

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

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SENATE

Monday, May 9, 1977

Senate called to Order by the President.

Prayer by the Honorable Olympia J. Snowe of Auburn.

Mrs. SNOWE: Oh Father, help us to work this day in the confidence that Thou art with us. Deliver us from all that would obstruct us serving the State in the spirit of the Divine vocation. Keep us from sluggish thinking or ambiguous expression. Deliver us from coolness of heart or weakness of the will. Help us to say yes and no the promptings of the conscience. Deliver us from easy discouragement or abandonment of higher undertakings. Keep us congenial with our colleagues, cooperative with our fellow man. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Exempt Store Owners from Criminal Liability where a Minor Purchases Alcoholic Beverages using a False Identification Card." (H. P. 1042) (L. D. 1283)

In the House, May 3, 1977 Passed to be Engrossed.

In the Senate May 5, 1977 Bill and Papers, Indefinitely Postponed.

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

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

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

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: I move the Senate insist and join in a Committee of Conference with the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves the Senate insist and join in a Committee of Conference with the House.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would ask the Senate not to join a Committee of Conference. I think we debated this Bill at length before. It is a bad piece of legislation and I hope this morning we can put it to rest once and for all; so I would ask that you vote against a Committee of Conference.

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

Mr. CONLEY: Mr. President and Members of the Senate, I would only state that this Bill has received passage on at least one occasion in this Branch, but if there is a possibility to work out a compromise, I would suggest to the Senate to vote for a Committee of Conference along with the other Body.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley that the Senate insist and join in a Committee of Conference with the House.

The Chair will order a Division.

Will all those Senators in favor of the Motion of the Senator from Cumberland, Senator Conley, to insist and join in a Committee of Conference, please rise in their places to be counted.

Will all those Senators opposed to the Motion of the Senator from Cumberland, Senator Conley, to insist and join in a Committee of Conference, please rise in their places to be counted.

7 Senators having voted in the affirmative and 15 Senators in the negative, the Motion to insist and join in a Committee of Conference does not prevail.

The Senate voted to adhere.

(Off Record Remarks)

Non-concurrent Matter

Bill, "An Act Relating to Appointment, Duties, Salary and Expenses of Court Reporters." (S. P. 25) (L. D. 38)

In the Senate May 3, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (S-104).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-268), in non-concurrence.

On Motion by Mr. Collins of Knox, the Senate voted to recede and concur with the House.

Non-Concurrent Matter

Bill, "An Act to Prohibit the Washing of Domestic Animals in Sebago Lake." (H. P. 1125) (L. D. 1343)

In the House May 3, 1977 the Majority Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed.

In the Senate May 5, 1977 the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

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

The PRESIDENT: The Senator from Penobscot, Senator Pray now moves the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

The PRESIDENT: A Division has requested. Is the Senate ready for the question? The pending question is the Motion by the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House.

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.

10 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to recede and concur does not prevail.

The Senate voted to adhere.

Non-concurrent Matter

Bill, "An Act to Require the Full Name of a Party Designation to be Spelled out on a Ballot." (H. P. 746) (L. D. 951)

In the House May 3, 1977 the Majority Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed.

In the Senate May 5, 1977 the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. KATZ: I move the Senate adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, because of the fact that I am proud to be a Democrat and I

want my constituents and the citizens of Portland to know I am a Democrat on the ballot, I move the Senate recede and concur.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate recede and concur. The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I hope the Republican members of this Senate feel equally as strong about their party designation as I do. When the vote is taken, I request it is taken by the yeas and nays.

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 of the Senators having arisen, a Roll Call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President, I feel that perhaps the Senate should recede and concur, on this Motion, following the good Senator from Cumberland, Senator Conley. I do not think the voters should have it in mind that r-e-p might stand for reprehensible or d-e-m might stand for demagogue.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, in reference to LD 951, that the Senate recede and concur with the House.

A yes vote will be in favor of receding and concurring. A Nay vote will be opposed.

The Secretary will call the Roll.

YEA — Carpenter, Conley, Cummings, Levine, Martin, Minkowsky, O'Leary, Pray, Usher.

NAY — Chapman, Collins, D.; Collins, S.; Curtis, Greeley, Hichens, Huber, Katz, Lovell, McNally, Morrell, Pierce, Redmond, Snowe, Trotzky, Wyman.

ABSENT — Danton, Farley, Hewes, Jackson, Mangan, Merrill, Speers.

9 Senators having voted in the affirmative, and 16 Senators in the negative, with 7 Senators being absent, the Motion to recede and concur does not prevail.

The Senate voted to adhere.

(Off record remarks)

Non-concurrent Matter

Bill, "An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act." (H. P. 277) (L. D. 341)

In the House May 3, 1977 Passed to be Engrossed.

In the Senate May 4, 1977, Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

On Motion by Mr. Pierce of Kennebec, the Senate voted to recede and concur.

Non-concurrent Matter

Bill, "An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes." (H. P. 221) (L. D. 285).

In the Senate April 25, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-158), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-270), in non-concurrence.

On Motion by Mr. Katz of Kennebec, the Senate voted to recede and concur.

Non-concurrent Matter

Bill, "An Act to Amend the Vocational Education Laws." (H. P. 1209) (L. D. 1329)

In the House April 28, 1977 Passed to be Engrossed as amended by House Amendment "C" (H-190) as amended by House Amendment "A" (H-204), thereto.

In the Senate May 5, 1977 Passed to be Engrossed as Amended by House Amendment "C" in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion by Mr. Katz of Kennebec, the Senate voted to recede and concur.

Orders

On Motion by Mr. Hichens of York

WHEREAS, there have been various pieces of legislation before the 106th, 107th and 108th sessions of the Legislature which have attempted to address the problem of controlling the dog population within the State; and

WHEREAS, there is a burgeoning population of unwanted and uncared-for dogs in the State; and

WHEREAS, these dogs do extensive damage to the State's wildlife, especially the deer herds, as well as pose a potential health hazard to the people of Maine and force municipalities to expend considerable resources for care and control of these dogs; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Agriculture study the problems of enforcement of the dog licensing and leash laws, including an assessment of the authorities most appropriate for the enforcement of these laws; and be it further

ORDERED, that the committee study the problems faced by municipalities in providing proper care for stray dogs; and be it further

ORDERED, that the committee study possible methods for controlling the growth of the dog population within the State; and be it further

ORDERED, that the committee study various methods of destroying dogs and other small animals and identify those methods which would ensure the most humane death under various circumstances; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

(S. P. 492)

Which was Read.

