

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, May 12, 1977

Senate called to Order by the President.
Prayer by Father Christopher Piselli, St. Joseph's Catholic Church in Gardiner.

Father PISELLI: We pray, Thee oh God of might, wisdom and justice, through whom authority is rightfully administered and laws are enacted and judgment decreed. Assist with Your Holy Spirit of counsel and fortitude this Senate that their endeavors may be conducted in righteousness and be eminently useful to Your people whom they represent.

Let the Light of Your Divine wisdom direct their deliberations, and shine forth in all their proceedings so that they may tend to the preservation of peace and the promotion of our happiness, and may perpetuate to us the blessings of equal liberty, while upholding our moral principles and decency which our great country was founded upon, thus affording the citizens of Maine a sense of pride in living in this beautiful State which You have given to us for our enrichment and fulfillment. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Limit the Duration of Sentence to County Jails." (H. P. 1078) (L. D. 1302)

In the Senate May 5, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-232), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-310) thereto, in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act to Provide Certified Interpreter Service for the Hearing Impaired." (S. P. 311) (L. D. 1031)

In the Senate May 5, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (S-113).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-294), in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax." (H. P. 339) (L. D. 430)

In the House May 5, 1977, the Majority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-209) and House Amendment "A" (H-230).

In the Senate May 10, 1977, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On Motion of Mr. Martin of Aroostook, the Senate voted to insist and ask for a Committee of Conference.

Non-concurrent Matter

Resolution, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections. (H. P. 1449) (L. D. 1675)

In the House May 9, 1977, Finally Passed.
In the Senate May 10, 1977, Failed of Final Passage.

Comes from the House, that Body having Insisted.

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

Mr. KATZ: Mr. President, a parliamentary inquiry. This is a Constitutional Amendment and the Motion to recede and concur with the House would be presumably tantamount to an enactment. Would that require a two-thirds vote?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. KATZ: Mr. President, I will make that Motion, and ask the Senate to vote against my own Motion.

This is the Amendment that we discussed at some length, and when you deal with the Constitution you constantly find out new things. In reading the Constitution again this morning, I find out that the result of the passage of this proposed Constitutional Amendment will probably lead to considerable extra expense.

The Constitution requires that certain petitions and referenda be acted upon not less than four nor more than six months after proclamation, in which case it is highly probable that we will find ourselves with the requirement to call a special election, perhaps in the month of May or April, or perhaps even June, in a year when we have a primary election, because we will be prohibited from having it at the primary election.

I think that the weakness of my debate the other day in not getting a clear majority, just enough to block enactment, was I did not make it completely clear that the effect of passing this Constitutional Amendment would probably force more special elections, I think unquestionably would force more special elections at which the turn-out would be even smaller than ever. And I do not think that is what the proponents wanted.

I request a Division.

The PRESIDENT: A Division has been requested.

The pending Motion before the Senate is the Motion by the Senator from Kennebec, Senator Katz, 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.

One Senator having voted in the affirmative and 22 Senators in the negative, the Motion to recede and concur does not prevail.

On Motion of Mr. Conley of Cumberland, the Senate voted to adhere.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Colette Sirois, daughter of Mr. and Mrs. Louis F. Sirois of Waterville, has been selected as a National Presidential Scholar for 1977. (H. P. 1548)

John Kittredge of the University of Maine, Portland-Gorham, who has assiduously and faithfully served as a Legislative intern for the 108th Legislature, is finishing his service to the Legislature. (H. P. 1550)

Greg Johnsen of Gorham, a student at the University of Maine at Portland-Gorham, has been elected by the student body to serve as Chairman of the Student Senate for 1977-78. (H. P. 1551)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

WHEREAS, recent statistics show a disturbing increase in the annual number of assaults committed against police officers; and

WHEREAS, these statistics are largely compiled from reports from municipalities throughout the State; and

WHEREAS, there seems to be some doubt as to whether all the claimed incidents of assault are truly assaults or whether they should rather have been reported as incidents of disorderly conduct or creating a disturbance; and

WHEREAS, it is important to the Legislature, which helps to set the law enforcement policy of this State, to know whether or not there is really an increasing threat to the bodily safety of police officers working in Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal Affairs shall study the reporting of assaults on police officers to see if the reporting is valid or should be modified to better reflect actual events, and to determine whether or not there is an increasing threat to the safety of the police officers of this State; 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.

Cosponsor:
DONALD H. BURNS
Anson
(H. P. 1552)

Comes from the House, Read.

On Motion of Mr. Speers of Kennebec,
Tabled
Pending passage.

House Paper

Bill received from the House requiring reference to Committee was acted upon in concurrence.

**Communication
House of Representatives**

May 11, 1977

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

The House today voted to Insist and Join in a Second Committee of Conference on Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701)

Respectfully,
EDWIN H. PERT
Clerk of the House
Which was Read and Ordered Placed on File.

Senate Papers

Mr. Huber of Cumberland presented, Bill, "An Act to Revise the Judicial Retirement System." (S. P. 497)

Which was referred to the Committee on Veterans and Retirement 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 Concerning the State Payment for Care of Abandoned Dogs." (H. P. 558) (L. D. 675)

Bill, "An Act to Prohibit Preference Given

to State Employees in Civil Service Positions." (H. P. 1154) (L. D. 1379)

Bill, "An Act to Increase the Penalty for Furnishing Marijuana." (H. P. 1204) (L. D. 1432)

Leave To Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Amend the State Supplemental Income for Blind, Disabled and Elderly People to Insure the Automatic Pass-along of Federal Supplemental Security Income Cost-of-Living Increases." (H. P. 292) (L. D. 349)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act to require Nomination Petitions for State and County Officials to be Approved by the Boards of Registration" (H. P. 863) (L. D. 1057)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Revise the Debtor-Creditor Laws to Facilitate the Legal Collection of Debts." (H. P. 757) (L. D. 975)

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 Limiting the Payment of Child Support in Certain Instances." (H. P. 1365) (L. D. 1598)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Military Service Credits under the Maine State Retirement System." (H. P. 1182) (L. D. 1409)

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 Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds from Current Services of the Maine Human Services Council for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (Emergency) (H. P. 564) (L. D. 689)

Reported that the same Ought to Pass.

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

The Committee on Fisheries and Wildlife on, Bill, "An Act Concerning Damage to Cars Involved in Collision with Deer." (H. P. 692) (L. D. 874)

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 Relating to a Single State Contact Agency for Matters Dealing with the Federal Fire Prevention and Control Act of 1974." (H. P. 949) (L. D. 1143)

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.

Ought to Pass — As Amended

The Committee on Election Laws on, Bill, "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly." (H. P. 68) (L. D. 98)

Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-283).

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

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

The Committee on Public Utilities on, Bill, "An Act to Amend and Repeal Certain Laws Relating to Public Utilities." (H. P. 1091) (L. D. 1315)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-290).

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

The Committee on Public Utilities on, Bill, "An Act to Increase and Clarify Borrowing Capacity of the Topsham Sewer District." (Emergency) (H. P. 837) (L. D. 1025)

Reported that the same Ought to Pass as amended by Committee Amendment "A". (H-291).

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" and "B" were Read and Adopted in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

The Committee on Public Utilities on, Bill, "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service." (H. P. 650) (L. D. 794)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-254).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-287) thereto.

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read, House Amendment "B" to Committee Amendment "A" was Read.

