

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

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**Senate Confirmation Session  
September 16, 1977**

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## SENATE

Friday, May 27, 1977

Senate called to Order by the President.  
Prayer by the Honorable Michael E. Carpenter of Houlton.

Mr. CARPENTER: Our Father, we ask your guidance as we make our decisions here today. Guide our hands as we deliberate for all of the people of the State of Maine. Watch over us all on this long week-end as we travel home from here.

Amen.

Reading of the Journal of Yesterday.

Out of Order and Under Suspension of the rules:

On motion by Mr. Huber of Cumberland:

Ordered, the House concurring, that when the House adjourns, it adjourns to 9:30 in the morning on May 31; and that when the Senate adjourns, it adjourns to 10:30 in the morning on May 31. (S. P. 520)

Which was Read and Passed.

Sent down forthwith for concurrence.

Senator Hichens of York was granted unanimous consent to address the Senate on the record.

Mr. HICHENS: Mr. President, and Members of the Senate:

## MAY ROSS DAY

May 29, 1977

In this Legislative Session, we've had many bills before us Designating certain days — some fair — some quite notorious. We've considered having Arbor Week instead of Arbor Day, We've been asked to have a Writers Week — (that bill was laid away) A son's and daughter's day was set for sometime in July And many questions came to mind as to the reasons why The bill was necessary — and it was laid aside. And the Chester Greenwood's day idea for awhile seemed to ride; But again the questioning began — would this open the door And would designating certain days come to us o'er and o'er? Defeated here the bill was sent down to the house for action And on return — victorious — to many's satisfaction.

But even though these bright ideas have mostly hit the drain I'd like to suggest one more day and hope that you'll refrain From saying "Oh, that Hichens — doesn't he know when to quit? We do not need another day!" — but let's get on with it. The day that I'm suggesting that we commemorate Is in honor of a lovely gal — who soon will celebrate Another birthday. I'm so sure that you will all agree That I've taken my own roll call — and in the results you'll see That there's no opposition in my apt designation For one who draws from all of us our deepest admiration.

Carpenter — yes, Chapman — yes, likewise the brothers two, Conley — yes, Cummings — yes — Ted Curtis "yes", in view. Danton — yes — Farley — yes and likewise Greeley — Hewes. The designating of this day will surely make the news.

Hichens — yes, Huber — yes — Jackson — Katz in line, Levine votes yes — and Lovell — yea — the vote is going fine.

Mangan, Martin and McNally all vote to agree

Merrill votes affirmative

and so does Minkowsky.

Morrell, yes — O'Leary — yes

and likewise Pierce and Pray.

Redmond, Snowe and Speers agree

and we're well on the way.

Trotzky, Usher, Wyman —

all add a positive vote,

And using his prerogative —

the President would note

That he, too, joins the rest of us as we arise to say

We designate May 29th each year

as "May Ross Day."

Papers from the House  
Non-Concurrent Matter

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

In the House May 13, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-202) as amended by House Amendment "C" thereto (H-307).

In the Senate May 25, 1977 Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto (S-161), in non-concurrence.

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

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending consideration.

## House Paper

Bill, An Act Repealing the York Beach Village Corporation. (Emergency) (H. P. 1601) (L. D. 1809)

Comes from the House referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed in concurrence.

Committee Reports  
House

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

Bill, An Act to Exempt Post-secondary School Books from Sales Taxation. (H. P. 1399) (L. D. 1563)

Bill, An Act to Impose a Sales Tax on Rental Fee for Cable T.V. (H. P. 1404) (L. D. 1566)

Bill, An Act to Make the Term of Office of the Director of the Bureau of Alcoholic Beverages Coterminous With That of the Governor. (H. P. 300) (L. D. 356)

Bill, An Act Concerning Cardiovascular Injury or Disease Suffered by State Police Officers. (H. P. 884) (L. D. 1083)

## Leave to Withdraw

The Committee on Agriculture on, Bill, An Act to Amend the Maine Agriculture Marketing and Bargaining Act of 1973. (H. P. 348) (L. D. 473)

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 Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Year Ending June 30, 1978, to the University of Maine. (Emergency) (H. P. 936) (L. D. 1133)

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 to Provide a Comprehensive Review of Elementary and Secondary Educational Services in the State. (Emergency) (H. P. 1467) (L. D. 1706)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Energy on, Bill, An Act Providing that a Lifetime Accounting of the Costs of Operating and Heating shall be made Before any Contract is Executed for the Construction or Major Alteration of a State Building. (H. P. 690) (L. D. 872)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, An Act to Assure Coordination and Adequate Services to Children by Community Mental Health Centers. (H. P. 1357) (L. D. 1603)

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 Regulating Sterilization. (H. P. 708) (L. D. 887)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Exempt Certain Nonprofit Boarding Care Facilities from the Sales Tax. (H. P. 661) (L. D. 802)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, An Act to Remove the Sales Tax on the Sale of Water for Residential Uses. (H. P. 1330) (L. D. 1555)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

## Ought to Pass

The Committee on State Government on, Resolve, to Convey Land from the State of Maine to Clarence E. Nichols. (H. P. 726) (L. D. 846)

Reported that the same Ought to Pass.

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

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

## Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, An Act to Increase the Salaries of the Judiciary. (H. P. 310) (L. D. 401)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-379).

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

Which Report was Read.

On Motion of Mr. Speers of Kennebec, Tabled for Two Legislative Days, Pending acceptance of the Committee Report.

The Committee on Business Legislation on, Bill, An Act Concerning the Practical Training of Electricians. (H. P. 122) (L. D. 155)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (H-406).

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

The Committee on Education on, Bill, An Act to Authorize the Town of Beals to Withdraw from the Moosabec Community School District (Emergency) (H. P. 47) (L. D. 68)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-407).