On Motion by Mr. Hichens of York, tabled for two legislative days.

Pending — Passage.

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 Deny Release Pending Trial to Certain Alleged Repeat Offenders." (H. P. 822) (L. D. 995)

Bill, "An Act Repealing the Compulsory Physical Education Requirements in the Schools." (H. P. 935) (L. D. 1132)

Bill, "An Act Concerning the Issuing of School Teaching Certificates." (H. P. 1115) (L. D. 1333)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Specify the Grounds for which a Forcible Entry and Detainer Process may be Brought." (H. P. 1421) (L. D. 1630)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Amend the Mechanic's Lien Statutes so as to Abolish the Potential of Double Payment by Homeowners." (H. P. 1270) (L. D. 1498)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Reports Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Require Depuration Companies to Obtain Authorization from Local Authorities Prior to Digging Clams and Other Shellfish in Closed Areas." (H. P. 1149) (L. D. 1393)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Exempt Fuel Adjustment Charges from the Sales Tax." (H. P. 785) (L. D. 908)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide Sales Tax Exemption to Agricultural Fairs." (H. P. 1251) (L. D. 1473)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Exempt the Brick Store Museum at Kennebunk from the Sales Tax." (H. P. 1096) (L. D. 1320)

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 Election Laws on, "Bill, "An Act Concerning Absentee Ballots for Maine Citizens Overseas." (H. P. 924) (L. D. 1423)

Reported that the same Ought to Pass.

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

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Winter Harbor Utilities District." (Emergency) (H. P. 1191) (L. D. 1439)

Reported that the same Ought to Pass.

Comes from the House, 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 Cumberland County for the year 1977. (Emergency) (H. P. 1528) (L. D. 1754)

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

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

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

Ought to Pass - As Amended

The Committee on Liquor Control on, Bill, "An Act to Clarify Certain Liquor Laws." (H. P. 1190) (L. D. 1450)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-264).

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

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

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act to establish a 12% Discount for State Agency Stores." (H. P. 828) (L. D. 1001)

Reported that the same Ought Not to Pass.

Signed:

Senator:

LOVELL of York

Representatives:

MARSHALL of Millinocket

RAYMOND of Lewiston

IMMONEN of West Paris

TWITCHELL of Norway

GRAY of Rockland

CONNERS of Franklin

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-276).

Signed:

Senators:

DANTON of York

LEVINE of Kennebec

Representatives:

NADEAU of Sanford

MAXWELL of Jay

JACQUES of Lewiston

LIZOTTE of Biddeford

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

Which Reports were Read.

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

Mr. LOVELL: Mr. President, I move that the Senate accept the Majority Ought Not to Pass Report on this LD.

On Motion of Mr. Conley of Cumberland, tabled for one legislative day

Pending — the Motion of the Senator from York, Senator Lovell that the Senate accept the Majority Ought Not to Pass Report of the Committee.

Leave to Withdraw

Mr. O'Leary for the Committee on Local and County Government on, Bill, "An Act to Provide Traveling Expenses for the County Commissioners of Washington County." (S. P. 71) (L. D. 150)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass - As Amended

Mr. Jackson for the Committee on Agriculture on, Bill, "An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers." (S. P. 213) (L. D. 662)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-125).

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine." (Emergency) (S. P. 131) (L. D. 311)

Reported that the same Ought to Pass in new draft and under same title. (S. P. 490) (L. D. 1766)

Signed:

Senators:

KATZ of Kennebec
PIERCE of Kennebec

Representatives:

WYMAN of Pittsfield
BAGLEY of Winthrop
FENLASON of Danforth
PLOURDE of Fort Kent
BIRT of E. Millinocket

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under same title. (S. P. 491) (L. D. 1767)

Signed:

Senator:

USHER of Cumberland

Representatives:

LYNCH of Livermore Falls
LEWIS of Auburn
BEAULIEU of Portland
CONNOLLY of Portland
MITCHELL of Vassalboro

Which Reports were Read.

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

Mr. KATZ: Mr. President, now that we have disposed of the question as to whether or not the names of parties should be spelled out on the ballot, we have before us an important piece of legislation that I call to the attention of the Senate.

You will notice that there are two reports of Committee and they are consecutively numbered as LD 1766 and 1767. LD 1766 and 1767 both recognize we are deeply involved in professional education and the ground-out program is the combination of grants and loans, but the big distinction between the two Bills is what do we do about the training of optometrists?

I think within our Committee there was a general feeling that when you talk about eye care in the State of Maine, in most communities you are talking about optometrists.

Consequently, we are unanimously supporting another Bill which you will be seeing very shortly, which authorizes the improvement of optometrists in contact programs. But because this is a brand new program and because it really has not been discussed on a very, very continuing level, we decided to let it fly on its own.

If you support my Motion to accept the Majority Ought to Pass Report, you are supporting a broad-based program of professional education, and you are reserving to yourself the right to vote for the optometric training when the other Bill comes along. That is the only difference between the two Bills.

We who signed the Majority Ought to Pass Report felt there were two issues to be faced up to.

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

Mr. USHER: Mr. President, I would hope the Senate today will support the Minority Report. I feel that we can include this other profession today, the optometry, and I believe this is our chance to include it, and this is why I signed the Ought to Pass and the Minority Report.

Majority Report Read and Accepted.

The Bill, in New Draft, (S. P. 490) (L. D. 1766) Read Once and Tomorrow Assigned for Second Reading.

(Off Record Remarks)

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

Mr. CONLEY: Mr. President, I move the Senate stand in recess until the sound of the bell.

The PRESIDENT: The Senate will be in recess until the sound of the bell.

(Recess)

(After Recess)

The Senate called to Order by the President.

Second Readers

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

House

Bill, "An Act Concerning the Powers of the Eagle Lake Water and Sewer District." (H. P. 1521) (L. D. 1747)

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

House — As Amended

Bill, "An Act Authorizing the Commissioner of Public Safety to Appoint and Commission Railroad Policemen and Providing Regulations Pertaining Thereto." (H. P. 790) (L. D. 1014)

Bill, "An Act Relating to Resident State Police Troopers." (H. P. 1493) (L. D. 1705)

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

Bill, "An Act to Establish an Environmental Coordination Procedure." (H. P. 386) (L. D. 476)

Which was Read a Second Time.