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

Mrs. CUMMINGS: Mr. President, I move the indefinite postponement of House Amendment "B".

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves the Senate indefinitely postpone House Amendment "B".

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to ask for an explanation of the purpose of the Motion of the Senator from Penobscot.

The PRESIDENT: The Senator from Cumberland, Senator Merrill has posed a question through the Chair of the Senator from Penobscot, Senator Cummings, who may answer if she so desires.

Mrs. CUMMINGS: Mr. President, the Amendment that I am going to offer, (S-134), is perfectly acceptable to the sponsor of this Bill, as well as to the Member of the House who offered the Amendment which I would like to indefinitely postpone.

It puts back the fact that there should be a period of time between requests by communities to ask that the P.U.C. allow them to order the telephone company to have those toll charges removed. The way the Bill stands at

the moment, there is a three-year period between times that a community would ask to have no telephone charge. If the first Amendment, which I would like to have removed, is accepted, then they could come back once a year, they could come back as often as they wanted to and ask for this consideration.

My Amendment, which I will offer if this one is indefinitely postponed, would say that there had to be a three-year waiting period so that it would relieve the Public Utilities Commission from some of the work that would be required if they were asked every year to do this. It also says that they shall have a minimum of five calls per month of the people who are asking for this consideration in order to make it a less frivolous request.

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

Mr. MERRILL: Mr. President and Members of the Senate, I oppose the Motion to indefinitely postpone House Amendment "B" to Committee Amendment "A", and would hope that we would vote against that Motion, and I am opposed to Senate Amendment "A" to Committee Amendment "A".

It seems to me that if what we are talking about here is giving the P.U.C. some responsibilities to look into the matters of trying to make it easier for people to call from one town to another, that we ought to leave a great deal of the decision making to the Public Utilities Commission. I remember two years ago when we were discussing some Bills that at that time were being put forward by consumer groups, that this Senate sort of held up its hand and said no to some of the specific proposals because of its belief that we ought to leave some of the flexibility to the Public Utilities Commission.

And as I understand it, the Public Utilities Commission has the flexibility to make a three-year renewal period requirement if they want to. And what this Bill would do is it would put it into the law, and I do not think it is necessary. If the Public Utilities Commission is going to be given this new responsibility, which is what the main part of this Bill is about, it seems to me we ought to leave it to the Public Utilities Commission to make the rules about how you go about applying and how often you can apply after you have been turned down, and to make the necessary rules and regulations about who can apply and to what extent contiguousness is going to be a requirement.

So I see the thrust of the Senator's proposal, first to defeat this Amendment and then to offer Senate Amendment "A", is really a thrust to limit the powers of the Public Utilities Commission. I think we ought to leave them broader discretion.

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

Mrs. CUMMINGS: Mr. President, I think that the previous speaker certainly has a good point, and it is of no real importance to me one way or the other. It is just that I think that the Public Utilities Commission probably does need some guidance from the Legislature as to their responsibility for answering every little request for this consideration.

If, of course, this goes through without any time limit between the time they are allowed to petition, then if they are inundated, I suppose another time around they could then ask us to put in this limitation.

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

Mr. MINKOWSKY: Mr. President, I agree wholeheartedly with the remarks made by Senator Cummings in reference to this, because this is a problem that presently exists in my own Senatorial District, and I must say last night I must have received about 50 telephone calls, without exaggerating, in reference to this particular matter.

But I think her remarks are very appropriate, that we have to spell out clearly, not just on general rules and regulations which the Public Utilities Commission is very capable of handling, but be very, very specific insofar as protecting interests of the people in these various areas that are faced with this particular problem.

I would concur with her remarks and move the indefinite postponement of that particular Amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Cummings, that the Senate indefinitely postpone House Amendment "B" to Committee Amendment "A".

The Chair will order a Division.

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

Will all those Senators opposed to the Motion to indefinitely postpone House Amendment "B", please rise in their places to be counted.

24 Senators having voted in the affirmative, and 4 Senators in the negative, the Motion to indefinitely postpone House Amendment "B" does prevail.

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

Mrs. CUMMINGS: Mr. President, I now offer Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-134) to Committee Amendment "A" read and adopted. Committee Amendment "A", as amended by Senate Amendment "A" thereto, was Adopted in non-concurrence and the Bill, as amended, Tomorrow assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act Concerning the Disposition of Human Remains." (H. P. 352) (L. D. 445)

Reported that the same Ought to Pass in New Draft under same title: (H. P. 1543) (L. D. 1771)

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

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

Divided Report

The Majority of the Committee on, Education on, Bill, "An Act to Authorize the Towns of Litchfield, Sabattus and Wales to form a new School Supervisory Union." (Emergency) (H. P. 611) (L. D. 748)

Reported that the same Ought to Pass.

Signed:

Senator:

PIERCE of Kennebec

Representatives:

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

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

Signed:

Sensors:

- KATZ of Kennebec
- USHER of Cumberland

Representatives:

- LEWIS of Auburn

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

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

Mr. SPEERS: Mr. President, I would move acceptance of the Majority Ought to Pass Report.

The Senators have on their desks this morning a sheet showing the very confused situation that exists at the present time with regard to the schools in the towns in these particular districts. This is the only situation in the State of Maine whereby a portion of the schools in various numbers of towns are in one school district and another portion of the schools are in another school district, the secondary and elementary portions being divided between a number of districts.

The purpose of this Bill is to correct that situation, to put the secondary and elementary schools in each of these towns at least in the same district.

I think the situation at the present time is very confused: There are some towns that have two superintendents, two separate districts with which they have to contend. The Bill is designed to correct that situation, and to put the elementary and secondary schools in each of these towns in at least the same district.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I fully concur with the remarks made by my very good friend, Senator Speers. I happen to represent this area, and I am blessed by having four superintendents in that particular Senatorial District, two of which are in this particular controversy at the present time.

There has been much discussion among the people that there is a complete lack of communication with one superintendent versus another superintendent, and the interests of one area of my Senatorial District, which is where the superintendent who resides in the Richmond area, is entirely different compared with the superintendent who lives in the Lisbon Falls area.

The people in the area have expressed concern of the superintendent's non-interest in their particular problems insofar as the Town of Sabattus is concerned, his lack of attention to their particular problems, and I think basically had there been better communications over the year, that this particular problem would not have come to this particular point.

I was very pleased at the public hearing that the room was pretty well filled with people from the towns of Litchfield, Sabattus and Wales, who were proponents; and I was also very happy to know that the Department of Education was in full concurrence that this particular problem and, hopefully law, should be enacted.

Majority Ought to Pass Report accepted in non-concurrence.

Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on,

Bill, "An Act Concerning Warrantless Arrests by a Law Officer." (H. P. 630) (L. D. 771)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

- CURTIS of Penobscot
- MANGAN of Androscoggin

Representatives:

- SPENCER of Standish
- BENNETT of Caribou
- BYERS of Newcastle

- HUGHES of Auburn
- HOBBS of Saco
- TARBELL of Bangor
- HENDERSON of Bangor
- DEVOE of Orono
- GAUTHIER of Sanford

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-271).

Signed:

Senator:

COLLINS of Knox

Representatives:

NORRIS of Brewer

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

Which Reports were Read.

On Motion of Mr. Collins of Knox, recommitted to the Committee on Judiciary, in concurrence.