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

The Committee on Education on, Bill, An Act Concerning the Per Pupil Cost of a School Administrative Unit Losing More than 33% of its Enrollment Between June and September. (H. P. 907) (L. D. 1106)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-410).

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

The Committee on Education on, Bill, An Act to Permit State Aid to be Distributed to the Unit or School which the Student Attends. (Emergency) (H. P. 1348) (L. D. 1651)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-409).

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

The Committee on State Government on, Bill, An Act to Authorize an Archeologist for the Maine Historic Preservation Commission. (H. P. 781) (L. D. 934)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-404).

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

The Committee on State Government on, Bill, An Act Concerning the Membership of the Standardization Committee. (H. P. 134) (L. D. 171)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-405)

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

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

The Committee on Local and County Government on, Bill, An Act to Adjust the Civil Process Fees and Travel Allowances for Deputy Sheriffs. (H. P. 1378) (L. D. 1571)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-375).

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-394).

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

The Committee on Performance Audit on, Bill, An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies (H. P. 1393) (L. D. 1636)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-392).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A". (H-411)

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

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

Mr. MORRELL: Mr. President, just a brief word about this Bill. It is an attempt to try to solve some of our frustrations with the lack of over-sight in the acceptance of the application and acceptance of Federal funds which inevitably in many instances end up initiating new programs that the General Fund at some point, at some time, has to assume.

This would involve the Legislature from the beginning in the matter of Federal funds. This is accomplished by the Committee Amendment "A" (H-411), the pass-through of Federal funds from the Federal Government through the State to the Community where the State has no discretion.

Committee Amendment "A" Adopted in concurrence. House Amendment "A" Read and Adopted in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Human Resources on, Bill, An Act to Create a Clients' Bill of Rights and Responsibilities. (H. P. 429) (L. D. 532)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1594) (L. D. 1802)

Comes from the House, the Bill, in New Draft. Passed to be Engrossed as amended by House Amendment "A" (H-430).

Which Report was Read.  
The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I have not had the opportunity to go down through entirely the new draft on this particular piece of legislation, but I note that in the original draft there was a provision that a State employee, a prison guard, for example, could himself be guilty of a Class C crime were he to violate in any way any of the rights which were given to the inmates of the State Prison; and the original Bill spelled out specific rights which were given to inmates of the State Prison, as well as other individuals in other institutions.

It struck me as being a rather stringent provision in the original Bill, and I would pose a question through the Chair for anyone from the Committee on Human Resources as to whether or not the provision of creating a crime for a Prison Guard is still in the new draft.

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

Mr. LOVELL: Mr. President and Members of the Senate, no, in the new draft, the violation, in addition to any other remedies provided by law, any person found to have violated regulations pursuant to this chapter, shall be subject to personnel disciplinary action; and the new draft has taken out the objection that the good Senator from Kennebec has, and I feel the Bill is in good shape.

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

The Committee on Transportation on, Bill, An Act to Revise the Certificate of Title and Antitheft Laws under the Motor Vehicle Division. (H. P. 446) (L. D. 552)

Reported that the same Ought to Pass in New Draft, under new title: Bill, An Act Concerning the Motor Vehicle Certificate of Title and Antitheft Laws of Maine. (H. P. 1595) (L. D. 1803)

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 Readings.

#### Divided Report

The Majority of the Committee on Education on, Bill, An Act to Authorize Bond Issue in the Amount of \$5,370,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine. (H. P. 613) (L. D. 750)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-391).

Signed:  
Senators:

KATZ of Kennebec  
USHER of Cumberland  
PIERCE of Kennebec

Representatives:

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

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

Signed:

Representative:

LEWIS of Auburn

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.

Majority Ought to Pass, as Amended, Report accepted.

The Bill Read Once. Committee Amendment "A" Read and adopted, and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, An Act to Eliminate Weight Limits on Certain Species of Fish and to Provide for Uniform Possession Limits by Numbers. (H. P. 188) (L. D. 250)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-398)

Signed:  
Senator:

REDMOND of Somerset

Representatives:

MASTERMAN of Milo  
DOW of West Gardiner  
MacEACHERN of Lincoln  
PEARSON of Old Town  
TOZIER of Unity  
MILLS of Eastport  
PETERSON of Caribou  
McKEAN of Limestone

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

Signed:

Senators:

USHER of Cumberland  
PRAY of Penobscot

Representatives:

ROLLINS of Dixfield  
GILLIS of Calais.

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 Pray.

Mr. PRAY: Mr. President, I move the Senate accept the Minority Ought Not to Pass Report.

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

accept the Minority Ought Not to Pass Report of the Committee.

The Chair will order a Division.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if some Member of the Committee on Fisheries and Wildlife might enlighten the Senate as to the issue involved in this matter.

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

The Chair recognizes the Senator from Cumberland, Senator Usher.

Mr. USHER: Mr. President and Members of the Senate, the present law is eight fish for 15 Counties in the State, and the Amendment poses that Aroostook County still be granted 12, and this is the main reason why I signed the Ought Not to Pass Report, because I believe that Aroostook County can be with the rest of the State and have a uniform law.

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

Mr. PRAY: Mr. President and Members of the Senate, just to further explain a little more what the Bill does, it does increase in Aroostook County, but it cuts down the rest of the State.

On Motion of Mr. Redmond of Somerset,

Tabled for One Legislative Day, Pending the Motion of the Senator from Penobscot, Senator Pray, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

#### Divided Report

The Majority of the Committee on Human Resources on, Bill, An Act to Provide for 4-Year Terms of Office for Representatives, Governors, and Lieutenant Governors of the Passamaquoddy Tribe of Indians. (H. P. 870) (L. D. 1063)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LOVELL of York  
MANGAN of Androscoggin

Representatives:

KANY of Waterville  
DAVIES of Orono  
BURNS of Anson  
PETERSON of Caribou  
MARSHALL of Millinocket  
GREEN of Auburn  
HUTCHINGS of Lincolnville  
TALBOT of Portland

The Minority of the same Committees on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendments "A" (H-383).