On Motion of Mr. Trotzky of Penobscot, Tabled for Two Legislative Days, Pending Passage to be Engrossed.

Senate

Bill, "An Act to Exclude Sparklers from Prohibition against the Sale of Fireworks." (S. P. 379) (L. D. 1255)

Which was Read a Second Time and Passed to Be Engrossed.

Sent down for concurrence.

(See Action later today)

Senate — As Amended

Bill, "An Act Relating to Foreign Trade Zones." (Emergency) (S. P. 128) (L. D. 312)

Bill, "An Act Concerning Fees of the Board of Chiropractic Examiners." (S. P. 231) (L. D. 735)

Bill, "An Act Relating to Training Municipal Fire Departments, Incorporated Volunteer Fire Departments and Fire Brigades." (S. P. 362) (L. D. 1216)

Which were Read a Second Time and Passed to Be Engrossed, As Amended.

Sent down for concurrence.

Reconsidered Matter

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

Mr. CONLEY: Mr. President, I pose a question of the Chair, has L. D. 1255, "An Act to Exclude Sparklers from Prohibition against the Sale of Fireworks", been acted upon?

The PRESIDENT: The Chair would answer in the affirmative, it has been passed to be engrossed and sent down for concurrence.

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby L. D. 1255 was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

Mr. CONLEY: Mr. President, I now move this Bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves L. D. 1255 be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I believe that this Bill is Senator Hewes' Bill, and I would ask that somebody might want to table it for one day.

On Motion of Mr. Carpenter of Aroostook, Tabled for One Legislative Day, Pending the Motion of Mr. Conley of Cumberland that this Bill be indefinitely postponed.

Enactors

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

"An Act to Provide for Rules and Regulations to be Adopted by the Real Estate Commission." (H. P. 151) (L. D. 181)

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

"An Act Changing the Name of Webster Water District to Sabattus Water District and Providing Compensation for the Trustees." (H. P. 883) (L. D. 1054)

"An Act to Clarify the Marking of Ballots." (H. P. 1235) (L. D. 1388)

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 to Increase the Penalties for Violation of State Antitrust Laws." (H. P. 273) (L. D. 347)

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

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

The PRESIDENT: A Division has been requested on enactment in relation to L. D. 347.

Will all those Senators in favor of the passage of this Bill to be enacted, please rise in their places to be counted.

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 on LD 347 enactment, 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 Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, this Bill has been debated and voted upon many times in this Body, and the last time the vote was overwhelmingly in favor of this bill, and I would hope the position of the Senate would not change.

I would remind the Senate that in its present form the Bill provides added alternatives to those being investigated for violation of the Antitrust Laws. It provides them with the alternative of having the hearing held in private, if that is what they wish, which is an added protection against misusing the powers of the Attorney General's office on some sort of a witch-hunt or publicity campaign against any business, and it increases the penalty for an Antitrust violation to Class D crime, which, as I pointed out previously in this Senate, is the same penalty that one of us could have against us if we were offered some sort of a bribe and failed to report that to the police. I think that is a commensurate crime, and I think that this Bill in its present form is a fair Bill to all concerned, and I would hope the Senate would enact this Bill today.

The pending question before the Senate is enactment of LD 347, Bill, "An Act to Increase the Penalties for Violation of State Antitrust laws."

A Yes vote will be in favor of enactment. A Nay vote will be opposed.

The Secretary will call the roll.

YEA — Carpenter, Chapman, Conley, Danton, Farley, Greeley, Hichens, Huber, Jackson, Levine, Martin, McNally, Merrill, Minkowsky, Mottell, O'Leary, Pierce, Pray, Redmond Snowe, Speers, Trotzky, Usher, Wyman.

NAY — Collins, D.; Collins, S.; Cummings, Katz, Lovell, Mangan.

ABSENT — Curtis, Hewes.

24 Senators having voted in the affirmative, and 6 Senators in the negative, with 2 Senators being absent, this Bill is Passed to be Enacted.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move the Senate reconsider its action whereby this Bill was passed to be enacted.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby L. D. 347 was Passed to be Enacted.

A viva voce vote being had.

The Motion to reconsider does not prevail.

The Bill having been signed by the President, was by the Secretary presented to the Governor for his approval.

"An Act Establishing an Experimental Open Season on Moose." (H. P. 1298) (L. D. 1495)

The PRESIDENT: The Chair recognizes the Senator from Senator Conley, relative to L. D. 1495.

Mr. CONLEY: Mr. President, I move this item lie on the Table for One Legislative Day.

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

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

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

Will all those Senators in favor of tabling this item for One Legislative Day, pending enactment, please rise in their places to be counted.

Will all those Senators opposed to tabling this item for one Legislative Day pending enactment, please rise in their places to be counted.

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

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

Mr. CONLEY: Mr. President, I wish to take a little time of the Senate to at least this morning give a great deal of thought to what is before us.

By the passage of this Bill, we are doing the greatest disservice to Maine sportsmen. The Legislature has already shown itself ready to meet the needs of the working and hunting citizens, because we have placed an opening day on the deer season on Saturday and limited this day to hunting by our own Maine residents. We have shown our own responsiveness to a legitimate request. Now I think we must have the courage to reject the request which is totally illegitimate.

This Bill before us does not establish an open season on moose. It simply establishes a lottery, which will give a small number of people legal sanction to take the moose off the State seal, chop it up and haul it home to the freezer.

For the Maine residents who really want to kill moose, this Bill is a fraud. Relatively few of them will draw a winning lottery number. The rest will be frustrated, and all more likely to kill illegally what they still can not do legally.

For those persons who believe that hunting is an honorable sport, this Bill is truly an insult. Shooting a moose bears the same relation to hunting, that shooting a sucker with a bow and arrow bears to fly fishing.

There are always people who will shoot a moose, just as there are always those who would bring casino gambling to Maine. Let them take their demands elsewhere. Let them not ply us with their illogic.

It is claimed in defense of this Bill that moose are taken illegally anyway, and that this Bill will cut down on poaching. If that is the case, may I suggest we all establish a lottery for the

taking of short lobsters, and another lottery for the jacking of deer at night.

It has been suggested that the moose population is now large enough to where it can stand some harvesting. If this is our logic, then I suggest that the Majority party establish a lottery for filling two seats within this Body, because I note that my esteemed colleagues from that party have increased their numbers here since last year.