Divided Report

The Majority of the Committee on Judiciary on,

Bill, "An Act to Repeal the Marijuana Decriminalization Statute." (H. P. 1272) (L. D. 1500)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

- COLLINS of Knox
- CURTIS of Penobscot

Representatives:

- NORRIS of Brewer
- SPENCER of Standish
- HENDERSON of Bangor
- HUGHES of Auburn
- GAUTHIER of Sanford
- TARBELL of Bangor
- BYERS of Newcastle
- HOBBS of Saco

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

Signed:

Senator:

MANGAN of Androscoggin

Representatives:

- DEVOE of Orono
- BENNETT of Caribou

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

Which Reports were Read.

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

Mr. CARPENTER: Mr. President, since I think this is an issue that should be debated and the good Senator from Androscoggin who signed the Ought to Pass Report is not here, I would appreciate it very much if someone would table this for one legislative day.

On Motion of Mr. Speers of Kennebec,

Tabled for one legislative day

Pending acceptance of either Committee Report.

Divided Report

The Majority of the Committee on Judiciary on,

Bill, "An Act Relating to Prenatal Scientific Determination of Sex." (H. P. 1075) (L. D. 1297)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

- COLLINS of Knox
- CURTIS of Penobscot

Representatives:

- HUGHES of Auburn
- BYERS of Newcastle
- DEVOE of Orono
- NORRIS of Brewer
- HENDERSON of Bangor
- BENNETT of Caribou
- HOBBS of Saco

TARBELL of Bangor
SPENCER of Standish

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

Signed:
Senator:

MANGAN of Androscoggin

Representative:

GAUTHIER of Sanford

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

Which Reports were Read.

On Motion of Mr. Speers of Kennebec,

Tabled for one legislative day

Pending acceptance of either Committee Report.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Relating to Adjustment of Retirement Allowance for Retirees of the State Police." (H. P. 152) (L. D. 182)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
O'LEARY of Oxford
LOVELL of York

Representatives:

THERIAULT of Rumford
LOUGEE of Island Falls
HICKEY of Augusta
CLARK of Freeport
AUSTIN of Bingham
BUNKER of Gouldsboro
NELSON of Roque Bluffs

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-304).

Signed:

Representatives:

LAFFIN of Westbrook
MacEACHERN of Lincoln

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

Which Reports were Read.

Majority Ought Not to Pass Report accepted in concurrence.

Senate

Leave to Withdraw

Mr. Jackson for the Committee on Taxation on, Bill, "An Act to Equalize the Property Tax on Watercraft." (S. P. 421) (L. D. 1462)

Reported that the same be granted Leave to Withdraw.

Mr. Wyman for the Committee on Taxation on, Bill, "An Act Concerning Excise Tax on Boats and Motors." (S. P. 463) (L. D. 1637)

Reported that the same be granted Leave to Withdraw.

Mr. Wyman for the Committee on Taxation on, Bill, "An Act Relating to Sales of Vending Machines Required by the Returnable Container Law." (S. P. 291) (L. D. 917)

Reported that the same be granted Leave to Withdraw.

Mr. Pierce for the Committee on Business Legislation on, Bill, "An Act Prohibiting Financial Institutions from Making Mortgage Loans Subject to Payment on Demand." (S. P. 401) (L. D. 1384)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mrs. Cummings for the Committee on Legal Affairs on, Bill, "An Act to Amend the Charter of the Ocean Park Association." (S. P. 443) (L. D. 1533)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the

Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. Pierce for the Committee on Business Legislation on, Bill, "An Act Concerning Ritual Burial by Certain Religious Groups." (S. P. 325) (L. D. 1085)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-132).

Mr. Usher for the Committee on Education on, Bill, "An Act Establishing the Maine Student Incentive Scholarship Program." (S. P. 423) (L. D. 1481)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-133).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported as truly and strictly engrossed the following:

House

Bill, An Act to Establish an Annual Procedure for Updating Open Water and Ice Fishing Regulations. (H. P. 189) (L. D. 251)

Bill, An Act Relating to Processing Certificates of Authority, Annual Statement Fees and Continuation of Broker and Adjusters' Licenses under the Insurance Law. (H. P. 313) (L. D. 404)

Bill, An Act Relating to Acquisition of Interest in Financial Institutions. (H. P. 401) (L. D. 511)

Bill, An Act to Appropriate Money for Revolutionary War Veterans Grave Markers. (H. P. 794) (L. D. 906)

Bill, An Act to Provide that Hancock County Commissioners Shall be Elected by Districts. (H. P. 829) (L. D. 1002)

Bill, An Act to Correct the Used Car Information Law. (H. P. 903) (L. D. 1103)

Bill, An Act to Authorize Certain School Debt Service Payments to be Offset by Increased Payments to the Treasurer of State. (Emergency) (H. P. 975) (L. D. 1172)

Bill, An Act to Require that Androscoggin County Commissioners Live within the District from which they are Elected. (H. P. 1145) (L. D. 1374)

Bill, An Act to Provide for the Purchase of Certain Town Histories. (H. P. 1534) (L. D. 1759)

Bill, An Act Relating to the Possession of Firearms by Persons Convicted of Certain Crimes. (H. P. 1536) (L. D. 1761)

Bill, An Act to Modify the Grounds for Divorce and the Proceedings to Obtain a Divorce. (H. P. 1537) (L. D. 1762)

Bill, An Act to Enable the Transfer of All Assets and Liabilities, Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District. (H. P. 1538) (L. D. 1763)

Bill, An Act to Repeal Certain Laws Relating to Defense and Veterans Services. (H. P. 1542) (L. D. 1764)

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

House — As Amended

Bill, An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools. (H. P. 1025) (L. D. 1273)

Which was Read a Second Time.

On Motion of Mr. Katz of Kennebec, Tabled Until later in Today's Session, Pending Passage to be Engrossed.

Bill, An Act to Dissolve Vocational Region 9 and to Establish a Vocational Center to Serve

Northern Oxford County. (Emergency) (H. P. 1113) (L. D. 1372)

Bill, An Act Concerning Gubernatorial Appointment to the Board of Commissioners of the Profession of Pharmacy. (H. P. 503) (L. D. 622)

Bill, An Act to Create a Division of Public Health Nursing within the Bureau of Health, Department of Human Services. (H. P. 699) (L. D. 882)

Bill, An Act to Repeal Certain Laws Relating to Occupations and Professions. (H. P. 962) (L. D. 1159)

Bill, An Act Amending the Ambulance Service Law. (H. P. 1523) (L. D. 1748)

Which were Read a Second Time and Passed To Be Engrossed, as amended, in concurrence.

Senate

Bill, An Act Concerning Minimum Wage Law. (S. P. 250) (L. D. 777)

Which was Read a Second Time.

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

Senate — As Amended

Bill, An Act Concerning the Small Claims Laws. (S. P. 301) (L. D. 927)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins, with reference to L. D. 927.

Mr. COLLINS: Mr. President, I move this item and all accompanying papers be indefinitely postponed, and I would speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President, among other things that this Bill does, is reduce the amount of dollars in the Small Claims Court from \$800.00 to \$600.00.

It seems to me that this is a device used very effectively by many small businesses, and it seems to me we ought not to be decreasing this amount in a period of time of inflation.

I would hope that we could indefinitely postpone this Bill.

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

Mr. CURTIS: Mr. President, I request a Division on the pending Motion, and would oppose the pending Motion, because I think it is important that we keep the Small Claims Court to be what it was intended to be, a method for people to obtain a decision very quickly on a relatively simple matter in a Court of the State of Maine, and not burden that Court to too great an extent to become a collection agency for businesses.

