

# 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

June 10, 1977

Senate called to Order by the President.

Prayer by the Honorable Ralph M. Lovell of Sanford.

Mr. LOVELL: Let us pray. Almighty God in heaven, look down upon this nation, this earth, this state, and this Senate. Please O God give us the intelligence, the ability, to pass the good laws, and to defeat the bad ones, to help our people in the State of Maine. We pray this, O God in Thy name.

Amen.

Reading of the Journal of yesterday.

Out of Order and under suspension of the rules, the President laid before the Senate:

Bill, "An Act Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979". (S. P. 530) (L. D. 1859)

Tabled — June 9, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

The Bill Passed to be Engrossed.

Sent down forthwith for concurrence.

Out of Order and under suspension of the rules, the Senate considered the following:

## Enactor

## Emergency

An Act Relating to the Spending Ceiling for Education Purposes. (H. P. 968) (L. D. 1165) pending enactment.

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

Mr. MERRILL: Mr. President and Members of the Senate, this Bill has been debated many times here. I do not intend to debate it in length here again.

It seems to me the only argument that I have heard going around for this Bill today for people to change their minds is that we should give in so that the other Body can have their way, because they will not change their minds.

I suggest to the Senate that there is a matter of principle here that is important enough so that we make a struggle out of it, and the principle is very simply whether or not we are going to force local people to get permission from State bureaucrats in order to spend local money, or, as some people see this ceiling ultimately, whether we are going to direct that the State Educational Policies ultimate goal is that an equal number of dollars will be spent on all students in every city and a town, no matter what local people want to do beyond that.

I would urge the Senate to remain strong on this and to vote against enactment of this Bill.

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

Mr. KATZ: Mr. President, in January and in February and in March we have certain luxuries we do not have on June 10th. There are 184 Members of this Legislature. All of us come from different backgrounds, and we have different perceptions as to what is right and what is wrong.

There comes a time when a consensus has to take place, and when to hold out for your individual point of view becomes a luxury we can ill afford. In this particular case, we have had this decision back and forth between one House and the other House. Everybody has had a chance to express themselves. We came to a disagreement, and we had a Committee of Conference. Five of the Members of the Committee of Conference signed for the so-called compromise before us. The sixth member was the Senator from Cumberland, Senator Merrill, who signed an unfavorable report.

I say the luxury of the position of the Senator from Cumberland is ill advised on June 10th. I say that my point of view has been subverted

once or twice or three times on this matter, and the compromise before us is not of my liking, and not of my choosing, but the March 1st deadline we had for decision making by the communities has gone. The April 1st deadline has gone. The May 1st deadline has gone. The June 1st deadline has gone, and now we have a June 30th deadline, and there is serious doubt in my mind that the luxury that some people here have chosen of demanding their point of view prevail is going to make it impossible for this Legislature to act in a timely manner to reach our latest deadline.

I have a great pride in the Legislative process, but I say that by our indecision we are putting hardships on innocent people around the State, innocent people who have every right to expect from the Legislature that the decision can and should be made in a timely manner. I do not care which of the two points of view prevails.

We are well along into the Legislative Session, and I am sure that the State could live with either point of view, but to hold out and hope for a golden grill, if only you will listen to my point of view on June 10, if only we can have another Conference Committee, and slide this back and forth between those two Houses so that my point of view can prevail." I just cannot accept this as being a reasonable approach to the Senate on June 10th.

What the people in the State want is an answer. I guess I have heard from almost every superintendent of schools in the State. What they want is an answer. In January they all had their own point of view: But what they want today is an answer, and I urge the Senate, I plead with the Senate to give people a firm answer today.

This Bill has gone back and forth, and it is up to final enactment today. It is an emergency measure. We need 22 votes. There are some empty seats in this Chamber, and 22 votes are going to be hard to come by, unless we stop playing games, stop presuming that we will get another Conference Committee. Joint Rules do not permit me to mention the likelihood of another Conference Committee from the other Body. I plead with all of you. You may represent individual communities, but over-all you represent the people of the State of Maine, and the people of the State of Maine deserve an answer, an affirmative response, a solution today, June 10th, — Not next week, but now.