It is also suggested that the moose herd is pressuring the deer herd adversely. If this is the case, I suggest that we first look to other pressures upon the deer herd — such as unleashed dogs, coyotes, and the proposed hydroelectric projects before we set out killing an animal as unique and as majestic as the Maine moose.

This Bill will provide some very useful biological data on moose. If that is the case, then I suggest that we expand it to include eagles, wild turkeys, hawks and other species of wildlife now protected by law, but whose carcasses would be interesting to Fish and Game biologists.

It is said that this Bill will bring money to our Fish and Game Department. If this is the case, I suggest that this Legislature first indefinitely postpone all measures which have been introduced to lower hunting and license fees, or to provide special reduced rates to those out-of-staters who own property in Maine.

I suggest that we then look at the possibility of a small tax increase on hunting rifles and ammunition, consider selling those Game Management areas which are least productive, or even charging an admission fee to State animal farms where school children come to see the moose.

The Legislature has already shown consideration for the sportsmen of Maine. Let us not create this proposed season of slaughter, a season of shame.

Mr. President and Members of the Senate, I wish to call your attention to the L. D., and to observe it very, very closely. I call your attention to Sub-Section 3 of this particular Bill, which excludes Baxter Park, which is in Unit II, from moose hunting. The moose, of course, do not observe the Park boundaries, and wander freely outside of the Park, where they will come into the gun sights of the very active sportsmen of the Millinocket area. It is logical to assume, therefore, that this very tame moose population of Baxter State Park will be reduced if we pass this Bill. These moose are the same moose who attract 40,000 Maine citizens who visit Baxter State Park every year, in addition to the 30,000 out-of-staters.

These moose are a particular attraction in the Sandy Stream area of Baxter Park near the Roaring Brook Camp Ground, and I have become an authority on Baxter State Park, by recent excursions there a couple of summers ago, and I know that the good Senator from Penobscot, Senator Pray, will vouch for that. This area, as I was saying, is very close to the Park boundary, as is the Trout Pond Camp Ground. But one camp ground used by many Park visitors, Nesowadnehunk Camp Ground, is actually outside the Park. All of these moose, the same moose that movies are shown about every year at Kidney Pond Camp Ground, are going to be very vulnerable under this Bill.

In Sub-Section 7, Paragraph A, suggests that the moose will be dismembered for ease in transporting. Paragraph B requires that any portion of a dismembered moose be open to view in transporting. This Bill would present rather a gruesome picture on our highways and turnpikes.

The Bill requires that even the person accompanying the permit holder complete a questionnaire at the end of the hunting season. The Bill does not prescribe the format or purpose of this questionnaire, which could contain very incriminating questions. Failure to complete the

questionnaire is punishable by a fine of up to \$500.00, or up to 90 days in jail. This is quite a burden on Maine's sportsmen, many of whom are better at out-door life than at filling out forms, but then this Bill, with its \$33.00 fee, is beyond the reach of many of our citizens anyway.

Fourth, and finally, the Bill is termed what they refer to as experimental, and yet is held forth as an important money raising measure. Either the term experimental is dishonest, or this is a one-shot financing at its most literal and worst.

Keeping quiet on this Bill for the rest of this Session, I just wanted you all to remember one thing, that the cow moose is not exempt from the slaughter, that she too goes down under the onslaught of the barrage of gunfire.

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

Mr. PRAY: Mr. President and Members of the Senate: Last week I was greatly impressed with the Senator from Cumberland, Senator Conley stood up and expressed the problems in his area. I was very impressed by his knowledge of the problems of prostitution and other things that we have in the streets of Portland. I am a little less impressed today when he stated that he was becoming an authority on Baxter Park.

I would just like to point out to the good Senator that one visit to the Park does not make him an authority on it, particularly when he does not know which camp grounds are in the Park and which ones are out of the Park.

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I am not going to belabor this issue any more. I talked at some length the other day, but I feel that I have to give you a few facts about this Bill to refute the remarks of my dear, dear friend, the Senator from Cumberland, Senator Conley.

First, he says that this would be a terrible disservice to sportsmen. I would just point out to you that the sportsmen, as well as the entire Fish and Wildlife Department are overwhelmingly in support of this Bill.

I would disagree with the good Senator from Cumberland on a few points that he has raised this morning. One, I do not believe any proponent of this Bill has ever testified, at least on the floor of this body, that this would in fact cut down on poaching. I do not think this claim has ever been raised. Secondly, I do not think it has ever been raised that the reason for supporting this Bill was to raise money for the Fish and Wildlife department. I would suggest to you that perhaps these might be fish of a red color that are being drawn across the trail of this Bill.

I would point out to you that the Senator from Cumberland talks about the very tame moose in Baxter State Park, and I do not know how many times Senator Conley has visited Baxter State Park, but perhaps the moose are tame, perhaps they are not. I do not believe they are any tamer than they are anywhere else in the State of Maine. I would point out to you we have very smart moose in the districts that are outlined in this Bill. Where else in the world can you go and see a moose crossing signs. — Our moose are very smart in Aroostook County. They know where to cross the roads. You will see them walking along parallel to the road until they come to a moose crossing sign. If they are smart enough to cross the road, I would submit to you they are smart enough to evade the gunsights of the hunters from Cumberland county who are going to flock into Aroostook once they receive their permit.

Somehow, and I missed it, I guess I must have been day-dreaming or something, but I missed the logic of bringing the Dickey-Lincoln Hydroelectric Power Project into this thing. I

do not know where that fits into the whole scheme of things.

I would ask you to take a look at LD 1495, and we are very concerned about the damage that is going to be done to our moose herd, and I would like to point out to you one sentence in LD 1495, and I quote, "If during the open season on moose which will be six days long, it shall be the opinion of the Commissioner that more moose are being killed in the District indicated, than is in the best interests of conserving the species, he shall have the authority to terminate that season at once." There are only 600 licenses allowed for in this Bill, and if the herd is as tame and easy to kill, — and I disagree very strongly that it is, as the good Senator from Cumberland seems to believe it is, and the hunt actually does turn out in the first two or three days of the season to be a slaughter, then I would be very surprised if the Commissioner of the Fish and Wildlife Department would not terminate this.