I would like to, in support of my comment, read a paragraph from a letter that was sent to the Judiciary Committee from Judge Courtland D. Perry, District Court Judge, and in the last paragraph of this letter he says:

"I heartily favor reduction of the \$800 jurisdictional amount in small claims cases to \$500 and would go further to suggest a reduction to \$300. The present \$800 jurisdictional limit brings within the small claims forum many cases which are too complex and too time consuming to be dealt with as small claims. A reduction of the small claims jurisdictional amount would require that prospective litigants proceed by ordinary civil action, thus bringing to bear all of the rules of evidence and the more orderly procedure applicable to a civil action and the court would be able to schedule such cases for trial more efficiently than can be done when such cases arise as small claims, when the action claims damages in excess of \$500 or preferably \$300."

As I said, that is signed by a District Court Judge who has some direct personal experience with the way this Court operates.

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

Mr. COLLINS: Mr. President, this Bill is the

result of experience. When we upped the jurisdictional limit in the last Session of the Legislature from \$2-300.00 to \$800.00, we made a rather substantial increase in the number of cases that can come into this Court.

Experience has shown that many more cases have come, and the District Court Judges discussed this at one of their meetings, and the Bill that was presented to the Judiciary Committee reflected the unanimous views of the District Court Judges, that it was a mistake to use that particular Department of the Court as excessively as it is now being used. This does not prevent businessmen from collecting their bills in the District Court. They simply have to use a somewhat different procedure.

There is one other feature of this Bill that I should mention, and that is that the District Court on occasion has been employed in the Small Claims side for negligence cases. Our Judges have found that there are very few negligence cases that can be properly handled in the Small Claims Court, because the average lay-person coming into that Court does not understand the law of comparative negligence, which is what we must now follow in the State of Maine.

This Bill is really an attempt to render better service to the little fellow, and that, I think, is the purpose that we should keep in mind. We compromised \$500.00, moving it up that much, to recognize inflation factors, and the fact that there are a good many oil bills these days that are much larger than they were in recent years.

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

Mr. LOVELL: Mr. President, I would like to concur with the Senator from Aroostook, Senator Collins.

It looks to me, this looks like a lawyer's Bill, and all of the Judiciary are naturally lawyers, so if it goes down, we got to go to regular Court and hire a lawyer, and the lawyer is going to get a third of whatever it was. They cannot go to Small Claims Court.

I say let us leave it the way it is, and I hope we defeat this Bill.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I have received much correspondence on this particular Bill, and I am in full concurrence with the Senator from Knox, Senator Collins, insofar as inflation, but I think I can prove a point that his remarks are not really in conjunction with the thinking of the businessmen in the area.

I would like to read into the record two simple letters I received from two businessmen who are both oil dealers, and the first one says:

Referring to proposed legislation in L. D. 927 to lower the limit of small claims action from \$800.00 to \$500.00, I strongly urge that you consider who is going to benefit by the change.

It certainly will not help the little fellow that owes the money and it becomes a real burden to the business man who is struggling to remain solvent.

The same case will eventually get to the District Courts anyway only this time it will cost the business man 30% to 50% of the amount for lawyers fees.

As I see it the only one to benefit is the lawyer.

The second letter says:

This would increase our cost as it would be necessary for us to hire our attorneys with amounts over \$500.00 for a fee of 33%-50% of the amount collected.

The reasoning behind this bill is to reduce the workload of the District Courts. This is ridiculous as those cases between \$500.00 and \$800.00 would be presented to the court by our attorney instead of by ourselves.

With the rising cost of fuel oil it is necessary

to do whatever is possible to keep dealer costs down. Therefore, I urge you to vote against L. D. 927.

I think, Mr. President and Members of the Senate, these two letters express pretty well the problems that the businessmen, especially the small oil dealers, are having, not only in my area, but throughout the State of Maine, because of inflation.

I would certainly concur with the Motion of the Senator from Aroostook, Senator Collins, that this Bill be indefinitely postponed.

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

Mr. MORRELL: Mr. President and Members of the Senate, I rise in support of the Motion of the Senator from Aroostook, Senator Collins, that this Bill be indefinitely postponed.

I hope I am not overly suspicious relative to the comments on the part of several lawyers here. I also would take a little issue with the good Senator from Knox, Senator Collins, relative to oil dealers, speaking as one of that profession I cannot recall our Company ever having used that with any great frequency, particularly in the last year or so, perhaps two or three times at the most, so I do not think it is limited to that particular type of business, or generated because of the ungodly size of oil bills these days.

It does seem to me that the limit of \$800.00 is reasonable, and not excessive, and permits small businessmen as well as individuals to avail themselves of recourse in a rather inexpensive manner.

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

Mr. MERRILL: Mr. President and Members of the Senate, I find this debate on this Bill a little bit amusing and a little bit troubling.

I just want to say that I do not think that this is a lawyers versus oil man issue, and recognizing the unpopularity of lawyers, I am not sure even with that having been said that it would be to the advantage of the people who want to kill this Bill to make it such, because the popularity of oil men is not all that great either. As a matter of fact, it is one of the few groups I would be willing to stand up against as far as my profession is concerned.

But, you know, if you think this is a good way to get at lawyers, I can say that many, many, businesses are represented in the Small Claims Court by lawyers now. I do not want anybody to be disappointed, I do not want you to vote for this Bill and think you have done something to us, because most of the businesses are represented by lawyers in Small Claims Court. Of course, the other side is not, usually.

But I think this is a Bill, though recognizing we have a limited amount of time to be spent in the Small Claims Court, to try to see to it that the first priority of the Small Claims Court are those people who are there for the reasons that we created the Small Claims Courts, which was to give people who cannot afford attorneys a chance to come before the Court of Law and to represent themselves, and to try and get simple justice. That should be our first priority. Now if we want to spend a lot of money and expand the Small Claims Court so it can handle these other problems, the problems of oil dealers, then maybe we ought to do that. But I think unless we are prepared to do that, we have got to let the first priority of the Small Claims Court be the person with the small claim. That is why we created it, that is the whole modus operandi behind it, and I think that if we are going to expand its definition, then we ought to expand the amount of money that we put into it.

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

Mr. SPEERS: Mr. President and Members of the Senate, I think that the Senate has been given a very clear indication that there are

some problems that the District Courts of this State are experiencing with the administration of the Small Claims Law the way that it is written at the present time. The District Courts are the first line courts of the State of Maine. These are the Courts which are the busiest and these are the Courts which handle the greatest amount of cases, both civil and criminal, that come before our Judicial system.

I think that when we have been given an indication that there are problems with regard to the administration of these particular Courts, that we ought to take heed of those problems, and do what we can to alleviate those problems, and to facilitate the administration of justice in this state.

I would oppose the Motion to indefinitely postpone, and 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 the 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 Aroostook, Senator Collins, that L. D. 927, Bill "An Act Concerning the Small Claims Laws", be indefinitely postponed.

A Yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Cummings, Farley, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Martin, McNally, Minkowsky, Morrell, Pierce, Pray, Redmond, Snowe, Trotzky, Usher, Wyman.

NAY — Collins, S.; Conley, Curtis, Hewes, Merrill, Speers.

ABSENT — Danton, Mangan, O'Leary.

23 Senators having voted in the affirmative, and 6 Senators in the negative, with 3 Senators being absent, the Motion to indefinitely postpone does prevail.

