

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

Tuesday, May 17, 1977

Senate called to Order by the President.

Prayer by Rabbi Henry Isaacs, of Beth Abraham Synagogue in Bangor.

REV. ISAACS: Almighty God, who grants courage and strength to Governments; Thou who favors mortals with knowledge and understanding, imbue these Senators with wisdom and understanding and with a warm spirit of harmony and fellowship.

Inspire them to labor zealously and unflinchingly for the perpetuation of the American way of life: for the fulfillment of economic as well as political democracy, so that the quality of opportunity may be assured for all who live under the blessed banner of the Stars and Stripes, regardless of race, color, or creed.

Grant them clear minds to approach the political, social and economic problems of our day, with forthrightness, courage and unselfishness.

Inspire them to further develop our society so that all Thy children shall be free to work and live together, emancipated from want and insecurity. Cause them to realize that prosperity and peace are the sweet fruits of clarity of thought and unbiased reflections.

And may the work of this Senate under Thy guidance be a blessing so that the citizens of Maine may enjoy to the fullest life, liberty and happiness.

Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Authorize the Construction of a Bridge Across the Saco River Between the Cities of Biddeford and Saco." (S. P. 368) (L. D. 1225)

In the Senate May 13, 1977 Leave to Withdraw Report Read and Accepted.

Comes from the House, Recommended to the Committee on Transportation in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

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

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves the Senate adhere. Is this the pleasure of the Senate.

The Chair recognizes the Senator from Kennebec, Senator Levine.

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

The PRESIDENT: The Senator from Kennebec, Senator Levine, now moves the Senate recede and concur.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: The piece of Legislation we are discussing here is my particular piece of legislation.

A little bit of background for the Senate. I put this Bill in after talking with a former Legislator who had put the Bill in at one time and had a study on this. I got a copy of the study from the State Highway Department, read the study, and it was in their opinion a feasible project, however, without much priority.

Since the time of that study, which was 1966, considerable development has been developed in that area there, growth. The project which was then \$900,000.00, was then estimated at \$2 million.

I spent an hour and a half down in that area last night, and I would probably say now that the cost would probably run somewhere in the area of \$4 million. There was heavy, heavy opposition from the people directly concerned where this new bridge is going to be built.

I made several calls to people throughout the

State to find out what their opinions were. Some had no opinions. I called a friend of mine who is a mailman who works the other side of the city. He said there was not much discussion and no real strong opinions on this particular piece of legislation.

I would ask on my particular piece of legislation that this Senate defeat the Motion before you, and move to accept the Motion to adhere.

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

Mr. DANTON: Mr. President and Members of the Senate: Where this bridge affects my community, I really and truly cannot tell you whether I am in favor of this Bill, or whether I am against it.

First of all, I do know that some years ago there was a study. At that point it showed that perhaps it might be feasible to build that bridge. Since then both communities have grown, it has been about ten years or a little bit more, and I really and truly do not know if it is still feasible or not.

I am somewhat disappointed in that perhaps, first, the Department of Transportation should have been notified to update that feasibility study that took place ten years ago. Maybe it would show today that the bridge is needed because of the traffic that this bridge would relieve, maybe there is more traffic in those areas today than there was ten years ago.

I know that there is some opposition for the Bill, and I also know that there is some support for the Bill. It affects my community. I am in between a rock and hard place here today. The Bill went all the way to Committee. The good Senator decided at that point in time that he wanted a Leave to Withdraw. That is his prerogative. He can ask for that. The Committee requested that Leave to Withdraw.

I have been told that as far as priorities are concerned with the Department of Transportation, that this Bill has not even made the priority list, so I would have to assume at this time that maybe the Department of Transportation feels that this bridge is not needed.

I would hope that if we move to adhere today that the good Senator from York, specifically from Biddeford, would get back together with the Department of Transportation and have their feasibility study updated so he will know as to whether he should reintroduce the Bill during the Special Session or during the 109th.

Thank you.

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

Mr. FARLEY: Mr. President, I would like to read on the record a letter that the Committee and I received from the Department of Transportation:

"By Resolve passed by the 102nd Legislature, the former State Highway Commission prepared a report entitled Biddeford-Saco Bridge Study which was transmitted to the Legislature on January 11, 1967. Attached is a copy of the summary from that report.

It is our understanding that the intent of L. D. 1225 is to construct a bridge between Biddeford and Saco, across the Saco River, basically in accordance with that examined in the 1967 report.

Costs have increased significantly since the original study. At today's prices, the estimated cost to construct such a bridge is \$2 million, as indicated in the bill."

As I mentioned earlier, I would believe at this time it would probably be in excess of \$2 million.

"The Department has not identified this project as having high enough priority to have included it in the Highway and Bridge Improvement Program which has been submitted to this Legislature in support of our current request for funds."

The PRESIDENT: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from Kennebec.

Senator Levine, that the Senate recede and concur with the House.

The Chair recognizes the Senator from York, Senator Farley.

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

The PRESIDENT: The Senator from York, Senator Farley, requests a Division on the pending Motion.

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.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Mr. USHER: 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 Kennebec, Senator Levine, 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 — Levine, Minkowsky, Pray,
NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hichens, Jackson, Katz, Lovell, Martin, McNally, Merrill, Morrell, O'Leary, Pierce, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.

ABSENT — Hewes, Huber, Mangan.

3 Senators having voted in the affirmative, and 26 Senators in the negative, with 3 Senators being absent, the Motion to recede and concur does not prevail.

The Senate voted to adhere.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Majority Floor Leader to the rostrum, Senator Speers, to act as President Pro Tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Speers of Kennebec to the Rostrum where he assumed the duties of President Pro Tem, and the President assumed the seat assigned to Mr. Speers on the floor of the Senate.

(Off Record Remarks)

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

Mr. SEWALL: Mr. President and Members of the Senate: It has come to my attention during the past few days that attempts have been made to influence the votes of several members of this Legislature through the offering of jobs and other financial benefits in regard to a bill pending before this body.

Because of these revelations, I have re-read Title 17-A Section 602.1.B of the Criminal Code which imposes an affirmative duty on any Legislator to report any offer of that kind. For those of you who have not read that section recently, I urge you to do so now. I am certain that a reading of that statute will dispel any reluctance you may have in reporting similar incidents which you may have experienced to the Criminal Division of the Attorney General's Office immediately.

I would like to make it very clear, that to my knowledge, nothing at present indicates any wrongdoing on the part of any member of this body.