I would ask you to please vote for enactment of this Bill. It is just as the title of the Bill indicates, it is an experimental one season, 600 license season, to see exactly what our moose population is like, how healthy it is, how big it is, and I think the sportsmen of the State of Maine deserve this chance. I think it has been 43 years since there has been an open season on moose.

Thank you.

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

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I just want to make one remark about this here, experimental deal.

I was having a little coffee and toast in the Sunoco Diner on High Street yesterday morning. Two fellows sat beside me and they said to me, "How is the moose bill going this time". I said, "Well, I do not know. There is a lot of people for it." They said we can tell you something. We was up in Baxter State Park last October, and a couple of ravens went over with their chortling tone which they have when they have the knowledge that there is something to eat, and he said they did not seem to go very far, so the two of us walked over, off the road we was on, and, sure enough, there was a moose with both hind quarters gone. And that is what the ravens was interested in. So we went back and picked up the Ranger, and he came up and looked at it, and he said, "Well, that moose has not been killed very long. It was either killed yesterday or the day before. He said that meat would be almost good to eat."

Now, if this is an experimental thing, and then the Ranger said, you know, we find considerable of these in the Park — if they are looking for something to experiment on, they could have experimented on that one, and several others. Of course, I can understand, having hunted deer before, that it would be possible for two or three people with cameras to take pictures of these moose in the Park, to walk along near the edges and some of them might stroll out on the other side. Perhaps they could even use some of the means that the Canadians do in Quebec and call them out, I think it will be a very popular thing for every body but the moose.

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

Mr. KATZ: Mr. President, I request leave of the Senate to pair my vote with the Senator from Penobscot, Senator Curtis, were he voting he would be voting for enactment, and were I voting I would be voting in opposition to enactment.

The PRESIDENT: The Senator from Kennebec, Senator Katz, who would vote no, requests that his vote be paired with the Senator from Penobscot, Senator Curtis, who would vote yes. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, pursuing the arguments of the good Senator from Cumberland, Senator Conley, I, too, wonder if this experimental thing that has been thrown at us, and if this is not just a money making scheme with the moose as the unfortunate victim.

We read here in Section 4, L. D. 1495, on the first page, the permits should be chosen by public chance drawing. Prior to the issuance of such permits, proof of residence must be provided by all persons chosen to be eligible for the official drawing at which time such permits shall be drawn, it shall be necessary for an applicant to submit a written application and a fee of \$3.00 to the Department. These applications will be provided by the Commissioner and obtainable from resident license agents. The fee shall not be refunded. Each hunter selected may then choose one individual and it goes on from there.

I can just see before these permits are issued, and when this lottery starts advertisements on television, such as we have by our State Lottery Commission at the present time, encouraging people to pay their \$3.00 fee so that they can have their chance to go out and hunt these moose.

I think it is a fallacy to say that this is an experimental thing. To me and to the people down in my area who are so very strong against this, feeling that even probably selfishly that they probably would never have a chance, even if they paid the fee, because it would be the people up in this other area who would outweigh them as far as the chances of being able to go hunting, that this Bill should be defeated.

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

Mr. LOVELL: Mr. President and Members of the Senate: I have hesitated to speak on this Bill, but I remember back when I was quite young, I happened to be at a farm when they slit a pig's throat, and they let him bleed to death, and then they cut him up and ate him. Now every time you eat pork chops, that is what happens. Now they also do the same thing out in Chicago where they kill the cattle. So every time you eat a piece of steak, a cow or a steer has been killed and slaughtered.

Now, consequently, I cannot see why, and I never went hunting in my life, and do not ever expect to go hunting in my life, but I cannot see why it is not perfectly alright to shoot deer, which they are doing, and have an experimental season on the moose. Up in Aroostook County, they tell me, people are quite poor. Their population increase has been only about 1.2 percent in the last ten years, compared to 7 or 8 percent in York and Cumberland Counties. Now they need the moose to eat. They are only going to have it for a week. But this gives them a chance to go out and the State to make some money for Fish and Game, and cut the herd down, which from the letter from the Director of the Fish and Wildlife from New Brunswick to Maynard Marsh states that it is a good healthy condition, and they have been doing it in Canada since 1960.

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

Mr. CONLEY: Mr. President and Members of the Senate: I cannot help thinking that prior to coming in here this morning I met with another very strong opponent of this Bill from the other branch, I could not for the love of me understand what he was saying, because he was telling me about this worm that the moose

carry around with them. He said that we have got to protect the moose herd, and I said, well, you do not do that by shooting them, and that is the impression he left me with, and it is still quite strange to me.

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

Mr. MARTIN: Mr. President and Members of the Senate: I really do not want to belabor this. I have heard moose and moose, all I want to hear this year.

But I want you to think of one thing when you are voting on this Bill, can the Commissioner of Fisheries and Wildlife and every game warden in this State be incorrect? They are all supporting it, and can they all be incorrect?

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 on this matter, please rise in their places to be counted.

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

The pending question before the Senate is enactment of L. D. 1495, "An Act Establishing an Experimental Open Season on Moose".

A yes vote will be in favor of enactment. A nay vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Collins, D.; Collins, S.; Farley, Jackson, Levine, Lovell, Martin, Morrell, O'Leary, Pray, Redmond, Snowe, Speers, Usher.

NAY — Chapman, Conley, Cummings, Danton, Greeley, Hichens, Huber, Mangan, McNally, Merrill, Minkowsky, Pierce, Trotzky, Wyman.

ABSENT — Hewes.

15 Senators having voted in the affirmative, and 14 Senators in the negative, with 1 Senator being absent, and 2 Senators having paired, this Bill is passed to be enacted.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, having voted on the prevailing side, I move the Senate reconsider its action whereby this Bill was passed to be Enacted, and I urge the Senate to vote against my Motion.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves the Senate reconsider its action whereby this Bill was passed to be enacted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, earlier today the Members of the Senate moved to table a particular Bill because of the absence of one of the Senators, the sponsor of that particular Bill. I might say, too, in all fairness I was unaware that that Senator was the sponsor of that Bill. But I think out of fairness the Bill was tabled to give him an opportunity to defend that.

I think equally as strong that the same Senator who was missing should have the right to add his in-put to the debate on this very important issue. Therefore, I would move or would hope that the Senate would vote against a vote for reconsideration, or someone would table this pending reconsideration, and give the good Senator from Cumberland an opportunity to debate.