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

Mr. MINKOWSKY: Mr. President, having voted on the prevailing side, I now move reconsideration and urge you to vote against my Motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves the Senate reconsider its action whereby it indefinitely postponed L. D. 927.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, this is a debatable Motion, is that correct?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. CURTIS: Mr. President, then I think it would be worthwhile to point out that in the midst of tabling so many things today that have been involved with the Senator from Androscoggin who is not present, that the sponsor of this particular Bill is Senator Mangan, of Androscoggin, who is not able to be with us today.

I would also like to point out that there are some other matters in this Bill in addition to the size of the claim which may be made in the Small Claims Court, other matters which are extremely important to the proper functioning of the Small Claims Court, and I would think that it would be sensible, given the overwhelming debate against my point of view earlier, if somebody might think in terms of tabling this for a day, and possibly amending it so that if we cannot prevail with the argument that I had made earlier regarding the size of the judgment, that at least we could save those good

parts of the Bill and prevent people from going into Small Claims Court, for example, to dispute the action of where a boundary line is, and some other matters which would be prohibited under this Bill, and which really should be prohibited.

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

Mr. MERRILL: Mr. President, I move this item lie on the Table for One Legislative Day, pending the Motion to reconsider.

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

Mr. MORRELL: Mr. President, I would ask for a Division.

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

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

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

15 Senators having voted in the affirmative, and 13 Senators in the negative, the Motion to Table does prevail.

(Off Record Remarks)

Resolve, Authorizing the Exchange of Certain Public Reserved Lands with Brown Company (S. P. 375) (L. D. 1390)

Which was read a Second Time.

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

Mr. REDMOND: I would like to speak in favor of this Resolve LD 1390 and the other Resolves which would allow land exchanges with Oxford Paper Company and certain other companies.

I know the lands involved in some of these trades. They include good recreational lands and good timberland. The State is getting a good deal on these trades. I support them and ask you to do the same.

I would like to take a moment, however, to note that this is a historic turning point. We are creating, in these trades and the others to come, a system of State forests. It is and will be the greatest public trust which we pass on to future generations.

Maine is over 90% forested and the forest products industry is our largest. At long last the State is going to be able to own and manage its own forests. These lands will be managed under the principles of multiple use. The lands will be kept in timber production but emphasis will also be given to game management, recreation and other multiple uses.

The Bureau of Public Lands is the forest management agency of the State. It is new — and the system of lands it will administer are also new. I believe this is an exciting time in Maine. We shall be a witness in the next few years as the State begins, for the first time, to manage significant areas of forest land exclusively for public benefit.

I would also like to express appreciation for the job done so far by the Bureau of Public Lands and to signal to this agency our encouragement and support for this great endeavor.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act Granting the Industrial Accident Commission the Power to Correct Clerical Errors in Certain of its Documents. (SP 347) (LD 1175)

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

An Act Concerning the Seeking of Competitive Bids by the Treasurer of State. (H. P. 299) (L. D. 355)

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 for Increased Staff and Changing Certain Provisions Relating to the Appointment of the Executive Director of the Maine Labor Relations Board. (S. P. 227) (L. D. 705)

An Act Relating to Guardianship of In-capacitated Adults in Need of Protective Services. (H. P. 327) (L. D. 418)

On Motion of Mr. Huber of Cumberland, Place on Special Appropriations Table Pending Enactment.

An Act to Raise the Christmas Tree Transportation Registration Fee. (H. P. 179) (L. D. 241)

On Motion of Mr. Huber of Cumberland, Tabled for Two Legislative Days Pending Enactment.

Emergency

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1977. (H. P. 1524) (L. D. 1751)

Emergency

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1977. (H. P. 1516) (L. D. 1744)

Emergency

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1977. (H. P. 1526) (L. D. 1753)

These being emergency measures and having received the affirmative votes of 26 members of the Senate, were Finally Passed and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate:

Joint Order — Relative to Recalling from Governor's Office (H. P. 1482) (L. D. 1698) 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. (S. P. 489)

Tabled — May 10, 1977 by Senator Speers of Kennebec

Pending — Passage

Joint Order Passed.

Sent down for Concurrence.

The President laid before the Senate: Bill, "An Act Relating to Solid Waste Disposal." (Emergency) (S. P. 248) (L. D. 756)

Tabled — May 10, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Trotzky of Penobscot to Indefinitely Postpone.

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

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

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves this item be tabled for one Legislative Day.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

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

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

Will all those Senators in favor of the Motion to Table this Item for One Legislative Day, please rise in their places to be counted.

Will all those Senators opposed to the Motion to Table this item for One Legislative Day, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 9 Senators in the negative, the Motion to table does prevail.

The President laid before the Senate: Bill, "An Act Relating to Political Fundraising by State Employees." (H. P. 453) (L. D. 558)

Tabled — May 11, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator Collins of Knox to Adhere

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

Mr. CONLEY: Mr. President, I move the Senate recede and concur, and request when the vote is taken it be 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 he 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 Knox, Senator Collins.

Mr. COLLINS: Mr. President, this matter has been thoroughly debated in this Chamber, and I am sure we all recall the reasons expressed on both sides of the issue.

I think it is a very important issue for the future of the State of Maine. I think it is very important that we keep partisan political activity out of our classified service, and particularly in this area of political fundraising.

I urge the Senate to vote against the Motion to recede and concur.

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

Mr. KATZ: Mr. President, a parliamentary inquiry. This Bill failed of enactment in the Senate. The other Body insisted. Would you explain the implications of a Motion to recede and concur?

The PRESIDENT: The Chair would answer that the implications are that if the Motion prevails, in effect the Bill would be enacted.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate, this I believe is the fourth vote we will be taking on this issue. The first two votes I voted in favor, the third vote I voted against passage of this Bill. I think this is obviously a piece of labor legislation. I am trying very hard to be as objective as I can in these matters.

In the first glance I think the possibility here of restoring rights to State employees seems to be quite appealing, but, on reflection, I think we do have a unique situation here. This is State government that we are talking about and the employer-employee relationship in State government is obviously not the same as it is in the private sector. In State government the employee is participating directly in electing policy making management body of the State, and they can and could have considerable effect in directing the tone of that policy making management activity of the State. In the private sector there is a clear division between the employer-management aspects.

Today I think we are conscious more than ever before of maintaining integrity in government, and credibility and openness in the interest of the public as a whole. Government is of the people and serves all of the people. I think this is the important point here, that government is serving all of the people. And as the Senator from Kennebec, Senator Katz, has indicated, that sometimes you have trade-offs and I think this is one of those trade-offs, when an employee works for the State.

Since my last vote in the negative, I have received numerous letters urging me to reconsider. I have also had time to randomly sample opinion in the State Office Building by walking from one office to another and talking with some State employees. I have also done this in the field, and I find rather consistent support for the present status, by most of these State employees I have talked with.

Also, at a public gathering of mixed constituents I posed the same question and it was strongly expressed by those present that the present situation of shielding State employees from the possible influence of politically motivated fears be maintained.

I think it is vital that government, which really is all of its employees here in this Body and State government, maintain the most complete and open objectivity possible. This is in the interest of all the people and must be preserved as a priority in State government.

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

Mr. MERRILL: Mr. President, in listening to the arguments put forth here today, you would think that the Little Hatch Act was being debated. And, in fact, the arguments that have been put forward, I think, would be applicable for all the restrictions that we used to have on State employees.