Signed:

Senator:

HICHENS of York

Representatives:

LaPLANTE of Sabattus  
CUNNINGHAM of New Gloucester

Comes from the House, Recommended to the Committee on the Human Resources.

Which Reports were Read.

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

Mr. HICHENS: Mr. President, I move that the Minority Ought to Pass as amended Report be accepted.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate accept the Minority Ought to Pass as amended Report of the Committee.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, this Bill was heard before the Committee on Human Resources, and asking for four-year terms for Representatives, Governors and Lieutenant Governors of the Passamaquoddy Tribe. It went in the other Body before the Committee had a chance to hear from the Attorney General

whether or not it was constitutional as far as the State is concerned, and the Attorney General said that it was. So in the other body they asked that it be recommitted to the Committee on Human Resources.

Now I do not particularly care one way or another. The majority of the Committee felt that four-year terms were possibly too long, and they should stick to the two-year terms from the Tribe, as we serve two years here in the Senate and House.

I would call for a Division.

On Motion of Mr. Conley of Cumberland, Recommended to Committee on Human Services in concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, An Act to Provide for Visitation Rights for Grandparents of Children Involved in Divorce or Custody Proceedings. (H. P. 704) (L. D. 885)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-400).

Signed:

Senators:

COLLINS of Knox  
CURTIS of Penobscot

Representatives:

TARBELL of Bangor  
NORRIS of Brewer  
BENNETT of Caribou  
GAUTHIER of Sanford  
BYERS of Newcastle  
HOBBINS of Saco  
HUGHES of Auburn  
SPENCER of Standish  
HENDERSON of Bangor

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

Signed:

Senator:

MANGAN of Androscoggin

Representative:

DEVOE of Orono

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 Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I would move we accept the Minority Ought Not to Pass, and I would wish to speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. MANGAN: Mr. President, one of the rationales in voting against this, I have nothing really against Grandparents. I think everybody should have a Grandparent around. Everybody has a Grandparent sometime sooner or later.

The only problem that I have here is in the many, many divorces that I have been involved in as an Attorney. I have always found it very difficult to resolve some of the issues that we have. Notably, divorce seems to be a family affair. The wife wants to get divorced. She goes to see her mother and her father and the whole package, and her husband as soon as he is served the divorce papers has got his brothers and his sisters and everybody involved.

The question I have here is whether we do not really have enough trouble now in trying to get visitation rights for the father. I have got a lot of situations where the father gets his visitation rights from 2:00 until 4:00 on a Saturday afternoon, especially if the child is very young. All of a sudden out of a clear blue sky we are going to throw a Grandmother in there asking for visitation rights every other holiday, which is difficult in itself.

Further I can see all of the problems that would develop because the Amendment itself really includes any third person. It does not have to be a relative. The Amendment itself

says: "Upon Motion of either party, such society institution as aforesaid, the Department of Human Services any third person to whom care, custody or the right of visitation has been granted, any blood relative or any person standing in loco parentis to the minor children." This would include a next door neighbor who had probably had a great affilare relationship with the child itself, and I wonder whether they should really be competing with the Father to get a chance to see the children, or the Mother to get a chance to see the children. If this is the case then I think we are really creating a lot more havoc as far as the divorce courts are concerned than we really want to do.

I would urge the Senate to seriously consider the Minority Ought Not to Pass.

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

Mr. CURTIS: Mr. President, the question of visitation rights is an interesting one. It is not now addressed in our present statutes, as far as we could determine while looking at this proposal.

What the Amendment does is to address that question of visitation rights and to, for the first time I believe, to explain in the statutes that the court may make an order regarding rights of visitation, and it came in because it was a provision that was suggesting that Grandparents ought to have special attention. The Court would not have to, the Judge would not have to award visitation rights to Grandparents or to anybody else, but it at least clarifies what its powers are.

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

The Chair will order a division.

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

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

4 Senators having voted in the affirmative, and 18 Senators in the negative, the Motion to accept the Minority Ought Not to Pass Report does not prevail.

Majority Ought to Pass as amended Report accepted in concurrence.

The Bill Read Once, Committee Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Readings.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, An Act to Establish a State Gambling Commission and to Permit Gambling within Certain Areas of the State. (H. P. 1175) (L. D. 1455)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HEWES of Cumberland  
CARPENTER of Aroostook

Representatives:

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

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-402).

Signed:

Senator:

CUMMINGS of Penobscot

Representatives:

BIRON of Lewiston  
COTE of Lewiston

MOODY of Richmond  
Comes from the House, Bill and Papers  
Indefinitely Postponed.

Which Reports were Read.

On Motion of Mr. Carpenter of Aroostook,  
Majority Ought Not to Pass Report accepted.

#### Divided Report

The Majority of the Committee on Natural  
Resources on, Bill, An Act to Amend the  
Method of Collecting Municipal Costs in The  
Abatement of Malfunctioning Domestic Sewage  
Disposal Units. (H. P. 1323) (L. D. 1557)

Reported that the same Ought to Pass:

Signed:

Senators:

TROTZKY of Penobscot  
REDMOND of Somerset

Representatives:

BLODGETT of Waldoboro  
HALL of Sangerville  
HUBER of Falmouth  
DEXTER of Kingfield  
BENOIT of S. Portland  
HUNTER of Benton  
WILFONG of Stow  
GREEN of Auburn  
BROWN of Bethel

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

Signed:

Senator:

O'LEARY of Oxford

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

Which Reports were Read.