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

Mr. TROTZKY: Mr. President, I move this item be tabled for one Legislative Day.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that L. D. 1495 be tabled for One Legislative Day, pending the Motion of the Senator from Somerset, Senator Redmond, that the Senate reconsider its action.

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

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

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 pending question before the Senate is the Motion by the Senator from Penobscot, Senator Trotzky, that this item, L. D. 1495, be tabled for one Legislative Day pending the Motion of the Senator from Somerset, Senator Redmond, that the Senate reconsider its action.

A yes vote will be in favor of tabling. A nay vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Conley, Cummings, Danton, Greeley, Hichens, Huber, Katz, Mangan, McNally, Merrill, Minkowsky, Trotzky, Wyman.

NAY — Carpenter, Collins, D.; Collins, S.; Farley, Jackson, Levine, Lovell, Martin, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Usher.

ABSENT — Curtis, Hewes.

14 Senators having voted in the affirmative, and 16 Senators in the negative, with 2 Senators being absent, the Motion to Table does not prevail.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Somerset, Senator Redmond, that the Senate reconsider its action whereby this Bill was passed to be enacted.

A viva voce vote being had, the Motion to reconsider does not prevail.

Having been signed by the President, the Bill was by the Secretary presented to the Governor for his approval.

Emergency

"An Act Relating to the Payment of the Cost of Constructing a Pumping Station, Fire Hydrant and a Water Main for the New Stockton Springs Elementary School." (H. P. 971) (L. D. 1168)

Emergency

"An Act Relating to the Payment of Special Education Tuition and Board for the Fiscal Year 1977." (H. P. 220) (L. D. 284)

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

Mr. CONLEY: Mr. President, I move these items lie on the Table.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L. D. 1168 and L. D. 284 be tabled.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

Will all those Senators in favor of Tabling L. D. 1168 and L. D. 284, pending enactment, please rise in their places to be counted.

Will all those Senators opposed to Tabling L. D. 1168 and L. D. 284 pending enactment, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to Table does not prevail.

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

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

The PRESIDENT: A Roll Call has been requested.

The Senator has the floor.

Mr. KATZ: Mr. President, I call to the Senate's attention that these are two education Bills, both legitimate Bills, both with unanimous Ought to Pass Reports out of the Committee on Education, and I ask the Senate to enact them today with a two-thirds vote of this Body.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I appreciate the comments of the good Senator from Kennebec, Senator Katz, in pointing out that both of these Bills have unanimous Committee Reports. Neither one of these Bills received any opposition as they were going through the Legislative process, and I think it incumbent upon those who intend to vote against these Bills to enlighten this Body and the public of the State of Maine as to why they oppose these two Bills.

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

Mr. PRAY: Mr. President, I move the Bills lie on the table One Legislative Day.

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

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

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

Will all those Senators in favor of tabling these Bills for One Legislative Day, please rise in their places to be counted.

Will all those Senators opposed to tabling these Bills for One Legislative Day, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to Table does not prevail.

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

Mr. CONLEY: Mr. President, I urge the Members of my party to vote against the Enactment of these particular measures at this time. I am going to also suggest that L. D. 1717, L. D. 1716, L. D. 1715, L. D. 1714, L. D. 1713, and L. D. 1703 also be voted against Enactment at this time.

I think, and I do not mind expressing my viewpoint to this Senate, but since January we have had what I consider to be somewhat of a close working relationship. However, I have noticed in the past couple of weeks or so that trying to debate a measure in this Senate is almost unbearable for us as a Minority party. It seems that one or two individuals in this Senate can get up and frankly say anything they wish to say, and like the domino theory, this is what happens. Now we are either going to continue to debate measures and we are going to vote on common sense, or we are going to hold up measures, so that at least our presence is going to be felt in this Chamber.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am very sorry to hear the remarks of the Minority Floor Leader on the floor of this Body this morning, and I must really term them utter nonsense.

There has never been any problems on the part of any person in this Body at any time that I have ever known, in the years that I have spent in this Body, of anyone to be denied the opportunity to debate an issue, and to make his opinions felt and known to the full extent that he or she may desire.

I think this is very, very unfortunate, that quite obviously because of pique that an in-

dividual may feel with regard to a very close vote on another matter, that we are unable to accept the wishes of the majority of this Body, and accept the decision whichever way it may go. That is the democratic process, and it is the process which we have heretofore enjoyed in this particular Body.

When the decision is made, we move on to further issues, and I think it very unfortunate that because of the particular disappointment that some may feel over the way that another issue may have gone, that we feel we should then hold up action on some of the other issues.

I would hope that the Senate would accept the position that it has taken, move on to further issues, and to deal with those issues on their own merit.

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

Mr. KATZ: Mr. President, I would like to ask for reconsideration on the part of the Minority Leader. I feel that I am entitled to ask for this consideration, because I have voted with him consistently, side by side with him on the issue just passed, and I share his disappointment that the Senate has made a mistake.

The two Bills we are talking about, one of them is a pumping station for the little community of New Stockton Springs. It will result in a \$12-\$19,000.00 savings per year on their insurance policy, — a very, very important concern for the little Town of Stockton Springs. The other is a special education Bill for the benefit of communities who spend more than they anticipated. It authorizes out of existing reserves to redistribute some dollars for communities who are really innocent by-standers. Neither of these Bills have any implications with respect to the first Bill, and I sincerely ask of the Minority Leader to reconsider his position.

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, in relation to LD 1168, "An Act Relating to the Payment of the Cost of Constructing a Pumping Station, Fire Hydrant and a Water Main for the New Stockton Springs Elementary School," please rise in their places to be counted.

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

A yes vote will be in favor of enactment. A nay vote will be opposed.

The Secretary will call the Roll.

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

NAY — Carpenter, Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher.

ABSENT — Curtis, Hewes.

18 Senators having voted in the affirmative, and 12 Senators in the negative, with 2 Senators being absent, this Bill fails Enactment.

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

Mr. KATZ: Mr. President, having voted on the prevailing side, I move reconsideration, and hope someone might table my reconsideration for One Day.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby this Bill failed enactment.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move this item lie on the Table for One Legislative Day.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves LD 1168 be tabled for One Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, a parliamentary inquiry. Was the prevailing side the side that failed to enact the Bill.

The PRESIDENT: The Chair would answer in the affirmative, the prevailing side was the Majority side.

On Motion of Mr. Speers of Kennebec

Tabled for One Legislative Day, Pending the Motion of Mr. Katz of Kennebec that the Senate reconsider its action whereby this Bill failed.