And they have all been taken away in the past Legislature except for this final one which is the ability, not during working time and not on State premises, to ask somebody for some money. Well, I do not really hear much compelling logic for that specific exception to giving State employees their otherwise Constitutional right. I am really sort of troubled by people's conception of what government should be.

Certainly none of us who are in the political process think that government is immune from considerations of special interests, nor, judging by the votes often taken in this Body, do we think it should be.

The people who wrote the Constitution of the United States of America did not think the government was going to be immune from special interests. What they thought was that they would give them all a chance to compete equally on a public stage, and through that process, and through elected officials who could look above the competing elements of special interests when it was necessary, we thought we could arrive at what was the common good, which often times is and should be more than the accumulated special interests.

But what we have here today is a question before this Body of whether or not we are going to discriminate against one very narrow group and it is nothing less than that. This government of our's is threatened at times, I suppose, by all sorts of special interest considerations which work against the public good. And this government of our's allows those special interests to raise money. We allow teachers to raise money. We allow people who work for other employers to raise money. We allow lawyers to raise money. We allow oil men to raise money, and is anyone here so naive as to think that the interest of those groups is always in the best interest of the State? What is so special about these State employees? Is it because they earn so much money that they can put together a war chest that would threaten every man in this Body? Well, certainly we have seen to it that that is not a threat. What is the threat of these people, that their interests are so opposed to the people in this Senate, that they are so diabolically opposed to the good interests of this State that they are going to use money to overthrow the government, is that the threat?

We are moving into a time when the Legislature is really going to have less of a role to play in the process of deciding how much State employees are going to be paid, and I think it is an appropriate time to take this restriction off. We are moving into a period where the Chief Executive is going to be playing this role. I think that it is right to be concerned about special interests having too much clout. But I think the way you accomplish the solution to that problem is to see to it that every special interest is treated equally and then you let them compete here in a public arena.

I do not think one compelling reason has been put forward how this is a threat to the common good, and I do not see how in the other areas where we have opened it up — and the last one we opened up was management, ability for management to group its funds and to raise money in that way. I cannot see that that is a threat to the public good. Any Legislator that wants to turn down those funds can, a lot do, and some people that run for Congress turn down those funds and make an issue out of it, and I think they are successful.

I urge the Senate to enact this Bill today, just in the name of treating all groups equally. I think we set a bad precedent when we do not do that. I think we set a precedent that any group that happens to be unpopular at any particular time, we will start restricting their Constitutional rights. And certainly part of what it takes to wage a successful campaign is money. Everybody in this room knows that. I suppose it is no problem for those who have it, but certainly we do not want our government to require people to have it in order to be able to run.

This gives State employees the right to go out and ask somebody for some money, not even necessarily State employees, not necessarily people that they deal with, maybe they just want to sell a barbeque ticket to somebody that lives down the street. I do not feel threatened by that activity, any more than I feel threatened by the fundraising activities that go on in other segments of the economy.

I urge the Senate to recede and concur with the House.

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

Mr. LEVINE: Mr. President and Members of the Senate, perhaps we should look at this a little closely. The title is "An Act Relating to Political Fundraising by State Employees", but that is not, in fact, what the Bill does. The Bill addresses itself to classified State employees, because they are the group that cannot at present raise these funds in this manner.

All of us in this Chamber are State employees. It is true we are elected officials, but we are also State employees. We do receive our paycheck from the State of Maine, yet we are allowed to raise funds, and necessarily so because we are elected officials. Some of us must raise funds at some point to be elected here, those of us who cannot afford to do it on our own.

I see a good deal of unfairness in the present system, and I think perhaps we should make it a little more equitable and a little more fair. The good Senator from Knox, Senator Collins, spoke of peer pressure, the invidious peer pressure. I will put before you that we could perhaps be more guilty than any other group in this State of using peer pressure on those around us and if we are truly worried about peer pressure, let us restrict ourselves first and foremost before restricting anyone else.

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

Mr. CURTIS: Mr. President, I would find it helpful if somebody could answer a couple of questions about this Bill and the present law. And those questions have to do with who may now raise money and from whom. Specifically I would like to know is it now permissible for unclassified employees in the State service, department heads and members of the Attorney General's office and such other unclassified employees to raise money generally and, secondly, is it now possible for such unclassified employees to raise money from classified employees in the State of Maine? And then what would be the effect of passage of this legislation upon that situation?

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I believe the answer is in the affirmative to that question. It is an amazing thing when we say to these classified employees, which includes people in such sensitive positions as janitors and guards at prisons and things, that they cannot solicit these monies, but yet we say to the Attorney General, who is in a position of deciding who will be brought to Court, that he can. That is the position of the present law. You know, we can go out and ask people for money and we certainly are in a very sensitive political position. So, you know, I think the point is very well taken, and the answer is that these people can go out and raise money and I do not see that there is any greater danger posed by the classifieds than by the group that is mentioned by the Senator from Penobscot, Senator Curtis.

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

Mr. CURTIS: Mr. President, I would like to press the question just a little bit further to be sure I understand the present status of the law, and perhaps the Senator from Cumberland, Senator Merrill, could answer the specific question: May Commissioners of departments presently solicit political funds from classified employees within their departments?

The PRESIDENT: The Senator from Penobscot has posed an additional question of any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I listened carefully to the debate by the good Senator from Cumberland, Senator Merrill, and the one thing that he fails to recognize is that there is distinction here between all the groups that he has mentioned. The State employees work for the people of this State, they serve the people of this State, and to an extent the Legislature, representing the taxpayers of the State, is the employer. And what we do by allowing State employees to raise political funds is to subject future Legislators to undue political pressure from State employee unions.

I think in the last Session of this Legislature it demonstrated it very clearly the pressure that State employee unions can exert over this Legislature without contributing money to political campaigns.

I would hope the Legislature would go along with the Motion to defeat this Bill.

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

Mr. CONLEY: Mr. President and Members of the Senate, I am shocked at the remarks made by the good Senator from Penobscot, Senator Trotzky, and the anti-labor position he appears to be taking dealing with this particular piece of legislation.

I would like to go down stairs in the Secretary of State's office and review the contributions made to the good Senator from Penobscot, Senator Trotzky, to see where his money came from in his most recent election. I am sure it was not from State employees, and I can assure you if you look at mine you will find they were not from State employees.

All this Bill is a simple little Bill that allows them to raise money for political candidates of their choice, and I would urge the Senate to vote to recede and concur.

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

Mr. MERRILL: Mr. President and Members of the Senate, I hear in this debate what I think is a fundamental confusion on the part of the opponents to this Bill.

It is presently in the law that State employees can contribute. The present law says that any "Officer, or employee, in the classified service of the State may make contributions to a political party, organization or candidate".

There is nothing that keeps me from walking around as people leave their State employment to go to their homes to ask them to contribute or putting together an organized effort on my part if I were running for something, or call them up and ask them for money.

What is at stake here is not the ability of somebody running for office to raise money from State employees. If you are concerned about State employees using their vast economic resources to influence politics, you better be concerned right now, because, you know, it does not take a political genius or fundraising expert to figure out how to call up a group of State employees and raise some money.

What we are concerned here with is the dangers of the State employees themselves asking somebody for some money, and I think what has been pointed out in the course of the debate is we already have people in a much more sensitive position who are able to go out and raise money, probably including ourselves. We are able to go out and ask somebody to raise money, have somebody contribute to us. The Attorney General is, the Governor of the State is. Now is that less of a threat to the public good than somebody who works in this building shining the door knobs. I just do not think the system makes any logical sense.