I would also like to make clear that the seat which each of us holds in this body is a matter of public trust and that each of us holds not only our own integrity but the integrity of the political process itself in our hands. Each of us is sworn to uphold the laws of this State and that includes exposing those who would violate the law and corrupt the system. To pass laws for the people of this State and then ignore the violation of such laws would be the worst form of hypocrisy and would turn what we are doing here into a cruel farce. When we took our seats in this body we gave up any right to look the other way. We are not only elected to participate in this democratic process but to defend it as well. I have the greatest respect for the members of this body and an even greater respect for the process in which we are engaged. That is why I know that each of you will do what the law and honor requires.

I have always felt that it was a great privilege to serve in this Senate and it pains me very much to even have to raise this matter here today. The peoples' trust in their government must be maintained if our system is to survive and the maintenance of that trust requires that innocence be protected and wrongdoing if any be exposed without exception.

Thank you, Mr. President.

The PRESIDENT Pro Tem: The Chair would thank the Senator for his comments.

The Chair at this time would ask the Sergeant-at-Arms to escort the President to the Rostrum.

Thereupon, the Sergeant-at-Arms escorted the President to the rostrum, and the Senator from Kennebec, Senator Speers, to his seat on the floor of the Senate.

Non-concurrent Matter

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

In the House, May 12, 1977 Passed to be Enacted.

In the Senate May 13, 1977 Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. FARLEY: Mr. President, I move we adhere.

The PRESIDENT: The Senator from York, Senator Farley, now moves that the Senate adhere. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, on L. D. 1705, I have been requested by a Member of the other Body to state that he would like to see us recede and concur. I would like to make that Motion to recede and concur, because this is permissive Legislation. It is not going to cost the State anything.

Some small towns up in Aroostook County in particular might like to hire a State Policeman, so consequently I think that we should go along, and it is not going to cost the State anything. Let us try it out.

I would urge the Senate to accept my Motion to recede and concur.

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

Mr. COLLINS: Mr. President, my good seat mate is in error with respect to the cost. The State does pay 25 percent of the total cost of this program. I think it was shown rather vividly yesterday that there are a great many communities that have service available to them through Sheriff's Departments at much less money.

Furthermore, the cost of this program in relation to the communities, it seems to me, has reached the point where it is not particularly attractive to them.

I would hope that you would oppose the Motion to recede and concur.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senate recede and concur with the House.

The Chair will Order a Division.

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

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

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

On Motion of Mr. Farley of York, The Senate voted to adhere.

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

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

The PRESIDENT: The Senator from York, Senator Farley, now moves the Senate reconsider its action whereby it adhered on L. D. 1705.

A viva voce vote being had,

The Motion to reconsider does not prevail.

(Off Record Remarks)

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

Mr. SPEERS: Mr. President, I now move that the Senate stand in recess to the sound of the bell.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate stand at recess to the sound of the bell. Is this the pleasure of the Senate? It is a vote.

(Recess)

After Recess

The Senate called to order by the President.

(Off Record Remarks)

Joint Orders

Expression of Legislative Sentiment recognizing that: Nelson Bourgon, son of Mr. and Mrs. Ernest Bourgon of Farmington has achieved the high rank and distinction of Eagle Scout as a member of Boy Scout Troop No. 586. (H. P. 1561)

Thomas Sayward, son of Mr. and Mrs. Galen Sayward of Farmington, Maine has achieved the high rank and distinction of Eagle Scout as a member of Boy Scout Troop No. 586. (H. P. 1562)

Harold Strout is retiring as Commander of the Department of Maine Armvets. (H. P. 1563)

Ralph Newell of Gorham, a valued and dedicated citizens of the community, has entered retirement after 20 years as Town Clerk. (H. P. 1566)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Papers

Resolves and Study Report received from the House requiring reference to Committee were acted upon in concurrence, with the following exception:

House Papers

RESOLVE, Permitting Marcel A. Paquet of Winslow to Practice as a Public Accountant. (H. P. 1559) (L. D. 1780)

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

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

Mr. PIERCE: Mr. President and Members of

the Senate: Inasmuch as this matter has already been before the Committee on Business Legislation this Session, and disposed with un-animously under Rule 20, I would now move indefinite postponement of this Bill and all accompanying papers.

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

Mr. FARLEY: Mr. President, I request a Division on that Motion, and I would speak very briefly.

The PRESIDENT: The Senator has the floor.

Mr. FARLEY: Mr. President and Members of the Senate: Back in 1973 this Legislature enacted Legislation where public accountants in the State in order to, and if I may be incorrect, I am sure I will be corrected on it — took a position where public accountants now in business, if they want to get out of business or to sell their business or their accounts, they had to do this — this is people prior to 1973, had to turn these over to certified public accounting firms in the State of Maine.

The gentleman in question here had been in business for 25 years prior to that. The Bill, to be quite frank with you, got out of Committee without my signing. I have my wrong signature on the Bill. I did want to sign it Ought to Pass, but it did come out unanimous Ought Not to Pass, the reason for this Resolve.

I think the man has a legitimate case. This is not an unusual one. We have dealt with this problem before. There was a period of time where they had to apply to be grandfathered on this, and in this case the man did not. He has a little accounting firm by himself, and I would ask that this Bill be brought before the Business Legislation Committee. I am sure there are supporters in that Committee on this particular problem.

Thank you very much.

The PRESIDENT: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that L. D. 1780 be indefinitely postponed.

A Division has been requested.

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

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

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

(Off Record Remarks)

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

Mr. PIERCE: Mr. President, in regards to L. D. 1780 I would move reconsideration, and I hope you vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves the Senate reconsider its action whereby it indefinitely postponed L. D. 1780.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: I am rather surprised at the action taken by this Body in regard to this matter.

The intent of the Legislative branch of government is to solve problems which occur in the State of Maine. Obviously, this gentleman here has a practice, he has been in practice for 30 years. It is not unusual when we write legislation to grandfather, which we did in this case here on many, many public accountants in the State of Maine. This gentleman, through no fault of his own, it was oversight, he was not aware of the action taken by the Legislature, and he is just asking for something that was granted to every other public accountant in the State of Maine in 1973.

Now obviously he has built up a practice over

the years. If he wants to turn that over or to sell that practice, he cannot. I do not believe that is — if I had been around in 1973 I doubt if I would have supported this Legislation in the first place. But I would just ask everyone here who has spent 30 years in their particular business coming before this type of problem, would you ask for that same action, and I would ask for the yeas and nays on reconsideration.

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 York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: Three or four weeks ago in this Body the same Motion was made in another piece of Legislation. The arguments then were that every piece of Legislation should have a hearing.

I would ask in this case that we go along with the same position that we took in the other case.

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

Mr. PIERCE: Mr. President, if I may just clarify the record. This gentleman has had a hearing. He has been before the Committee, and his problems were brought to our attention. They were addressed. This is in no way going to put him out of business.