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

Mr. SPEERS: Mr. President, with regard to enactment of L. D. 285, "An Act Relating to the Payment of Special Education Tuition and Board for the Fiscal Year 1977", I request a Roll Call.

The PRESIDENT: A Roll Call has been requested with reference to L. D. 284. 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 Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Farley, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman, Sewall.

NAY — Conley, Danton, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher.

ABSENT — Curtis, Hewes.

22 Senators having voted in the affirmative, and 9 Senators in the negative, with 2 Senators being absent, this Bill is passed to be Enacted.

The Bill having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1977. (H. P. 1499) (L. D. 1717)

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

Mr. CONLEY: Mr. President, I move this Item lie on the Table.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L. D. 1717 be tabled.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

Mr. PRAY: 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 on the Tabling Motion, please rise in their places to be counted.

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

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that L. D. 1717 be tabled.

A yes vote will be in favor of tabling. A nay vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher.

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

ABSENT — Curtis, Hewes.

12 Senators having voted in the affirmative, and 18 Senators in the negative, with 2 Senators being absent, the Motion to Table does not prevail.

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

Mr. CONLEY: Mr. President, once again I urge the Members of my party to vote against enactment of these several measures, and we are ready to stand by and take a Roll Call on each of these measures, or someone can lay them on the table.

The Senator from York, Senator Farley was granted unanimous consent to address the Senate on the record.

Mr. FARLEY: Mr. President and Members of the Senate: I arrived a little late this morning, as you know, our Party had a caucus. I agreed by the caucus, that we should table these items or not to enact them today. I was not proud of that caucus, but I thought there was a lot better reason that was given to my leadership this morning. I was hoping that these items would be tabled, in fact, I would be proud of a better explanation.

Our leader mentioned the problem we had with tabling Bills or getting motions passed here. I believe the first two or three months of the Session he was probably accurate, but I think it was excusable because this Senate here on too many occasions because of the workload or one reason or another, there was a breakdown, and I know members of the Majority party, new members follow their leadership or follow more experienced members of this Body. I did likewise with members of my party.

I do not think it was planned. I really do not believe that. I dislike what is going on here this morning. I was hoping these tabling motions would pass so we could table them and get this straightened out once and for all. We are going to be here another two and a half months, I think it is a little early to get into this kind of an action. Thank you.

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

Mr. SPEERS: Mr. President, I appreciate the comments from the good Senator from York, Senator Farley, when he states he dislikes what is going on here this morning, and I must share that distaste for what is happening here this morning with him.

The people of the State of Maine have been given no explanation, however, as to why these Bills are being prevented from enactment, none whatever, and I feel that the only conclusion that can be drawn from the actions of the Minority Party here this morning, are drawn from the pique that some have felt with regard to the passage of an entirely different Bill, a Bill which has nothing whatever to do with the items on which we are voting at the present time.

I would point out, Mr. President, that that particular item had bipartisan support and bipartisan opposition. There were members of the Minority Party who voted to enact that particular Bill and there were members of the Majority Party who voted against the enactment of that particular Bill. And I think it most unfortunate that the Minority Party of this Body has taken a position that they want to obstruct the passage of these particular items, and that the Minority Party is following solidly in the footsteps of its leader in obstructing the passage of these particular Bills.

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, I think it is most unfortunate that we come to this at this time, but I would rather have it come at this time than I would in the final days of the Legislature when all important matters will be addressed. As I look at the roll call over the tabling Motion, I come to the conclusion that the point raised by the Senate Minority Leader was accurate, and that those that construed it to be legislation which we have acted on this morning, which failed enactment, that it is a reaction to that, that they have missed the entire point that the Senate Minority Leader made earlier this morning. And I wish the individuals would reconsider their position when a request is made for a tabling motion.

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

Mr. JACKSON: Mr. President and Members of the Senate, it has been referred to this morning, L.D. 1168, L.D. 284, L.D. 1717, L.D. 1716, L.D. 1715, L.D. 1714, L.D. 1713 and L.D. 1703 were unimportant matters. I think the good Senator from Kennebec, Senator Katz, clarified L.D. 1168, L.D. 284, the importance of these two measures.

I also feel it is incumbent upon me to explain the importance of L.D. 1717, L.D. 1716, L.D. 1715, L.D. 1714, L.D. 1713 and L.D. 1703. I am sure that every member in this Body is part of a delegation from some one of these counties that are being addressed in these L.D.'s. I think the fact of obstructing these Resolves from being enacted this morning is sort of a childish game.

These budgets are as important to the Counties and the municipalities in the State of Maine as the entire Part I Budget is to the State of Maine. These people need these Resolves, these budgets so they can apportion the taxes on the respective communities throughout the State. And I think in voting against these Resolves this morning, obstructing their passage, is going to result in a hardship on the 495-plus municipalities throughout the State.

I also think that when you members of the Minority Party, who evidently want to obstruct the passage of these this morning, should take a look and see what counties are involved on this budget, and you had better be prepared to answer some questions from the municipal officials throughout the State.

I would hope that we would stop this little game that we have got going this morning and be constructive, show the taxpayers of the State of Maine that we can be objective and do our job without playing games.

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

Mr. MERRILL: Mr. President, I cannot help but observe that what is sometimes good for the goose is not good for the gander. We have about six pages of this Calendar that we have been handed that deals with tabled items. By today's definition, I suppose we could say they are six pages that deal with obstructionist Republican action. I do not think it was obstruction to table all these items. Why is it obstruction for the Minority Party to try to table some items?

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

Mr. MARTIN: Mr. President, I move this lie on the table one legislative day.

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

Mr. SPEERS: Mr. President, I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of tabling this Resolve, L.D. 1717, for one legislative day, pending passage, please rise in their places to be counted.

Will all those Senators opposed to tabling this Resolve for one legislative day, pending passage, please rise in their places to be counted.

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

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

Mr. SPEERS: Mr. President, Members of the Senate, I think the good Senator from Cumberland, Senator Conley, expressed very ably earlier in the debate the cooperation that has existed between the Minority and the Majority Parties in this Body. And I honestly feel that that cooperation has existed, and I feel the cooperation has been exemplary for parliamentary bodies. And I can honestly say that whenever the Minority Leader has indicated to me that he wishes to have a matter tabled, that matter has been acceded to, that wish has been acceded to and indeed whenever the Minority Leader has made a tabling motion himself, that wish has been acceded to; and whenever there has been a difference of opinion between the Minority and the Majority, we have been able to work those differences out, by simply discussing what the problem might be.