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

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

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

Mr. O'LEARY: Mr. President, I will ask for a  
Division on the Motion and I would like to ex-  
plain my position on this piece of Legislation.

At the present time local plumbing inspectors  
who may find a malfunctioning septic system  
can and do have the municipalities repair the  
systems and then they are billed through the  
taxes. This gives the person an opportunity to  
go to a bank and borrow the money to replace  
this system.

However, under this Bill the Town will have  
to repair the system, and then a person is given  
ten years to pay this amount of money back to  
the municipality. In the case of a lot of  
municipalities, this means tying up a lot of your  
local money for a period of ten years.

I think that this is a problem that can take  
care of itself under the present system and the  
way it is working and I see no reason to burden  
the municipalities with the borrowing of more  
money to accomplish this. That is my position  
on this.

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

Mr. TROTZKY: Mr. President and Members  
of the Senate, I hate to burden the Senate with  
domestic sewage systems the day before a nice  
vacation.

This Bill is an important Bill, and basically  
the system right now says that if a domestic  
septic system is not working, the plumbing in-  
spector finds it not working, he can come in and  
order it replaced and put a tax lien on the  
property, and it has to be paid back within one  
year by the homeowner. Now there are many  
homeowners in the State of Maine, many low-  
income homeowners who sometimes cannot af-  
ford to pay off that system in one year. So what  
this Bill does, basically this Bill is enabling  
Legislation to work mayism here, — a town  
may by ordinance allow the plumbing inspector  
to condemn the system, which he can do right

now, and the town can then order a new one put  
in and enable the low-income homeowner to  
take advantage of the low interest rates that  
the City can borrow at and pay back the system  
over a ten year period rather than a one year  
period.

The Bill was put in by the Council of Govern-  
ment, which is a group of many municipalities  
in the Portland area, which are trying to  
protect the Water Shed District around Sebago  
Lake. So the Bill is just enabling Legislation. It  
does not mandate that the town use this  
procedure.

The PRESIDENT: A Division has been re-  
quested.

The Chair recognizes the Senator from Ox-  
ford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would give  
you an example of the Town of Greenville. Now  
they are going to have to install in their  
municipality septic systems in each and every  
home. Now if you are asking them, the  
Municipality of Greenville, for example, to pick  
up the cost and spread it over the period of the  
next ten years, think of how much money this  
amounts to and how the town can afford it.

The PRESIDENT: Is the Senate ready for the  
question? The pending question before the  
Senate is the Motion by the Senator from  
Penobscot, Senator Trotzky, that the Senate ac-  
cept the Majority Ought to Pass Report of the  
Committee.

A Division has been requested.

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

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

16 Senators having voted in the Affirmative,  
and 9 Senators in the Negative, the Motion to  
accept the Majority Ought to Pass Report of the  
Committee does prevail.

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 Set the Level of State Cost for  
Teacher's Retirement Benefits. (S. P. 480) (L.  
D. 1746)

#### Ought to Pass

Mr. Minkowsky for the Committee on Trans-  
portation on, Bill, An Act Relating to Registra-  
tion of Trucks of Less Than 6,000 Pounds as  
Automobiles. (Emergency) (S. P. 113) (L. D.  
272)

Reported that the same Ought to Pass.

Mr. McNally for the Committee on Transpor-  
tation on, Bill, An Act to Authorize Bond Issue  
in the Amount of \$11,500,000 for the Highway and  
Bridge Improvement Program. (S. P. 65) (L. D.  
136)

Reported that the same Ought to Pass.

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

#### Ought to Pass in New Draft

Mr. Usher for the Committee on Education  
on, Bill, An Act to Establish a Program for the  
Basic Attainment of Skills in Children. (S. P.  
243) (L. D. 734)

Reported that the same Ought to Pass in New  
Draft under New Title: Bill, An Act to  
Establish an Assessment of Student Perfor-  
mance in the Basic Skills. (Emergency) (S. P.  
518) (L. D. 1810)

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

#### Divided Report

The Majority of the Committee on Energy on,  
Bill, An Act to Increase the Use of Wood Fuel as  
a Supplement to Conventional Energy Sources  
in Residential Space Heating. (S. P. 295) (L. D.  
921)

Reported that the same Ought Not to Pass.

Signed:

Senator:

TROTZKY of Penobscot

Representatives:

DAVIES of Orono  
TRAFTON of Auburn  
RIDEOUT of Mapleton  
HOWE of South Portland  
CONNOLLY of Portland  
JENSEN of Portland

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

Signed:

Senators:

REDMOND of Somerset  
FARLEY of York

Representatives:

HUBER of Falmouth  
TORREY of Poland  
BOUDREAU of Waterville  
BROWN of Bethel.

Which Reports were Read.

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

Mr. TROTZKY: Mr. President, I move the  
Senate accept the Majority Ought Not to Pass  
Report, and I would like to speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members  
of the Senate, the Energy Committee has 18  
Bills, and many of them are good Bills, but I  
know in the end we cannot afford all of these.  
So, consequently, I signed those Bills which I  
feel are priorities.

What this Bill does, basically, is give the tax  
credit of \$50.00 to any individual building a new  
home who puts an extra flue in that can be used  
for burning wood. The price tag on this Bill is  
\$90,000.00, and it will end up on the Appropria-  
tions Table.

However, my feeling is that we have more  
important Bills that will be coming before the  
Senate, such as giving tax exemptions on insula-  
tion material, insulating some of the homes.  
Also other Bills which have considerable price  
tags on them which will provide labor to  
winterize many of the homes of our older  
citizens and low-income individuals in the  
State.

So, although I feel the Bill has some merit,  
realistically I feel we have to choose our  
priorities, and that is the reason that the Ma-  
jority of the Committee did vote against it.