This is completely consistent with the actions taken by the Committee last Session, and taken unanimously by the Committee in this Session.

I would urge you to vote against reconsideration.

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

Mr. CONLEY: Mr. President. I pose a question through the Chair, if I may. If this Resolve has already been before this Legislative Session, is the item legally before this Body at this time.

The PRESIDENT: The Chair would answer the Senator in the affirmative. We reviewed the rules which would pertain to this, and on three days notice Legislation may be reinserted into the regular Session in conformity with the rules.

Mr. CONLEY: Mr. President, if the Bill was rejected, and I would assume it had been rejected, it would seem to me that it would take two-thirds vote of both Bodies to bring this Bill back from the Legislative files.

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

Mr. SPEERS: Mr. President, it is my understanding on this particular issue that this specific Bill has not been before the Senate in the exact form that it is in at the present time; however, the subject matter contained in this Bill has been presented in another Bill which was referred to the Committee on Business Legislation, which had a public hearing, at which this particular individual appeared and presented his case, and the specific subject matter which is contained in this particular Bill was presented to the Business Legislation Committee, that Committee considered it, reported it out, the Bill they had before them unanimously under Rule 20 as an Ought Not to Pass Bill.

I think the record should show very clearly that the subject matter and the need which gave rise to this Legislation has been before this Legislature, has been referred to Committee, has had its hearing, and has had a decision made upon it by the Business Legislation Committee.

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

Mr. FARLEY: Mr. President and Members of the Senate: The Bill before the Business

Legislation Committee did away with the entire law that we have now. This gentleman here was, in fact, in practice prior to the present law, and all those who practiced prior to the present law were grandfathered.

As I said before, through ignorance or whatever you want to call it, the gentleman did not apply, and is now subject to the present law, which we in 1973 enacted that all those prior to 1973 were not covered by this present law. That is all the gentleman is asking for.

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

Mr. CONLEY: Mr. President and Members of the Senate: I just think fairness is fairness, and if under Rule 20 this specific matter has been handled that it is not legally before this Body, and that is the question I would like to pose to the Secretary of the Senate who is the parliamentarian who has made a ruling on it.

(At ease)

The PRESIDENT: With reference to L. D. 1780, the Chair would rule this matter out of order pursuant to Rule 20 of the Joint Rules.

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:

action pursuant to Rule 20 of the Joint Rules: Bill, "An Act to Regulate the Reporting on Disputed Elections and to Regulate the Issuance of Election Certificates." (H. P. 864) (L. D. 1058)

Bill, "An Act to Amend the Maine Electricians' Laws." (H. P. 964) (L. D. 1161)

Bill, "An Act to Increase the Notice Fee for Renewal of Registration of Motor Vehicles by the Secretary of State." (H. P. 368) (L. D. 459)

Bill, "An Act to Provide that Owners of Expired Motor Vehicle Registrations and Inspection Stickers be allowed a One-Month Period of Grace." (H. P. 733) (L. D. 832)

Bill, "An Act to Clarify the Term 'Population' for the Purposes of Apportioning the Membership of the Board of Directors of School Administrative District No. 15." (H. P. 1432) (L. D. 1653)

Bill, "An Act to Clarify Reimbursement to Local School Systems." (H. P. 1347) (L. D. 1625)

Bill, "An Act to Increase Probate Filing Fees." (Emergency) (H. P. 1044) (L. D. 1271)

Bill, "An Act to Require an Advisory Referendum on the Equal Rights Amendment." (H. P. 779) (L. D. 933)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Revise the Maine Electrician's Law." (H. P. 96) (L. D. 120)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Education on, Bill, "An Act Relating to Education of Exceptional Children Under 5 Years of Age." (H. P. 548) (L. D. 665)

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 the Use of Voting Machines in Municipalities of More than 5,000 Population." (H. P. 1029) (L. D. 1277)

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 Restrict Election Day Political Activities Near Voter Registration Offices." (H. P. 862) (L. D. 1056)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Remove the Identification of the Original License Issued to a New Driver as a Provisional License." (H. P. 342) (L. D. 433)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act Concerning Emergency Call Facilities on the Maine Turnpike." (H. P. 954) (L. D. 1148)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act Concerning the Placing of Warnings on Driver's Licenses." (H. P. 955) (L. D. 1149)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Revise Certain Motor Vehicle Laws." (H. P. 445) (L. D. 533)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Require Bilingual State Highway Maps." (H. P. 791) (L. D. 938)

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 Taxation on, Bill, "An Act Exempting Farm Machinery from the Personal Property Tax." (H. P. 393) (L. D. 482)

Reported that the same Ought to Pass.

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

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

The Committee on State Government on, Bill, "An Act to Repeal Certain Laws Relating to State Government Administrative Procedures and Services." (H. P. 1005) (L. D. 1209)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-326).

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

Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions." (Emergency) (H. P. 98) (L. D. 122)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-277).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "C" (H-328).

Which Report was Read and Accepted in concurrence.

The Bill Read Once, Committee Amendment "A" (H-277) Read.

On Motion of Mr. Katz of Kennebec, Committee Amendment "A" indefinitely postponed in concurrence.

House Amendment "C" (H-328) Read and Adopted in concurrence, and the Bill, as amended, Tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Changing the Date of Primary Election to the First Wednesday after Labor Day." (H. P. 4) (L. D. 7)

Reported that the same Ought Not to Pass.
Signed:

Senators:

KATZ of Kennebec
TROTZKY of Penobscot
DANTON of York

Representatives:

BIRT of East Millinocket
BUSTIN of Augusta
DURGIN of Kittery
BOUDREAU of Waterville
RAYMOND of Lewiston
TALBOT of Portland

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in new Draft under new title: Bill, "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day." (H. P. 1511) (L. D. 1732)

Signed:

Representatives:

McMAHON of Kennebunk
TRUMAN of Biddeford
MITCHELL of Vassalboro
BOUDREAU of Portland

Comes from the House, the Minority Report Read and Accepted, and the Bill, in New Draft, Failed of Passage to be Engrossed.

Which Reports were Read.

Majority Ought Not to Pass Report Accepted.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Prohibit the Assessment of Extra Charges Based on the Number of Occupants Living in a Mobile Home." (H. P. 1318) (L. D. 1549)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HEWES of Cumberland
CARPENTER of Aroostook
CUMMINGS of Penobscot

Representatives:

GOULD of Old Town
BURNS of Anson
COTE of Lewiston
SHUTE of Stockton Springs
JOYCE of Portland
CARRIER of Westbrook
DUDLEY of Enfield
DURGIN of Kittery

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

Signed:

Representatives:

BIRON of Lewiston
MOODY of Richmond

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

Which Report was Read.