And now all of a sudden there has been the comment made that the Minority is unable to discuss particular matters. I just simply do not feel that is true. There has been no reason promoted here this afternoon as to why these particular Bills are unworthy of enactment, as to why these particular Bills should be held up, and I think that the people of the State of Maine deserve an answer as to why these Bills should not be enacted.

Now the good Senator from Penobscot, Senator Pray, mentioned that he does not have an opportunity to discuss this matter. Well, the Bill is before the Senate at the present time. It is before us for enactment and if the good Senator has some problems with the County budget of Somerset County, or some questions that he might have with the expenditures of Somerset County, or the taxes to be raised by Somerset County, I would hope the good Senator from Penobscot might express those reservations that he might have with regard to this particular Bill.

The next Bill has to do with Penobscot, the one after that Sagadahoc, and Waldo and Piscataquis and Franklin and so on down the line. I do not see why these Bills are unworthy of enactment at this time and there has been no reason promulgated or explained to the people of the State of Maine and I think they are deserving of that answer.

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

Mr. CONLEY: Mr. President, I appreciate the Majority Floor Leader reading Page 6, Emergency Enactors dealing with County budgets. He also could turn to Page 4 of today's calendar and under L.D. 1754, we have another County budget dealing with some county down the pike, in southern Maine, and apparently these things cannot be that urgent where we could not at least hold them all up and ship down to the Chief Executive together.

However, that is not the purpose of our not taking any action on this. I just would like — and I think members of my Party would like you all to know that we are here, all 12 of us are here, and we want to be felt that we are here.

Now I agree there has not been any bickering or any partisanship to take notice publicly. When the good Majority Floor Leader says that we are able to table things, that is nice. We are able to speak on the floor of the Senate and I think that is nice. I call your attention, last week on two different occasions, I tried to put an item on the table and was very quickly shot down by the Majority Floor Leader. Also, if any Member of the Majority Party here wants to get up and put a Bill on the table for two days, you do it without a whimper. I suggest have not you seen any Member of my Party get up and put a

Bill on the table for two days without a whimper. Now this is all pettiness.

My biggest gripe has been that in some very important legislation that has come before this Body, it has been debated and debated very thoroughly, but all of a sudden one or two individuals in this Branch can swing the pendulum as to which way a Bill, a particular Bill is going to go.

I am just suggesting all of you start to think about it; think about it. We are here to exercise our free will representing the people we are sent here for. And that is what is bothering me, and again I request and urge the Members of this Senate, particularly the Members of my Party, to vote against enactment at this particular time on these measures.

The PRESIDENT: Is the Senate ready for the question? With reference to L.D. 1717.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I really do not like to prolong this, but I think that there are some things that have to be rebutted and I would point out that when the good Senator points to Page 4 on the calendar, I also would like to point to Page 4, L.D. 1001, when the motion was made by the Minority Leader of this Body, the good Senator from Cumberland, Senator Conley, that L.D. 1001 lie on the table for one legislative day. And I could pull out other calendars and point to other areas and other Bills which have come along where other Members of the Minority and also other Members of the Majority have made tabling motions and these motions have been carried in this Body.

Obviously, there may be some reasons on some Bills when there may be some reason to move them along, or there may be some reason to hold them up. I can assure the good Senator from Cumberland, Senator Conley, that we recognize that he is here. He has made his presence felt very grandly, very eloquently on any number of issues, and we are very happy to have him here and I am sure we will continue to be happy to have him here in the future.

But that is not what we are debating here this afternoon. The question is the enactment of these emergency measures, resolving and laying the expenditures and county taxes, and the people of the State of Maine have not yet been given a reason why these Bills should not be enacted here today.

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

Mr. CARPENTER: Mr. President, I move this item be tabled one legislative day.

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

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

The PRESIDENT: A Division has been requested on the tabling motion.

Will all those Senators in favor of tabling L.D. 1717 for one legislative day, please rise in their places to be counted.

Will all those Senators opposed to tabling L.D. 1717 for one legislative day please rise in their places to be counted.

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

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

Mr. KATZ: Mr. President, I have a feeling that the two Parties are putting themselves in a very, very deep box unnecessarily. I think that the message that the Minority has put out has fallen upon our ears, and I suspect that this is a matter to be dispensed of off the floor. I am not persuaded that there has been adequate conversation between the two leaders where the frustrations of the Minority can be properly explored.

I served in the 102nd Legislature under the Democrats, it was not a traumatic experience. I enjoyed the experience very much, although I must say I prefer to be a member of the majority party. I would say that the purposes for which this confrontation have been called have been accomplished, and I feel it is about time for us to get along with our business.

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

Mr. CONLEY: Mr. President, I appreciate the kind words from the good Senator from Kennebec, but I think the message is and the point is, we would like to be able to make that decision. Too many times the decision has been made for us. I think today we would like to make that decision and, therefore, one again, I would ask that the Members of my Party vote against enactment on these several measures.

The PRESIDENT: Is it now the pleasure of the Senate that this Resolve be finally passed? This being an emergency measure, the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected membership of the Senate.

Will all those Senators in favor of the passage of this Resolve, please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: 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.

This being an emergency measure, the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected Membership of the Senate.

The Secretary will call the Roll.

YEAS — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Hichens, Huber, Jackson, Katz, Lovell, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman.

NAYS — Carpenter, Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher.

ABSENT — Hewes.

19 Senators having voted in the affirmative and 12 Senators in the negative, with one Senator being absent, this Resolve fails in final passage.

Sent down for concurrence.

EMERGENCY

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1977. (H. P. 1498) (L. D. 1716)

The PRESIDENT: Is it now the pleasure of the Senate that this Resolve be finally passed?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: I move this item be tabled for one legislative day.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L.D. 1716 be tabled for one legislative day, pending passage.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

The PRESIDENT: A Roll Call has been re-

quested on the Tabling Motion. 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 pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that L.D. 1716 be tabled for one legislative day pending passage.

A Yes vote will be in favor of tabling. A Nay vote will be opposed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I move the Senate stand in recess until the sound of the bell.

(Recess)

After Recess

The Senate called to order by the President.
On Motion of Mr. Speers of Kennebec,
Adjourned to 9:30 tomorrow morning.