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

Mr. FARLEY: Mr. President, I would Re-  
quest a Division on the Motion.

The Bill is one of several that deals with some  
of our energy problems here. The Bill does  
carry a price tag estimated, I believe, at  
\$90,000.00, but I think if you look at the installa-  
tion of these flues that the money we realize  
there can return through additional construc-  
tion. Many of our present fireplaces are not  
really an energy saver at all. The Bill calls for a  
type of a flue installation that would be an  
energy saver.

I think it is an excellent piece of Legislation,  
one that we can deal with, and I think it ought to  
be enacted.

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

Mr. PRAY: Mr. President and Members of  
the Senate, I have to rise in opposition to the  
good Senator from Penobscot, Senator Trotzky,  
in talking about priorities.

I think we have a Bill lying on the Table deal-  
ing with tax exemption for the Bangor Inter-  
national Airport, and I think that when we are

going to talk about energy, we have to line our priorities as to the commercial and to the residential areas.

I think we definitely should give this Bill its passage to the Appropriations Table, and then we will line up our priorities at the end.

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

Mr. TROTZKY: Mr. President, this Bill was sponsored by the Chairman of the Appropriations Committee, and again I feel it is going to end up on the Appropriations Table and will finally, as he looks at all of the other Bills coming forth from Energy, it will become obvious that this is not a priority, and with limited funds I feel right now if we pass this Bill we are just loading up the Appropriations Table.

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

Mr. HUBER: Mr. President and Members of the Senate, I would just like to assure the good Senator from Penobscot, Senator Trotzky, that this Bill, along with the Bangor International Airport, will get its due consideration, if it does reach the Appropriations Table.

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

Mr. MERRELL: Mr. President, I would also like to reassure the good Senator from Penobscot, that we will keep an eye on the Chairman's Bill when it gets on the Appropriations Table.

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

Mr. TROTZKY: Mr. President and Members of the Senate, I feel that the Senate should be aware of what went on at the Committee Hearing on this Bill.

The sponsor presented the Bill. There were proponents, no opponents, and no one spoke, neither as a proponent nor an opponent.

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

Mr. HUBER: Mr. President and Members of the Senate, I would just like to mention the fact that that is the finest kind of hearing.

The PRESIDENT: A Division has been requested.

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

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

7 Senators having voted in the affirmative, and 20 Senators in the negative, the Motion to accept the Majority Ought Not to Pass Report does not prevail.

Minority Ought to Pass Report Accepted.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

**Divided Report**

Six members of the Committee on Judiciary on. Bill, An Act to Regulate Security Deposits on Residential Rental Units. (S. P. 222) (L. D. 686)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (S-169).

Signed:

Senators:

- COLLINS of Knox
- CURTIS of Penobscot
- MANGAN of Androscoggin

Representatives:

- GAUTHIER of Snaford
- DEVOE of Orono
- BYERS of Newcastle

Six members of the same Committee on the same subject matter Reported in Report "B" that the same Ought to Pass in New Draft under same title. (S. P. 519) (L. D. 1813)

Signed:

Representatives:

- HOBBINS of Saco
- HENDERSON of Bangor
- TARBELL of Bangor

SPENCER of Standish  
HUGHES of Auburn  
BENNETT of Caribou

One member of the same Committee on the same subject matter Reported in Report "C" that the same Ought Not to Pass.

Signed:

Representative:

NORRIS of Brewer

Which Reports were Read.

On Motion of Mr. Speers of Kennebec, Tabled for Two Legislative Days, Pending acceptance of any Committee Report.

**Second Readers**

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

**House**

Bill, An Act to Amend the Benefit Financing Provisions of the Employment Security Law. (Emergency) (H. P. 763) (L. D. 931)

Bill, An Act to Exempt Public Libraries from the Sales Tax. (H. P. 1052) (L. D. 1285)

Bill, An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems. (H. P. 1282) (L. D. 1518)

Bill, An Act Relating to Use of Criminal Records in Occupational Licensing. (H. P. 1369) (L. D. 1594)

Bill, An Act to Amend the Charter for the Maine Institution for the Blind. (Emergency) (H. P. 1540) (L. D. 1770)

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

Bill, An Act to Standardize Some of the Procedures and Statutes Administered by the Department of Environmental Protection. (H. P. 1588) (L. D. 1800)

Which was Read a Second Time.

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

Mr. TROTZKY: Mr. President, I offer Senate Amendment "A" (S-172) and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now offers Senate Amendment "A" (S-172) and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-172) Read and adopted in non-concurrence.

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

Sent down for concurrence.

**House - As Amended**

Bill, An Act to Provide a Uniform Basis for Recognizing the Right of University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations. (H. P. 1144) (L. D. 1391)

Which was Read a Second Time.

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

Bill, An Act Relating to Expenditures of Municipalities for General Assistance. (H. P. 237) (L. D. 300)

Bill, An Act to Permit Municipalities to Renew Motor Truck Registrations. (H. P. 848) (L. D. 1039)

Bill, An Act to Establish a Sign on the Maine Turnpike Showing the Exit for Coastal Maine. (H. P. 1221) (L. D. 1448)

Bill, An Act Authorizing School Administrative Units to Charge a Driver Education Course Fee during the School Year. (H. P. 970) (L. D. 1167)

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

Bill, An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court. (H. P. 281) (L. D. 375)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, yesterday when this Bill was debated, a few issues were brought up that could stand further clarification, and I plan to take the Bill through the process to where we can offer an Amendment. Before I go through this process, I would like to explain the Amendment so that everybody understands it.