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

Mr. HEWES: Mr. President, I move we accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves the Senate accept the Majority Ought Not to Pass Report of the committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: I would like to pose a question through the Chair to the Chairman of

Legal Affairs Committee as to the rationale behind the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: In response to the Senator's question, this Bill would prohibit, prohibit, an owner of a mobile home area from charging rental based on the number of occupants living in each particular trailer or mobile home.

I feel this is an infringement on the rental rights between the landlord and tenant or lessor or leasee, if you will, and as an actual matter if a certain price were set, say \$35.00 a month for a particular lot, based on the assumption that there were two or three people living in the mobile home or trailer, and then four or five more moved into this particular unit, if this law were passed then the owner of the trailer park or mobile home park would be prohibited from increasing the rental charge. Further, there was ample testimony from several mobile park owners and their representatives that they have individual septic tanks, that if they know how many are living in the particular unit, so that they know how long a septic tank can go without any action. Further, some of the mobile parks have just one common water meter and water main entrance at the entrance of the trailer parks where each of the individual trailer areas or mobile park areas is not accessed individually. It just seems to me that it was a bad bill.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Require Fire Detection Systems in All New Residential Construction." (H. P. 1086) (L. D. 1310)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-318).

Signed:

Senators:

HEWES of Cumberland
CARPENTER of Aroostook

Representatives:

GOULD of Old Town
DURGIN of Kittery
SHUTE of Stockton Springs
BURNS of Anson
JOYCE of Portland
COTE of Lewiston
CARRIER of Westbrook

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

Signed:

Senator:

CUMMINGS of Penobscot

Representatives:

MOODY of Richmond
BIRON of Lewiston
DUDLEY of Enfield

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

Which Reports were Read.

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

Mrs. CUMMINGS: Mr. President, I move we accept the Minority Ought Not to Pass Report, and I would like to speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President, this is one of those mandatory Bills that I am against, just on the principle that I do not think we should tell people what to do. You remember several years ago when there were cars sold which would not start unless we fastened safety belts.

I believe certainly in having all safety measures available and at as low cost as possible, but to mandate that an individual would have to put a device such as this in his or her home I think is going too far. If this were limited to commercial establishments, apartments, hotels, motels, or business things, that is different. But this is interfering with an individual's decision on what to put into his or her new home, and I would hope you would go along with my motion.

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

Mr. HEWES: Mr. President and Members of the Senate: I respectfully request a Division.

I agree that this is mandating certain safety systems in a person's home or building in the future. It is effective January 1, 1978, all homes and buildings constructed then and thereafter. It seems to me that this is a health safety matter. A person dies in a fire in a matter of minutes. They are often asphyxiated by the smoke. True, after the fire has demolished the building their body is charred, but their actual death, as I understand it, so we were told at the hearing, occurs in a matter of a minute or two because of asphyxiation from smoke.

This Bill would require smoke detection devices or a smoke detection device within ten feet of each sleeping area, sleeping room, room regularly used for sleeping in all houses constructed on or after January 1, 1978. We presently do have zoning laws. We have many requirements for construction of new homes, and it seems to me this is just another one, and I would favor passage of the bill and hope you vote against the pending Motion.

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

Mr. LEVINE: Mr. President, could I pose a question to the Chair. Could some member of the committee please explain Committee Amendment "A" to this Bill?

The PRESIDENT: The Senator from Kennebec, Senator Levine, has requested that someone explain the context of Committee Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, as the statement of fact said, this merely clarifies some of the language in the Bill. It does not alter it. Well what the number is, I beg your pardon, the number is 318. Under the House Amendment, the number is 318.

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

Mr. COLLINS: Mr. President, I share the view of the Senator from Penobscot, Mrs. Cummings, in respect to mandation, but in this particular instance I have an opposite view.

The Farmers Home Administration and Federal Housing Administration currently require that these detector systems be installed in new homes. They account for, in the State of Maine, between 75 and 80 percent of all the new homes that are built.

Furthermore, it seems to me since this is put into effect in 1978, it ought not to affect any current construction. These devices are relatively inexpensive and extremely valuable to homeowners. Furthermore, there is a slight reduction in insurance rates on your property if you have one of these installed.

Therefore, I would oppose the Motion of Senator Cummings.

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

Mr. KATZ: Mr. President, it is rather unusual in a piece of legislation to find reference to a pamphlet which establishes what we are talking about. In this particular case it is pamphlet No. 74 of The National Fire Protection Association. I wonder if we could explain what this pamphlet is and how in state we could refer to a transitory pamphlet.

I have a fire detecting device in my home. It is the kind that is commercially available pretty easily, and it does a very effective job in one area of my home that I think is a hazard, but you cannot hear it throughout the building, and I have a rather small home. Might we have some comment as to what we are voting on here today?

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

Mr. CARPENTER: Mr. President, in answer to the question of the good Senator from Kennebec, Senator Katz, pamphlet No. 74, as I understand it, is an Underwriters Laboratory approved fire detection device update, and it is updated from time to time. When these things first appeared on the market there were all kinds from \$1.99 to a couple hundred dollars, I guess, that you could buy, and some of them just had a lot of flaws with them, so now Underwriters Laboratories puts out a pamphlet that says which are approved by them and which are not. If we are going to put the law on the books, we want to be sure that the person is using a good fire detection system or smoke detection system.

I am rather a reluctant signer of this Bill because I share some of the same feelings as the Senator from Penobscot, Senator Cummings. I questioned the sponsor, who is from the other Body, as to how we could mandate this type of thing, and yet we just decided we would allow people to ride motorcycles without helmets, and he brought out what might be an important point, most people riding motorcycles are adults. In homes you have many children. This is reactionary legislation, I will agree with you. It is the direct result of a fire involving members of the sponsors family, with some deaths involved. These items are relatively inexpensive. I know I had one installed in my home Saturday evening, and it was \$55.00. I think they are quite effective as the good Senator from Aroostook, my colleague, Senator Collins, mentioned. Most new home starts in Maine now are financed by HUD or FHA and this is now a requirement to receive these funds.

I would hope we would allow this Bill to go along its course, and we would accept the Ought to Pass Committee Report.

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

Mr. DANTON: Mr. President and Members of the Senate: There is one thing that enters my mind immediately on this Bill, and that is the enforcement. It says here in paragraph 3, disconnection, "Any person or corporation who disconnects any fire detection system required under this section shall be punished by a fine of \$25.00 per day for each day the system is disconnected."

I would like to know if some member of the committee could explain to me how this is going to be enforced.

The PRESIDENT: The Senator from York, Senator Danton, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I would like to point out that that particular provision was eliminated in the Committee Amendment. As a matter of fact, Committee Amendment "A", (H-318), strikes out after the enacting clause, as I see it, that particular section. I may be in error, but I think that is right.