I think we ought to keep in mind that already State employees can contribute to political campaigns, and what really I see the Majority party, or some of the spokesmen of the Majority party that have been speaking here saying is that they do not want the State employees contributing. They are afraid of the influence of their money. They already can contribute. Believe me the restriction that keeps State employees from asking for it is not an overwhelming barrier.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I would like to say to you that I believe that this Legislature must provide fair and equitable salaries for work done by State employees, and also decent working conditions. But what I oppose is an effort to give the State employee unions the power to go out, raise lots of money and support that candidate which will support the highest salaries for them, and then allow them through the support of these political candidates to rob the public purse.

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

Mr. SPEERS: Mr. President and Members of the Senate, in listening to the debate, I would like to clarify, and certainly would hope that the good Senator from Cumberland, Senator Merrill, does not mean to imply that there is no support for this measure among the Majority party of this Senate, because I feel that when the Roll Call is taken that there will be support for this Legislation from the Majority party. There has been continually support for this legislation from the Majority party. I hope that it is not a party issue, and I am sure the good Senator does not mean to make it such in his comments with regard to the Majority of this Body.

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

Mr. CONLEY: Mr. President, I pose a question through the Chair. Could the Secretary read the Report of the Bill.

The PRESIDENT: The Secretary will read the Report.

Which Report was Read.

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

Mr. MERRILL: Mr. President, I request permission to address the Senate a fourth time.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, requests permis-

sion to address the Senate for a fourth time.

The Chair hears no objection. The Senator may proceed.

Mr. MERRILL: Mr. President, I will be very brief, but I would like to respond to the remarks of the Senator from Penobscot, Senator Troitzky, and his concerns about the public purse being robbed.

I served on the Taxation Committee and with that experience I like to read Bills that come through from the Taxation Committee. The Taxation Committee has been referred to by those who served on it as the Committee to grant tax exemption.

You know, as you read those Bills that come through, if you are concerned about the public purse being robbed and if you think the way to deal with it is to limit special interest power to contribute to campaigns, then you had better start writing a list of who you are concerned about robbing from the public purse, because look at the special interest taxation legislation that comes in, — everything from tire dealers to blueberry sellers. You name it, and there are people in here trying to rob the public purse, — maybe for a good purpose, you know, and I am using your terminology and not my own terminology, but they are in here trying to take State dollars to use for a special interest. That does not concern me. Sometimes what is good for a special interest is good for everybody in the State, and special interests employ people. But, you know, if we are concerned about the public purse being robbed, then Senator Troitzky's work has just begun.

The PRESIDENT: A Roll Call has been ordered.

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.

A Yes vote will be in favor of receding and concurring. A nay vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Hewes, Hichens, Huber, Jackson, Lovell, McNally, Pierce, Redmond, Snow, Troitzky, Wyman.

ABSENT — Mangan.

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

The Senate voted to adhere.

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

Mr. COLLINS: Mr. President, having voted on the prevailing side, I move the Senate reconsider and ask you to vote against me.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate reconsider its action whereby the Senate voted to adhere.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, as Members of the Senate, looking at this Roll Call, thank God this was not a partisan vote.

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

Mr. CONLEY: Mr. President, I move this item be tabled for One Legislative Day pending the Motion to reconsider.

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

Mr. COLLINS: Mr. President, I ask for 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 is the Motion by the Senator from Cumberland, Senator Conley, that this item be tabled for One Legislative Day pending the Motion of the Senator from Knox, Senator Collins, that the Senate reconsider its action.

A yes vote will be in favor of tabling for one Legislative Day. A nay vote will be opposed.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Hewes, Hichens, Huber, Katz, Lovell, McNally, Pierce, Redmond, Snow, Troitzky, Wyman.

ABSENT — Mangan.

14 Senators having voted in the affirmative, and 17 Senators in the negative, with one Senator being absent, the Motion to table does not prevail.

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

Mr. KATZ: Mr. President, not to discuss the merits or demerits of this Legislation, I call to the Senate's attention that 100 percent of the Republicans from the other Body in Committee voted in support of this Legislation, and 50 percent of the Republicans from the Senate voted to support this Legislation in Committee, and if there is any partisanship, it has not been apparent to me.

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

Mr. CURTIS: Mr. President, I would like to add just one comment. On this question of partisanship, I think it is an interesting thing to note that one of the organizations that is involved, the Maine State Employees Association, did endorse candidates in the last election, and I had a list here of people here they endorsed, and 100 percent of the candidates they endorsed were Democrats.

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

Mr. MERRILL: Mr. President and Members of the Senate, the Senator from Kennebec, Senator Katz' remarks notwithstanding, I think the vote today make it obvious why.

Is the Senate ready for the question?

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate reconsider its action whereby it voted to adhere.

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

The President laid before the Senate:

Bill, "An Act Relating to Public Compensation to the Victims of Crime." (H. P. 707) (L. D. 841)

Tabled — May 11 1977 by Senator Speers of Kennebec

Pending — First Reading.

On Motion of Mr. Collins of Knox, Indefinitely postponed. In non-concurrence. Sent down for concurrence.

The President laid before the Senate:

House Reports — from the Committee on Veterans and Retirement — Bill, "An Act

Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections." (H. P. 1019) (L. D. 1073) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — May 11, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report
Majority Ought Not to Pass Report accepted.

The President laid before the Senate:

Senate Reports — from the Committee on State Government — Bill, "An Act to Place the Office of Energy Resources in the State Planning Office." (S. P. 314) (L. D. 1034) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — May 11, 1977 by Senator Redmond of Somerset

Pending — Motion of Senator Collins of Aroostook to Accept Majority Report

On Motion of Mr. Collins of Aroostook, Retabled for One Legislative Day.

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

Mr. MINKOWSKY: Mr. President, is the Senate in possession of LD 826, "An Act to Limit Attorney's Fees under the Maine Tort Claims Act?"

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

Mr. MINKOWSKY: Mr. President, I now move the Senate reconsider its action whereby it accepted the Majority Ought Not To Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, this issue was thoroughly debated yesterday and the position of the Judiciary Committee was supported by the Senate. I realize this is open season on lawyers in the State Legislature, that we have to take our licks as do other groups from time to time.

I think the publicity in the last couple weeks concerning lawyers fees ought to tell us something. The fact is that we are now at a stage where we have a surplus of lawyers in the State of Maine. This was not so ten years ago. The result is that competition for business is much greater than it was.

The State of Maine became the first state in the Nation to permit advertising by lawyers. The issue, now in the Courts is whether that advertising must permit laundry lists of prices on all kinds of services. There is a similar case in the United States Supreme Court — and I am not intending to debate the merits of these matters that are in the Court, but I point out that the law of supply and demand works with regards to legal services as it does in other aspects of our free enterprise system. And if we will let that law of supply and demand work itself out, I do not think we will have any problem with the concerns of the good Senator from Androscoggin.

I urge you to vote against the Motion to reconsider.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am certainly very glad that the good Senator from Knox recognizes the problems that we have had in the State of Maine insofar as the consumer is concerned in being assessed maybe more than

average on attorneys' fees in the type of cases that the attorneys in the State of Maine have been handling.

I would like to point out to the Senate without further debate about this matter, that this particular Bill would be just effective as long as the Torts Act itself, which will be from July 1, 1977 to February 1, 1979.