One of the points that the good Senator from Hancock, Senator McNally, brought out yesterday was the instance in which an individual who has through the Industrial Accident Commission been awarded the right to receive claims and the Insurance Company sets the appeals, and if in the period in between the adjustment being made and the appeals process this individual recovers and goes back to work, there is nothing in the statutes in this Section of the law which would give anybody the authority to stop the payments of those Workmen Comp payments, so I have a Senate Amendment which I am going to offer which will take care of this problem.

Thus, Mr. President, I move we reconsider our action whereby we adopted Committee Amendment "A" as amended by House Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves the Senate reconsider its action whereby it adopted Committee Amendment "A" as amended by House Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. PRAY: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" (S-171), and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "A" to Committee Amendment "A" (S-171). The Secretary will read Senate Amendment "A" to Committee Amendment "A".

Senate Amendment "A" to Committee Amendment "A" (S-171) Read.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to Committee Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWS: Mr. President, I move this to be tabled for One Legislative Day, pending adoption of the Amendment.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that L. D. 375 be tabled for One Legislative Day, pending adoption of the Amendment.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I move this be tabled until later in Today's Session.

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

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

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

Will all those Senators in favor of tabling until later in Today's Session, please rise in their places to be counted.

With all those Senators opposed to tabling until later in Today's Session, please rise in their places to be counted.

7 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to table until later in Today's Session does not prevail.

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

Mr. SPEERS: Mr. President, I hope that I can possibly allay some of the fears that may be lurking with regard to this particular Amendment.

The PRESIDENT: The Chair would advise the Senator that there is a pending Motion before the Senate at the moment to table for One Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: 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.

3 Senators having voted in the affirmative, and 22 Senators in the negative, the Motion to table for One Legislative Day does not prevail.

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

Mr. SPEERS: Mr. President and Members of the Senate, there was a question that was posed yesterday when this Bill was presented with regard to the problem that could possibly arise whereby an individual were granted by the Industrial Accident Commission the right to receive some benefits, and an appeal were taken and that appeal was taken to the Supreme Court of the State of Maine, and at a subsequent time the individual would be going back to work. The question arose as to whether or not those benefits could be terminated even though the case were on appeal to the Supreme Court when the individual went back to work.

I attempted to answer that question yesterday, and I answered it in the affirmative, that the Commission would still be able to review that appeal, or review the present conditions, that is that the individual was back at work, and that the Commission then could order the termination of payments even though the matter were on appeal to the Supreme Court.

Well, there appears that there is some doubt as to whether or not the Commission can do that. This Amendment attempts to clear that up, and I feel does clear it up, and it simply states that the Commission can retain jurisdiction over the case, even though it has been appealed to the Supreme Court, to review its order granting benefits to the employee as provided in Section 100 of the Workman's Compensation Title. What that means is that if the employee does not go back to work and the employer says "Hey, this fellow is no longer incapacitated, obviously he is working, he is capable of working, we would like to ask the Commission to review its order." This Amendment will insure that the Commission can, in fact, do that even though the case is on appeal to the Supreme Court.

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

Mr. MERRILL: Mr. President, I would like to pose a parliamentary inquiry to the Chair. We have reconsidered the Committee Amendment, and now there is an Amendment being offered to the House Amendment to the Committee Amendment. Is that correct?

The PRESIDENT: The Chair would advise the Senator that the pending Amendment is being offered to the Committee Amendment.

Senate Amendment "A" to Committee Amendment "A" Adopted. Committee Amendment "A", as amended, adopted.

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

Sent down for concurrence.

Bill, An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems. (H. P. 1586) (L. D. 1799)

Which was Read a Second Time.

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

Mr. O'LEARY: Mr. President and Members of the Senate, I would move the indefinite postponement of L. D. 1799.

On Motion of Mr. Pierce of Kennebec.

Tabled for One Legislative Day, Pending the Motion of the Senator from Oxford, Senator

O'Leary, that this Bill and its accompanying papers be indefinitely postponed.

#### Senate

Bill, An Act Relating to the Jurisdiction of the Administrative Court. (S. P. 241) (L. D. 733)

Bill, An Act to Increase the Number of State Liquor Inspectors. (S. P. 454) (L. D. 1569)

Bill, An Act Providing for Improved Accountability of Funds Expended by the Department of Human Services and by the Department of Mental Health and Corrections. (S. P. 514) (L. D. 1807)

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

Sent down for concurrence.

#### Senate-As Amended

Bill, An Act Relating to Adult Education. (S. P. 102) (L. D. 231)

Which was Read a Second Time.

On Motion of Mr. Merrill of Cumberland,

Tabled for One Legislative Day,

Pending Passage to be Engrossed.

#### Enactors

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

An Act to Clarify the Confidentiality Provisions of the Maine Housing Authorities Act. (H. P. 1570) (L. D. 1784)

An Act Relating to Time Limitation on Providing Written Reasons for Termination of Employment. (H. P. 1085) (L. D. 1309)

An Act to Authorize Educational Rehabilitation under the Workman's Compensation Statutes. (H. P. 1188) (L. D. 1424)

(See Action Later Today.)

An Act Relating to Conduct of Examinations. (S. P. 97) (L. D. 226)

An Act to Authorize the University of Maine to Execute a Charitable Gift Annuity with a Donor. (H. P. 63) (L. D. 88)

An Act Relating to Abandoned Safety Deposit Boxes. (H. P. 184) (L. D. 246)

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

An Act to Repeal Certain Laws Relating to Corporations. (H. P. 1066) (L. D. 1293)

An Act to Increase the Tax on Fire Insurance Premiums to Aid in Arson Investigation by the State Fire Marshal's Office. (H. P. 961) (L. D. 1153)

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 Regulate the Placing by Nonutilities of Electric Utility Facilities within Public Ways. (H. P. 719) (L. D. 854)

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

Mrs. CUMMINGS, Mr. President, under suspension of the rules, I move the Senate reconsider its action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves the Senate reconsider its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mrs. CUMMINGS: 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 Penobscot, Senator Cummings, 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 same Senator.