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

Mr. DANTON: Mr. President and Members of the Senate: If in fact it has been taken out of the entire Bill, then what is the Bill needed for?

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to any Member of the Committee who would care to answer it. There are basically two questions. First of all, has the committee or was the pamphlet No. 74 from the National Fire Protection Association presented at the hearing, and, if so, were any electrical smoke detectors included on that list as approved by the Underwriters Laboratory.

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

Mr. HEWES: Mr. President, in response to the Senators question, the pamphlet in question was not presented. However, we were told that there were several different makes included on the list. In other words, free enterprise is present so that a person would not have to purchase X brand. They could purchase one of several, and as the good Senator from Aroostook, Senator Carpenter, said a few minutes ago, the list is updated from time to time as improvements do take place.

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

Mr. CURTIS: Mr. President, I am also troubled by this question of pamphlet reference into our statutes. I think I will vote for accepting the Report that this Bill ought to pass, and try to move it along a little bit. I would hope that somebody might prepare an Amendment for another day which would leave the designation of exactly which ones of these fire detection devices would be appropriate to rules and regulations that might be established by the State Fire Marshal.

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

Mr. FARLEY: Mr. President and Members of the Senate: There has been mention by Members of this Body that under HUD and Farmers Home that this is mandated. I would suggest that if there is a real problem here, let the insurance companies or let the banks before writing the mortgage, — why does the Legislature have to be the big bad guy to mandate things. Let these people. We are going to come across the big bad guy mandating. If they are so concerned, let them write something in the mortgage or in the insurance form.

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

Mr. KATZ: Mr. President, I have an unhappy feeling that the section about disconnections is still in the Bill I will share an experience, mine is battery operated. I disconnected it because when the battery gets low it buzzes steadily. So I took the battery out six weeks ago, and I have been unable to find a replacement battery and I really do not want to be fined \$25 a day.

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

Mr. MINKOWSKY: I do not know if I can add anything of any significant value to what has already been stated here this morning. But you may recall there was an article in one of the trade magazines earlier this year that several thousands of these smoke detecting devices were returned to the manufacturer because it was proven that they had radiation leaks. Now I do not know anything more than that, but I would say that you might be creating a health hazard if you mandate that these things be put in every one of the rooms, and I still believe that we should be looking toward a free enterprise system and the freedom of choice as far as the citizens of the State of Maine to make their own determination in purchasing this equipment.

Also, I can visualize in the future that possibly a monopolistic state will materialize where we as the state will mandate that these people have these smoke detecting devices in their home, and the prices will proliferate far

beyond the \$29.00 or \$59.00 which has been quoted earlier.

I sincerely hope that the Senate does concur with the Motion of the good Senator from Penobscot, Senator Cummings, that this Bill be definitely postponed.

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

Mr. MANGAN: Mr. President, I have got two things that bother me with this Bill. The first one is, it is my impression that the State of Maine is about to mandate something that could very well be taken care of by the local building inspectors, and I think all municipalities have one, and that the selectmen, municipal officials of each municipality can very well include this into the local building code.

The second thing that bothers me on this thing is a very serious matter relating to what specific detection system are we concerned with and, furthermore, is the legislation by crisis.

It seems as if all of the Bills that are legislated as the result of a crisis is a reaction, not an action. I think that people who tend to legislate as a result of a problem tend to overreact too quickly and then become very sorry about it later on.

I would think at this point you would rather see this die and have it seriously investigated and developed so that we know exactly what we are doing, rather than to just react to a situation that has occurred.

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

Mr. REDMOND: I will not repeat any of the other statements made by the other Senators here. However, I happen to own one of those fire detecting devices, and also I happen to own a little bit of stock in one of our corporations that manufactures these, and I would like to express my feelings with regards to compelling people to buy these. It seems as if it is not in accordance with our free enterprise system.

I would also like leave of the Senate for me to be excused from voting on this because it appears as if there would be a conflict of interest.

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

Mr. CONLEY: Mr. President, this sounds like a bad Portland Bill and I advise the Senate to vote against it.

The PRESIDENT: Is the Senate ready for the question.

The Senator from Somerset, Senator Redmond, has asked leave of the Senate to refrain from voting on this issue because of the possible appearance of a conflict of interest. Is it the pleasure of the Senate to grant this leave?

The Chair is in doubt, and will order a Division.

Will all those Senators in favor of granting the Senator from Somerset, Senator Redmond, permission not to vote on this issue please rise in their places to be counted.

Will all those Senators opposed to granting the Senator from Somerset, Senator Redmond, permission not to vote on this issue please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec County, Senator Katz.

Mr. KATZ: Mr. President, I request a Roll Call. I apologize to the Senate for delaying.

I am deeply concerned that conflict as I knew it in the 101st Legislature has been so broadened as to destroy the responsibilities for which we are elected. If the conflict in this case is so narrow that there really is a conflict not generally shared by those others in the same business, I would say grant leave not to vote, but I urge the Senate to be very, very careful about constantly expanding what the definition of conflict is.

Mr. President, I withdraw my request for Roll Call.

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

Mr. LOVELL: Mr. President, I would like to express the same thing as the good Senator from Kennebec, Senator Katz, has mentioned.

I am a pharmacist and if I cannot vote on any pharmacy Bills that come before this Body when I want to do good for the pharmacy and help out the people, then I will have to disqualify myself on any pharmacy bills, and I do not think I should. I did not when I was in the Senate in the 100th and 101st.

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

Mr. CONLEY: Mr. President, I do not know whether I agree or disagree with the good Senator from Kennebec, but I do believe that each of us are individuals and we have our own conscience to live with, and if we do feel that there is an area of conflict or even the possibility of a conflict and if we ourselves deem that that is so and we ask to be relieved or be given leave to vote on any measure that deals in this subject, I think it just should be automatic that one should be excused from voting.

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

Mr. HEWES: Mr. President and Members of the Senate: I concur with the remarks of the last Senator, my colleague from Cumberland, Senator Conley, that it is a personal thing. I do think in this case if the Senator from Somerset, Senator Redmond, feels there is an appearance — and I emphasize the word appearance, appearance of conflict, he should refrain from voting, and in this particular Bill the public is being mandated to purchase certain types of smoke detectors of which apparently one of those is manufactured by a company in which he has an interest. Hence, it would appear there would be a direct pecuniary gain to him by the passage of this legislation.

Therefore, I think he does have a conflict, although as I understood his statements a few minutes ago, he is going to vote against the Bill, which would actually be against his own personal interest.

The PRESIDENT: The Chair orders a Division.

