public hearings that he has dealing with election laws.

But to be very serious, I know how much time he spends with the Education Committee, and the real difficulties that he has to wrestle with.

I would hope that the Chairman of the Election Committee could sometime within the next day or two, and I would hope that the Motion to Table would be for two days, rather than one, that he might be able to set down with my cohort on my left, my very fine and dear friend, the Senator from York, Senator Danton, and maybe someone else, and see if they cannot work out an amenable Amendment that will fly through the Senate.

On Motion of Mr. Collins of Knox,
Tabled for Two Legislative Days,
Pending passage to be engrossed.

(Off Record Remarks)

Reconsidered Matter

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

Mr. HUBER: Mr. President, with respect to L.D. 249, Bill, "An Act to Establish a Presidential Primary in the State of Maine."

Having voted on the prevailing side, I move the Senate reconsider its action whereby this Bill failed enactment and hope the Senate will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the Senate reconsider its action whereby L.D. 249 failed enactment.

A viva voce vote being had,

The Motion to Reconsider did not prevail.

The President laid before the Senate:

HOUSE REPORT — from the Committee on BUSINESS LEGISLATION — Bill, "An Act Relating to Consumer Education by the Bureau of Consumer Protection." (H. P. 425) (L. D. 520) Ought to Pass in New Draft Under New Title: An Act to Provide Fees for Consumer Education Materials. (H. P. 1457) (L. D. 1685)
Tabled — April 27, 1977 by Senator Farley of York

Pending — Acceptance of Report

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

Mr. PIERCE: Mr. President, I ask acceptance of the unanimous Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves the Senate accept the unanimous Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would ask a question through the Chair as to whether or not the income from the sale of the various items that may be produced by the Bureau of Consumer Protection would in the future be dedicated revenue to that Bureau?

I understand from the Bill that the revenue that has been obtained from the sale to date would be allocated to that Bureau, but I am concerned as to whether or not any future revenue also would be dedicated to that bureau.

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

Mr. PIERCE: Mr. President and Members of the Senate, first of all, perhaps I might say that the Committee felt for several reasons that the money derived from the sales of the pocket guide, which I am sure all of you have seen, should be left with the Bureau of Consumer Protection, for many reasons I guess, all of which I do not have to go into, but which include the fact that they are severely underfunded for this Session and need that money very badly. Also, we felt that if any Department or any Agency or Bureau like this were able to be so innovative as to come up with such a pamphlet, that they could sell it to out-of-state people and so forth at a profit, that they should be encouraged to do so and keep their profits. So the answer is, if they could come up with another such booklet or publication as they have this time, the revenues also would accrue back to that bureau.

However, if at any time in the future the Legislature felt that they were getting too much, which is certainly not the case now, that could easily be changed through some legislation just heading in another direction.

Which Report was Read and Accepted in concurrence, and the Bill, in New Draft, Read

Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate: Bill, "An Act to Remove Restrictions on the Salary of County Commissioners who hire Full-time County Administrators." (S. P. 154) (L. D. 394)

Tabled — April 27, 1977 by Senator Speers of Kennebec

Pending — Consideration

On Motion of Mr. Speers, retabled for one legislative day.

The President laid before the Senate:

Non-concurrent Matter

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

Tabled earlier in today's Session. Pending the Motion of the Senator from Knox, Senator Collins, pending consideration.

On Motion of Mr. Collins of Knox, Retabled for one legislative day.

Out of Order and Under Suspension of the Rule, the Senate voted to consider:

House Paper

Bill, "An Act to Extend the School Budget Adoption Date until June 15th." (Emergency) (H. P. 1456) (L. D. 1718)

Comes from the House, Passed to be Engrossed Without Reference to Committee.

Under Suspension of the Rules, Read Twice and Passed to be Engrossed without reference to Committee in concurrence.

Sent forthwith to Engrossing Department.

Senator Merrill of Cumberland was granted unanimous consent to address the Senate on the Record.

Mr. MERRILL: Mr. President and Members of the Senate, as we all know this is Secretaries' Week and yesterday was Secretaries' Day but the day was one in which I did not think it was proper at the time we got out to make these brief remarks. However, I would like to say, as a member of the minority party in this Senate, that I am most appreciative of the work that is done for us by the Secretary of the Senate and her staff. I think they do an excellent job and serve us very well. I might say, in hopes that my remarks will not be held against me by the members of the majority party, that I think she is very equal handed in dealing with us in the minority, and I have nothing but praise for her and her activity.

(Off Record Remarks)

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