Mrs. CUMMINGS: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" (S-173) and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now offers Senate

Amendment "A" (S-173) and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-173) Read.

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

Mrs. CUMMINGS: Mr. President, the purpose of this Amendment is to assure that the placing of electric facilities by non-utilities within the highways maintained by the State is accomplished in conformity with the currently established procedures.

Senate Amendment "A" to Committee Amendment "A" Adopted. Committee Amendment "A", as amended, Adopted in non-concurrence.

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

Sent down for concurrence.

An Act Relating to Workmen's Compensation for State Law Enforcement and Institutional Personnel. (H. P. 874) (L. D. 1067)

An Act to Require a Cost-Benefit Evaluation of Government Regulation. (H. P. 1565) (L. D. 1779)

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

An Act to Provide that Humane Shelters Selling or Giving Dogs away must Notify the Town Clerk of the Sale or Gift. (H. P. 561) (L. D. 678)

Comes from the House, Failed of Enactment.

On Motion of Mr. Pray of Penobscot, Indefinitely Postponed.

Resolve, Requiring the Treasurer of State to Release and Pay Funds. (H. P. 296) (L. D. 353)

Resolve, Authorizing the Department of Mental Health and Corrections to Convey by Sale the Interest of the State in Certain Lands and Buildings of the Maine Correctional Center at Skowhegan. (H. P. 150) (L. D. 180)

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

#### Emergency

An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers. (S. P. 213) (L. D. 662)

#### Emergency

An Act to Award Transitional Allowances to Permanent Full-time and Limited Period Full-time Unclassified Employees and to Award Appeal Period Allowances and Transitional Allowances to all Permanent Part-time Employees, Both Classified and Unclassified. (H. P. 309) (L. D. 400)

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

#### Emergency

Resolve, to Appropriate Moneys for Research on Blackfly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Blackflies. (H. P. 291) (L. D. 348)

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

#### Orders of the Day

The President laid before the Senate: Bill, "An Act Relating to Refusal to Accept Work as Disqualification for Benefits under the Employment Security Law." (H. P. 360) (L. D. 452)

Tabled — May 25, 1977 by Senator Speers of Kennebec

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

The President laid before the Senate: House Reports — from the Committee on Local and County Government Bill, "An Act to Clarify and Reform the Laws Relating to County Law Enforcement." (H. P. 214) (L. D. 224) Majority Report — Ought to Pass with



Committee Amendment "A" (H-387); Minority Report — Ought Not to Pass.

Tabled — May 26, 1977 by Senator Mangan of Androscoggin

Pending — Motion of Senator Jackson of Cumberland to accept Majority Report.

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

Mr. O'LEARY: Mr. President, I move this Bill and all accompanying papers be indefinitely postponed.

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

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I move this item lie on the Table for Two Legislative Days.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now moves that this item be Tabled for Two Legislative Days.

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

Pending the Motion to indefinitely postpone.

The President laid before the Senate:

House Reports — from the Committee on Local and County Government Bill, "An Act Authorizing Municipalities to Create Development Districts." (H. P. 1216) (L. D. 1482) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass with Committee Amendment "A" (H-377)

Tabled — May 8, 1977 by Senator Pray of Penobscot

Pending — Acceptance of Either Report  
On Motion of Mr. Pray of Penobscot,

Minority Ought to Pass Report Accepted. The Bill Read Once. Committee Amendment "A" Read and Adopted in non-concurrence. House Amendment "A" Read and Adopted in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

Bill, "An Act to Permit Carpools Under the Public Utilities Law." (H. P. 247) (L. D. 319)

Tabled — May 26, 1977 by Senator Levine of Kennebec

Pending — Enactment

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, this particular piece of Legislation, "An Act to Permit Carpools Under the Public Utilities Law," has not demonstrated any need or no need shown for it. There is no definite insurance requirements at the present time. It says that the Committee may do something regarding Rules and Regulations, but it really does not have anything at the present time to address, and it opens the door to deregulation.

I really believe this really is not a very effective or needed piece of Legislation at the present time, Mr. President.

When the vote is taken I would ask for a Division.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, I, too, find a little difficulty in seeing the need for this Bill. It is my understanding that many people now are sharing rides under carpool arrangements, and from an insurance standpoint if two or more parties are sharing rides and alternating the use of their cars, they are able to do so under their insurance contracts, and actually they do so with a reduction in premium. If expenses are being reimbursed by other members of a carpool, as long as these expenses do not inure to a profit to

the driver of the car, that situation also does not void the present provisions of anyone's car insurance. This arrangement is in order and does not affect the coverage. If under a situation where the reimbursement procedure by persons paying for a carpool set-up are paying an amount that does inure to a profit to the driver of the car, an extension of coverage is available for this person to comply with the public carrying passengers for hire exclusion for a small additional charge, so it seems to me that the provisions presently in the statute and presently under insurance rules are adequate to cover any carpooling situation.

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

Mr. MINKOWSKY: Mr. President, I concur with the remarks made by Senator Chapman of Sagadahoc. In yesterday's discussion of this particular Bill, I did point out that there were Social Service Agencies with vans that were transporting people for a donation. I want to clarify one point: that it does not jeopardize Aunt Matilda or Grandma or Uncle Martin in so far as not getting rides on these vans offered by Social Service Agencies. The only thing is, at the present time, there is no control, and these Social Service Agencies after transporting Senior Citizens are now utilizing these vans to transport other people to and from employment.

In checking this further with other agencies, it really opens Pandora's Box to a multitude of problems as this Bill would create if enacted into Law.