Will all those Senators in favor of granting the Senator from Somerset, Senator Redmond, leave to refrain from voting on this Bill because of the possibility of an apparent conflict please rise in their places to be counted.

Will all those Senators opposed to granting the Senator from Somerset, Senator Redmond, leave to refrain from voting on this Bill because of the possibility of an apparent conflict, please rise in their places to be counted.

22 Senators having voted in the affirmative, and 7 Senators in the negative, the Senator from Somerset, Senator Redmond, is excused from voting on this issue.

Is the Senate ready for the main question which is: The Motion by the Senator from Penobscot, Senator Cummings, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

A Division has been requested.

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

Will all those Senators opposing the acceptance of "Ought Not to Pass" Report, please rise in their places to be counted.

26 Senators having voted in the affirmative, and 5 Senators in the negative, the Motion to accept the Minority Ought Not to Pass Report does prevail.

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

Mr. JACKSON: Mr. President, having voted on the majority side I now move for reconsideration, and would urge the Senate to vote against my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the committee.

A viva voce vote being had,
The Motion to reconsider does not prevail.
Sent down for concurrence.

Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act Providing Funds for a Fishway at the Frankfort Dam in Frankfort." (H. P. 1153) (L. D. 1371)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CHAPMAN of Sagadahoc
LEVINE of Kennebec

Representatives:

GREENLAW of Stonington
NELSON of Roque Bluffs
POST of Owls Head
JACKSON of Yarmouth
CONNERS of Franklin
FOWLE of Rockland

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

Signed:

Senator:

HEWES of Cumberland

Representatives:

MILLS of Eastport
BUNKER of Goldsboro
BLODGETT of Waldoboro

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

Which Reports were Read.

On Motion of Mr. Hewes of Cumberland, Minority Ought to Pass Report accepted in concurrence.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Senate

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

Bill, "An Act to Amend the Conditions for Holding Executive Sessions under the Right to Know Law." (S. P. 452) (L. D. 1532)

Leave to Withdraw

Mr. Katz for the Committee on Education on, Bill, "An Act Creating an Educational Choice Act." (S. P. 448) (L. D. 1587)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Katz for the Committee on Election Laws on, Bill, "An Act to Eliminate the Requirements that Registrars View Naturalization Papers of Naturalized Citizens." (S. P. 343) (L. D. 1127)

Reported that the same Ought to Pass.

Which Report was Read and Accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. Chapman for the Committee on Marine Resources on, Bill, "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (S. P. 105) (L. D. 234)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-145).

Mr. Collins for the Committee on State Government on, Bill, "An Act Relating to Membership on the Maine Council on Alcohol

and Drug Abuse Prevention and Treatment." (S. P. 190) (L. D. 587)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-144).

Mr. Greeley for the Committee on Transportation on, Bill, "An Act to Designate the Arnold Trail Highway." (S. P. 367) (L. D. 1217)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-146).

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 the following:

House

Bill, "An Act to Exempt from the Sales Tax all Equipment and Supplies used to Diagnose or Treat Diabetes." (H. P. 1207) (L. D. 1435)

Bill, "An Act to Amend the Charter of the Portland Water District." (Emergency) (H. P. 1556) (L. D. 1775)

RESOLVE, Designating Weskeag Marsh at Thomaston as the "R. Waldo Tyler Wilderness Area." (H. P. 1533) (L. D. 1765)

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

Bill, "An Act to Establish Chester Greenwood Day." (H. P. 1189) (L. D. 1425)

Which was read a Second Time.

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

Mr. CURTIS: Mr. President, I move that L. D. 1425, "An Act to Establish Chester Greenwood Day" be indefinitely postponed, the Bill and all its accompanying papers.

My reason is this — briefly, yesterday I said that it seemed to me this was completely unnecessary Legislation. The vote was very close. I do not see any point in moving this along to the enactment stage and requiring it to be engrossed and so forth if it should indeed turn out to be a majority of the Senate which happens to agree with me.

Now the reasons that have been given for enactment of this piece of Legislation seem to devolve around the wisdom of obtaining national publicity, and I certainly agree that it is a good idea and it is very pleasant for the State of Maine to get national publicity, mention on the Today Show and other such things, but I am not sure that should be the standard of Legislation that we here in the Maine Senate use to enact pieces of Legislation. I am concerned that we might become so mesmerized by the attention of the national news media that we use the Legislative process, rather than to promote the necessities of all of the people of the State of Maine, to instead serve as an adjunct of the Maine Publicity Bureau, of the Farmington Chamber of Commerce or the Sugarloaf Promotion Bureau. I think that it is a bad precedent to utilize the form that we have here.

This has been a serious day, Mr. President, we have handled matters and discussed matters of great severity. Chester Greenwood Day, it just seems to me, is an unfortunate misuse of the Legislative process.

I note in an outstanding national journal, National Geographic, some good attention is given to the Kennebec Dump Day, which is cause of great interest in the State of Maine, but it is not required by State of Maine Law.

Municipalities and areas that want to promote something on their own certainly may. I do not think that it would be wise in any sense of the term for the Legislature to continue upon this particular course of action, because the precedent would be set. Once we start with Chester Greenwood Day, then next year there will be any number of special days that will be

proposed, and having once set the precedent it will be very difficult to turn it down.

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

Mr. REDMOND: Mr. President, I request a Division and would like to speak on the subject.

The PRESIDENT: The Senator has the floor.

Mr. REDMOND: Mr. President, this is not only for promoting skiing areas. Because of his success in business, Chester Greenwood was able to build a fine home that is still standing. He purchased the first Stanley Steamer in the town, and his inventive ability did not rest with ear muffs alone. In 1885 he advertised himself as a machinist, and dealer in pipes, valves, packing, steam gauges, water glasses, babbitt, cap and set crews and other metal articles. He was a specialist in plumbing and steam and hot water heating. He manufactured the Greenwood steam heater for wood, and also the Greenwood pipe vise. He helped to establish the first telephone system in Franklin County.

But with all his talents in producing complicated machinery, it is because of the simple ear muff that Chester will long be remembered. A Chester Greenwood Day would be a fitting tribute to a man who brought business and fame to Maine by inventing a practical accessory that has brought comfort to millions of wearers.

This also goes much deeper than the surface and the promotional aspects. I would expect that the inspiration and innovation that this would bring to hundreds of entrepreneurs in the State of Maine, this would encourage them to go along with their ideas and invent. There is still plenty of room for inventions, and all sorts of inventions.

I hope that the Senate will vote with my Motion.

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

Mr. PIERCE: Mr. President and Members of the Senate: Regardless of how you do feel about this Bill, I would point out that it is in the Second Reading, and I would hope that you would vote against the Motion to indefinitely postpone, at least at this time.