I think sufficient debate was rendered yesterday, and I would say insofar as this is concerned that really a vote to reconsider would really be a vote for your constituents who possibly will be faced with a situation of this type in the future.

The PRESIDENT: The Chair will order a Division.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: 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 Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Members of the Senate: Not to belabor the point, I would hope that you would vote for reconsideration. There was much talk here yesterday of creeping socialism and why should attorneys' fees be limited and other fees not be limited. I would just point out to you that we are talking about a new area here, an area that we are groping and feeling our way along in and going to be for some time now. We do not know exactly what the ramifications of the Maine Tort Claims Act are going to be, and I would think that it would be very reasonable for a period of time to limit attorneys' fees until we get the Maine Tort Claims Act solidified and in a workable position.

I am sure that in the next Sessions of the Legislature those of you that are here will see many Amendments to that Act coming along, as we have had on the Criminal Code and other various large pieces of legislation. I would just hope that you would vote to reconsider and possibly reject the Ought Not to Pass Report. Thank you.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would only suggest that if this were the avenue we were to pursue, we might consider putting limitations on doctors' fees, etc., down the line, hospital fees and so forth.

I believe, as I stated yesterday, when you are unfortunate enough to have to go through one of these episodes, and I am sure that attorneys themselves could speak far more intelligently on this thing, but because of the subject matter itself, puts them somewhat in an awkward position, but it does appear to me that when one wants to be represented in Court, they try to get the best representation they can.

One would have you believe, to listen to the proponents of this particular measure, that every time a trial lawyer goes to Court, he is successful with a verdict coming back from the Jury. I think one would find very easily that the vast majority of cases coming back from juries are denied. And when one considers the fact of all the time and work that is put into the preparation of a particular tort claim on behalf of the individual that has been harmed, there is very little remuneration given to that attorney who ends up losing the case. So I think, in all honesty, we should stick by our guns as we did

yesterday and accept the Majority Ought Not to Pass Report.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think there is more involved here than just the issue whether or not State government should limit the amount of money that is earned by attorneys.

If that is the will of this Senate, and there might be some sense in that, but this obviously is not the approach. To put a flat limit on the amount of money that can be earned without any regard to what is spent on the other side which is not going to be called attorneys fees, and without any regard for how much work goes into the case is not the approach. If we really want to set up a price fixing structure for the work of attorneys, then let us set up a board and let us have them review it in every individual case and make a decision, if that is what we want to do. How if we used this approach, to the pricing of anything else? The fastest growing item in the State budget is medical services. Are we going to put a similar restriction on doctors and on hospitals? Just a flat blanket on how much you can charge, without any regard to what the job was? I mean, it would not say so much for an appendectomy and so much for this, it would not even be related to the amount of work that went in.

This Bill is motivated by pure emotion, by the fact that some people are concerned about how much attorneys earn without any real specific spelling out of how it is exorbitant. I might be willing to go along with something that was a well-fashioned response to that concern. I truly would. But this is an emotional response to their concern and it does not become the Senate.

One of the reasons that I have always believed in the bicameral legislature, I was impressed with this Body even when it was not in agreement with me, but the ability to cut through the sort of emotional argument, this is a good Bill, this is a bad Bill, this is a lawyers' Bill, the sort of thing you hear in other parliamentary bodies, and to look at the merits of legislation. And this legislation is without merit. This is not a reasoned response to a legitimate concern, if it is legitimate that attorneys are making too much money, this is an emotional response and it does not become the Maine Senate.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am certainly sorry that the good Senator from Cumberland has misconstrued the entire intent and purpose of this. You know, there is a good point that possibly we have gotten to the stage in the State of Maine where we had better start analyzing the fees of doctors, lawyers and everybody else because basically the taxpayers are paying the entire cost of it.

In regard to Senator Conley's remarks, basically I really think we are not questioning the quality of representation. I think it is up to the individual person or the individual taxpayer, or citizen of the State of Maine to make their own determination insofar as who they want to hire as an attorney to represent them in a claims act, also to get the compensation of pain and suffering if it is justified.

But what I am concerned with basically is sometimes people are very impulsive and emotional and they do get involved in discussing these matters with their lawyer and the end result is a suit is brought and they go before a Court of their peers and an award is made. But when you listen to the testimony in Court as to the pain and suffering, you would sincerely believe that the lawyer representing them was

really concerned with their welfare, but in some of these cases the end result has not been so. The pain and suffering was not that great, but the award was substantial and the end results are people are paying insurance and other factors come into play — again, the citizens of the State of Maine pay the freight for these awards.

But my biggest concern is if the pain and suffering was genuine and was justified, then they should receive the largest portion of the award and not have the largest portion of that award go to the attorney representing them, if he is truly concerned with his client's welfare.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

A roll call has been ordered.

A yes vote will be in favor of reconsideration.

A nay vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEA — Carpenter, Chapman, Farley, Greeley, Hewes, Jackson, Levine, Martin, Minkowsky, O'Leary, Pray, Usher, Wyman.

NAY — Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Hichens, Huber, Katz, Lovell, McNally, Merrill, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky.

ABSENT — Mangan.

13 Senators having voted in the affirmative and 18 Senators in the negative, with one Senator being absent, the Motion to reconsider does not prevail.

The President laid before the Senate:

Bill, "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools." (H. P. 1025) (L. D. 1273) which was

Tabled earlier in today's Session by Senator Katz of Kennebec

Pending passage to be engrossed.

On Motion of Mr. Katz of Kennebec,

Tabled for one legislative day

Pending passage to be engrossed.

(Off Record Remarks)

The Senator from Penobscot, Senator Pray was granted unanimous consent to address the Senate on the record.

Mr. PRAY: Mr. President and Members of the Senate: Earlier in today's debate we discussed the endorsement of certain individuals within this Chamber. I would like to kind of point out to those members that do not have a copy of this list, that only 21 percent of the members of this Body received an endorsement; 7 out of the 33 and only 3 of the 7 won. So perhaps there is a little message there that those that get endorsed the odds are against them to start with. Two of those three that won had no opponents, and though they aligned themselves behind the Democratic party in those 7 that they endorsed, 100 percent of the Democrats were not endorsed by them.

The Senator from Penobscot, Senator Curtis was granted unanimous consent to address the Senate on the record.

Mr. CURTIS: Mr. President, since I had raised the issue before, and apparently was not really clear when I noted that 100 percent of the candidates who were endorsed from the Senate were Democrats. I should like to point out to be perfectly correct that of the 40 candidates in the House who were endorsed, three were Republicans.

The Senator from Cumberland, Senator

Conley, was granted unanimous consent to address the Senate on the record.

Mr. CONLEY: Mr. President, I pose a question through the Chair to the good Senator from Penobscot, Senator Curtis, as to whether or not the Minority Floor Leader of this Body was endorsed by that group he is making reference to.

The Senator from Penobscot, Senator Curtis, was granted unanimous consent to address the Senate on the record.

Mr. CURTIS: Mr. President, the Senator from Penobscot finds himself in the same position as the Senator from Portland. Neither one of us were endorsed.

(Off Record Remarks)

The Senator from Hancock, Senator McNally, was granted unanimous consent to address the Senate on the record.

Mr. McNALLY: Mr. President, I will be very brief, I am one of the ones that never was approved by anybody and I had four opponents and here I am. I do not know how I got here.

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