I did ask for a Division, Mr. President, but I think I will ask that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. MERRILL: Mr. President and Members of the Senate, I am not in the position of really being an advocate for this Bill, and I certainly do not understand it completely, but I think it is important to note in reading the Bill as it is on our enactors, that it is a misnamed Bill. It is really a Bill to exempt carpools from the Public Utilities Law, and that is the specific purpose of the Bill, and I just wonder if it may not be a problem as current Public Utilities Law is written so as to regulate carrying people for payment, as to whether or not maybe carpools are technically falling under that restriction. Maybe this Legislation was put in to make clear that they do not belong there. If that is the case, then it seems like it would be a worthwhile endeavor on the part of this Legislature to make clear in the laws that carpools are exempt and to define carpools.

I wonder if there is someone who is sufficiently knowledgeable on the present state of the Public Utilities Laws that relate to carrying of passengers for pay, as to say whether or not this exemption is needed from a technical standpoint.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate, I cannot address that question of Senator Merrill directly, because I do not have that much input or knowledge of the Public Utilities Regulation, but when this came before the Transportation Committee it was a Department Bill, and its major thrust was to be a gas saving, economy measure. That was the major reason behind the Bill at the time.

In so far as the other part of the question, I cannot give you a constructive answer on it.

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 this Bill be indefinitely postponed.

The Chair will order a Division.

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

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to 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 Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I refer back to the original document as it is printed and it makes clear, I think, that this came out of a study that was done by the Department of Transportation and the Department of Human Services, and evidently the people that did that study thought it was necessary to provide in the Law for an exemption from the Public Utilities Law, which regulates the carrying of people for payment. And if it is necessary to provide such an exemption, then I have not heard any arguments here today that are against the idea of carpools or in favor of the idea of them being regulated by the Public Utilities Commission. They are not being in fact now, and we ought to have our Laws comply with what is, in fact, going on.

I would wonder if somebody could Table this for One Legislative Day to give somebody a chance to check the Law, and see for certain whether or not this exemption is needed. If it is not, then I would be glad to withdraw my request for a Roll Call and let this Bill be defeated.

On Motion of Mr. Speers of Kennebec,

Tabled for One Legislative Day.

Pending the Motion to indefinitely postpone.

The President laid before the Senate:

Bill, "An Act Relating to Recoupment Procedures under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act." (H. P. 514) (L. D. 632)

Tabled — May 26, 1977 by Senator Huber of Cumberland

Pending — Enactment

On Motion of Mr. Huber of Cumberland,

Placed on Special Appropriations Table.

#### Reconsidered Matter

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

Mr. SPEERS: Mr. President, with regard to An Act to Authorize Educational Rehabilitation under the Workmen's Compensation Statutes. (H. P. 1188) (L. D. 1424)

I move the Senate reconsider its action whereby this Bill was passed to be enacted.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby L.D. 1424 was passed to be enacted.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, a question through the Chair. May I ask the good Senator from Kennebec, Senator Speers, what his intentions of reconsideration are.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I intend to retable this Bill if it is reconsidered.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby L.D. 1424 was passed to be enacted. It is a vote.

On Motion of Mr. Speers of Kennebec,

Tabled for One Legislative Day.

Pending enactment.

Out of order and under suspension of the rules, the Senate voted to consider the following paper:

#### Order

An Expression of Legislative Sentiment recognizing that:

Sagadahoc Preservation, Inc., the Bath Marine Museum, the Bath Area Chamber of Commerce and the City of Bath have received the 1977 President's Award of the National Trust for Historic Preservation. (S. P. 521) presented by Senator Chapman of Sagadahoc.

Which was Read and Passed.

Sent down forthwith for concurrence.

Out of order and under suspension of the rules, the Senate voted to consider the following Papers from the House:

Bill, An Act Authorizing the Approval of New School Construction in the Town of Stockholm. (Emergency) (H. P. 1613)

Comes from the House, referred to the Committee on Education and Ordered Printed.

Which was referred to the Committee on Education and Ordered Printed in concurrence.

RESOLVE, to Correct the Personal Services Appropriation for the Sheriff of Washington County for the Year 1977. (Emergency) (H. P. 1615)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed in concurrence.

Bill, An Act to Extend the School Budget Adoption Date until July 1st and Vocational Region Budgets to August 1st. (Emergency) (H. P. 1616)

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

Under suspension of the rules, the Bill Read Twice, and Passed to be Engrossed without reference to Committee in concurrence.

Bill, An Act to Amend the State "on" and "of" Indicators for Extended Benefits. (Emergency) (H. P. 1614)

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

Under suspension of the rules, the Bill Read Once.

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

Mr. MERRILL: Mr. President and Members of the Senate, because of the Title of L.D. 1614, it does not make crystal clear the purpose of this Bill. I wonder if somebody could explain what we are passing.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I must admit that I can share the desire for further enlightenment with regard to this particular item. The only explanation that I can give at this particular point is that it is a Bill that was requested by the Department of Manpower Affairs, and the explanation has been given that unless this matter is enacted by June 1st, there will be considerable Federal monies that will be lost by the State of Maine.

I would hope that we would have a much more thorough explanatory comment by the beginning of next week with regard to this Bill.

Under Suspension of the rules, and on Motion of Mr. Speers, the Bill Read a Second time, and was Passed to be Engrossed in concurrence without reference to Committee.

#### Committee Report House Ought to Pass

The Committee on Education on, RESOLVE, Authorizing a \$450,000 Advance from the General Fund to the Department of Educational and Cultural Services to Provide Working Capital on Renovation of and Equipping of Building at Eastport. (Emergency) (H. P. 1572) (L. D. 1788)

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 Resolve Read Once. Under suspension of the Rules, Read a Second Time and Passed to be Engrossed in concurrence.

On Motion of Mr. Huber of Cumberland,

Adjourned until May 31, 1977 at 10:30 in the morning.