I think, as the good Senator from Penobscot pointed out, we do deal with a lot of serious subjects, and perhaps there are times when a little levity does not do any of us any harm, and we have got a lot of publicity out of this, from CBS to the New York Times to the California papers and so forth. It is kind of a tribute, I think, to Yankee ingenuity that we can draw attention with things like this, and harken back to his original ingenuity.

I understand that later today or early tomorrow there is a camera crew coming up from Massachusetts to film Representative Steve Gould in ear muffs to take back with them, and I think I really would like to see that, so I hope you will not indefinitely postpone this Bill at this time.

Thank you.

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

Mr. DANTON: Mr. President and Members of the Senate: I am glad the good Senator from Kennebec, Senator Pierce, got up. He reminded me of something.

Last night as I was watching Channel 8, the News, they had an item on there about the Saco Historical Museum Society, where some gentleman from Saco invented the camera. I would hope that someone would table this Bill so that I could put an Amendment on Chester Greenwood Day, until I get the gentleman's name that invented the camera, and maybe we can have the ear muffs and the camera on the same day.

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

Mr. CARPENTER: Mr. President and Members of the Senate: Not to prolong this, but

all of the inventions that have been mentioned, and I mentioned yesterday in defending this Bill, that this was the problem I raised, the camera, the peavey, the Stanley Steamer, the machine gun, none of them are still around in their original form, one; and, two, the ear muff is the only one I can think of that may be a little bit unique to the State of Maine, because of our climate, because of our winter tourist business. This would set aside the first day of winter each year, which I cannot think of a more appropriate day.

I would hope that you would go along with me and oppose the Motion of the good Senator from Penobscot, Senator Curtis, to indefinitely postpone this very good Bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would inform the good Senator, my seat mate, Senator Danton, from York, that the gentleman whom he has been describing as the inventor of the camera was not Kojak, but Kodak.

Secondly, I would state I knew nothing of the gentleman, Chester Greenwood, until I read the article in the Maine Times last week, and also listening to the very many complimentary words that have been expressed there. I find not only has he warmed apparently the ears of many people through the winter time, but I find that he is now warming my heart and I hope the Bill does pass.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Curtis, that L. D. 1425 be indefinitely postponed.

A Division has been requested.

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

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

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

The Bill Passed to be Engrossed in concurrence.

House — As Amended

Bill, "An Act Relating to the Spending Ceiling for Education Purposes." (Emergency) (H. P. 968) (L. D. 1165)

Which was Read a Second Time.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1977. (Emergency) (H. P. 1531) (L. D. 1757)

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

Enactors

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

"An Act Relating to the Establishment of a Revolving Account for Local Educational Assessment." (H. P. 1027) (L. D. 1276)

"An Act to Repeal the Designation of Emergency Interim Successors to Legislators." (H. P. 463) (L. D. 568)

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

"An Act to Establish 4-Year Motor Vehicle Licenses for Persons under 65 Years of Age." (H. P. 481) (L. D. 1743)

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

"An Act Relating to Training Municipal Fire Departments, Incorporated Volunteer Fire

Departments and Fire Brigades." (S. P. 362) (L. D. 1216)

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 Exempt the Literacy Volunteers of the Pine Tree State from the Sales Tax." (H. P. 537) (L. D. 652)

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

"An Act to Increase Retirement Benefits for Teachers Who Taught Prior to July 1, 1942." (H. P. 1530) (L. D. 1756)

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

Emergency

"An Act Relating to the Payment to Provide for Waste Disposal at Mt. Ararat High School." (H. P. 1484) (L. D. 1701)

Emergency

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

Emergency

"An Act to Validate Proceedings Authorizing the Issuance of Bonds or Notes by Region 5 Vocational Region." (H. P. 1112) (L. D. 1365)

These being emergency measures and having received the affirmative votes of 31 members of the Senate, were Passed to be Enacted 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:

House Reports — from the Committee on Judiciary — Bill, "An Act to Repeal the Marijuana Decriminalization Statute." (H. P. 1272) (L. D. 1500) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — May 13, 1977 by Senator Carpenter of Aroostook

Pending — Motion of Senator Collins of Knox to Accept the Majority Report

On Motion of Mr. Speers of Kennebec, Retabled for One Legislative Day.

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)

Tabled — May 13, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed.

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

Mr. KATZ: Mr. President, under suspension of the rules I move the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" (S-147) and move its adoption.

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

Senate Amendment "A" (S-147) was Read.

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

Mr. KATZ: Mr. President, this Amendment does two things. It says that there should be a procedure whereby a community with a very local problem where this transportation is

clearly not necessary may have an escape clause on proper hearing and application: The second thing it does is it delays the implementation of the Bill until the second year of the biennium.

Senate Amendment "A" (S-147) Adopted.
Committee Amendment "A", as amended, Adopted.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill, as amended, be passed to be Engrossed and sent down for concurrence?

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate: I still have some reservations about this Bill in general.

I think I oppose it for several reasons, perhaps parochial, but I think they are legitimate. Two of my towns which I represent have consistently voted down providing secondary transportation. They have had articles in the last three or four years at their town meetings, and they have been voted down by an overwhelming majority of the people.

Secondly, it would be a highly costly proposition. For instance, in the Town of Poland, it would probably cost them about \$60,000.00.

Another reason is that in the Town of Poland, a number of the students go to a variety of high schools. Right now we have students going to about five different high schools. Poland is a large geographical area, so it is easier for students perhaps to go to a high school in Gray-New Gloucester than it is to travel across town to go to Auburn High School.

In addition, a private bus company had offered secondary transportation to these towns for the last few years, at .20 per ride. Ridership was at an all time low. Students were not taking advantage of this service, simply because they were engaged in extra-curricular activities or held part time jobs; therefore, the company had to discontinue their service.

Also, our three communities, Union 29, Poland, Mechanic Falls and Minot, did a study on the drop-out problem that was being experienced in the area. The highest rate of drop-out was experienced in the Town of Mechanic Falls, which does provide secondary transportation. The lack of secondary transportation was the lowest reason on the list for drop out. Reading was on top.

Therefore, I move the indefinite postponement of this Bill and all its accompanying papers.

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

Mr. KATZ: Mr. President, I call to the Senate's attention the fact that I voted against this Legislation within Committee. The purpose of offering the Amendment was to assure myself that if it did pass and if it were enacted, it would be in the best possible form.

I must say that I subscribe to the remarks made by the good Senator from Androscoggin, Senator Snowe, and will vote with her for indefinite postponement.

On motion of Mrs. Snowe of Androscoggin, Bill and accompanying papers indefinitely postponed in non-concurrence.

(See Action later today)

Sent down for concurrence.

The President laid before the Senate:

RESOLUTION, Proposing an Amendment to the Constitution Providing that all State Revenues, with the Exception of those now designated to the Highway Fund, with the Exception that the Legislature may Provide Dedication of Revenues to the Department of Inland Fisheries and Wildlife, with the Exception of Provisions Attached to Federal Funds, and with the Exception of Private Gifts be Credited to and appropriated from the General Fund. (H. P. 1557) (L. D. 1777)

Tabled — May 13, 1977 by Senator Speers of Kennebec

Pending — Reference

Referred to Committee on State Government and ordered printed in concurrence.

The President laid before the Senate:

House Reports — from the Committee on Labor — Bill, "An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court." (H. P. 281) (L. D. 375) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-269); Minority Report — Ought Not to Pass

Tabled — May 16, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator McNally of Hancock to accept the Minority Report

On Motion of Mr. Conley of Cumberland, Retabled for One Legislative Day.

The President laid before the Senate:

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

Tabled — May 16, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

On Motion of Mr. Speers of Kennebec, Retabled

The President laid before the Senate:

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

Tabled — May 16, 1977 by Senator Conley of Cumberland.

Pending — Enactment

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

Mr. CONLEY: Mr. President, I move the rules be suspended.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate suspend its rules. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, I now move under suspension of the rules that 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. 1747 was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, I would call the attention of the Senate to the enactors of L. D. 1747 that is presently before us dealing with Section 2, Private and Special Laws of 1955, 13-A and the powers. It says "The district shall be deemed a municipality with a population of 1,000 or more for all purposes of the Revised Statutes, Title 30, Chapter 235 and 237, shall conform" — and the problem comes hereafter where it says "as nearly as practicable, all the powers granted municipalities under those chapters."

This Section has been reviewed by the sponsor of this Legislation, and also with the Attorney General's office, and they have come up with an Amendment to this Bill which would probably allow the Eagle Lake Sewer District to be able to float bonds. Under the present language, we think they may have just a little bit of difficulty.

Therefore, Mr. President, I offer Senate Amendment "A" (S-148) and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Conley now offers Senate Amendment "A" (S-148) and moves its adoption. The Secretary will read Senate Amendment "A"

Senate Amendment "A" (S-148) Read and Adopted.

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

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act Providing for Student and Faculty Members of the Board of Trustees of the University of Maine." (H. P. 1114) (L. D. 1332)

Tabled — May 16, 1977 by Senator Katz of Kennebec

Pending — Motion of Senator Curtis of Penobscot to Reconsider Adoption of Committee Amendment "A" (H-279)

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

Mr. CURTIS: Mr. President, I mentioned yesterday that I would like to add an Amendment to this piece of Legislation. The Amendment filing No. is S-143. In order to do that, it is necessary to back the Legislation up.

I realize this is a controversial piece of Legislation. It came from the Education Committee with a Divided Report, and the topic is the makeup of the Board of Trustees of the University of Maine.

The proposal as initially presented to the Legislature and as part of the Education Committee recommendation, would provide for a new student trustee and a new faculty trustee. The Amendment that I would like to add would do the same thing. The other Body in amending it earlier in this Session provided for the elimination of the faculty trustee member.

I would suggest that it would be wise for the University of Maine to open up its Board of Trustees to include new ideas, and to provide for some consumer in-put, both from the students and from the faculty.

I think, as I said before, that it is a controversial topic, and I realize that, but I am very hopeful that it will be possible to expand the areas of interest which can make their point of view known to the full Board of Trustees.

If anybody is interested in any of the details of the Amendment, I think it is self-explanatory, but being a little bit complicated I would be happy to answer questions.

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

Mr. KATZ: Mr. President, I move this Bill and all its accompanying papers be indefinitely postponed. I think it is a bad Bill.

I think for the first time it puts constituencies on the Board of Trustees. The University of Maine is a very important resource to all of the people of the State of Maine, and we do not have constituencies on the Boards. We have at large members chosen by the public. Under existing law if the Governor wishes to propose a member of the faculty, he may do so. Under existing law if he wishes to put a student on, he may do so. But to expand the Board of Trustees to put on what amounts to two special interest groups will open the door, I predict, to other concerns in future Legislatures.

For example, I would presume that the teachers are aware of the fact that one of the most important functions of the University is teacher education, teacher training, and might very well come forward and say we feel a class room teacher should be included on the Board.

I think those who were involved in career education, who feel that the University is not responsive enough to the need for training people for life time careers might come in and ask for the special trustee position to be included for those who are involved in their daily lives in career education.

The fact that it has been amended and reamended and it was controversial within my Committee indicates the whole problem of putting special interest groups on the Board of Trustees.

I request a Division.

The PRESIDENT: Is the Senate ready for the

question? The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Curtis, that the Senate reconsider its action where by it adopted Committee Amendment "A".

The Chair will order a Division.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry — is a Motion before the Body to amend.

The PRESIDENT: The pending Motion before the Senate is the Motion by the Senator from Penobscot, Senator Curtis, that the Senate reconsider its action whereby the Senate adopted Committee Amendment "A". That Motion has priority over the Motion of the Senator from Kennebec, Senator Katz, to indefinitely postpone.

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

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

14 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to reconsider does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill and all its accompanying papers be indefinitely postponed.

A Division has been requested.

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

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

17 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to indefinitely postpone does prevail.

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

Mr. KATZ: Mr. President, I move for reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby it indefinitely postponed L. D. 1332.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Reconsidered Matter

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, I would like to move that the Senate reconsider its action whereby it voted to indefinitely postpone Bill "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools" (H. P. 1025) (L. D. 1273) and urge the Senate to vote against me.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now moves the Senate reconsider its action whereby it indefinitely postponed L. D. 1273.

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

Sent down for concurrence.

Senate Appointments Committees of Conference

The Chair would appoint on part of the Senate to act as Conferees in several Committees of Conference:

On Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements", (H. P. 577) (L. D. 701) the Chair will appoint:

The Senator from Cumberland, Senator Hewes

The Senator from Penobscot, Senator Cummings

The Senator from Aroostook, Senator Carpenter

On Bill "An Act to Clarify the Powers of the

Department of Inland Fisheries and Wildlife" (H. P. 354) (L. D. 447), The Chair will appoint:

The Senator from Somerset, Senator Redmond

The Senator from Cumberland, Senator Jackson.

The Senator from Oxford, Senator O'Leary.

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

The Senator from Cumberland, Senator Jackson

The Senator from Washington, Senator Wyman.

The Senator from Aroostook, Senator Martin

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,
Adjourned to 9:30 tomorrow morning.