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

Mr. MERRILL: Mr. President and Members of the Senate, I would like to begin by requesting that when the vote is taken, it be taken by the yeas and nays.

Senator Katz, the Senator from Kennebec, spoke very eloquently on this issue, but I take strong exception to what he said. It is as well put as I have ever heard, the traditional educational speech, one we hear on every educational issue, usually delivered at the end by the Senator from Kennebec, Senator Katz, which is that whatever you think is right, the time has come to vote with him.

Now Senator Katz suggested it is a luxury for Members of this Senate to hold philosophical positions strongly when those positions are opposed by the other Body. I do not think it is a luxury for Members of this Senate to hold philosophical positions strongly when those positions are opposed by the other Body. I do not think it is a luxury. I think that we have to make a measurement on every issue on how important something is before we decide whether or not we are going to cave in on it, and obviously most things we have to do a great deal of compromising on, and, as I have suggested on this issue in the past, I am ready to compromise significantly on this issue.

Now the position that I take is no different than the majority position that the Senate took the first time this issue was here. It is not the

position that the Chairman of the Education Committee took, but it is no different than the position that the majority of this Senate took. I do not think it is a luxury for a public official to find matters of principle important enough to be in a position of disagreeing with the Chairman of the Education Committee, even someone as prestigious as he, even someone who has had his way in these matters for all of these many years. I do not think that it is a luxury. I think it is a necessity of service here.

Now some will obviously disagree with me and some have. The Members of the Conference Committee in good conscience have disagreed with me, not on the point of view I have, but in the question of whether or not this issue is important enough. The reason I think that it is important is because we have been coming to this water shed question on what we meant or what the Legislature meant when they passed LD 1994 about its ultimate goals for some time. And I suggest that what this Legislature does on this question of the ceiling, is really going to define that question to some extent, once and for all, because we have finally come to the point where we are going to define a ceiling that is going to have some teeth in it, and we are going to back away from that part of educational funding, the part of the Plan or the Plan that some had that we were going to end up spending the same amount of money on every student. So it is a water shed decision, and I suggest that it is important enough so that the Legislature should exercise its will, and the Senators should exercise their own will, regardless of the concerns hinted at from other parts of this Legislature, and regardless of the concerns talked about by the people who would like a fast decision.

Now that is my point of view; that it is that important an issue, and I am sorry that the Senator from Kennebec considers it a luxury. Evidently watching him over the years as I have on Education, disagreeing with him is always a luxury on Educational matters, and it stirs him to some eloquence when people do it. But I think this is important enough, so I hope the Senators will exercise every possible option to find that the Senate's will, as originally expressed in their vote, contrary to the Chairman of the Education Committee's wishes, can have one more chance to prevail in this Legislative process. I certainly do not think that it has gotten to the point yet where it is irresponsible to disagree with the other Body or with the Chairman of the Education Committee, or with the people that would like to see us make this decision earlier. There are lots of decisions that I would like to see made earlier. I would suggest that this question could have been put earlier before us, unless it was going to be part of the scenario that the eleventh hour had already passed.

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

Mr. KATZ: Mr. President, I guess I am rising to a point of personal privilege.

I think it is inappropriate to raise questions as to motivations as to when a Bill is finally out of Committee. This Bill has been out of Committee more weeks than I can recall. I think it is inappropriate to suggest that it was delayed because of some previous scheme. If we are going to talk like that, I can say that listening to those who aspire to higher office take positions in the Senate is a luxury that sometimes I could do without, too.

This is a political issue. The question as to whether or not education funding is appropriate for Maine or not is going to be decided to a great extent at the polls. I do not think that is on trial right here. I think the only thing that is on trial is the ability of the two Houses of the Legislature to do that for which they are elected and Legislate. And, that involves a decision, and that is what we are asking for today.

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 present 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.

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

The doorkeepers will secure the Chamber.

The Secretary will Call the Roll.

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

NAY — Carpenter, Conley, Jackson, Levine, Mangan, Merrill, Minkowsky, O'Leary, Pray, Usher.

ABSENT — Danton, Martin.

21 Senators having voted in the affirmative, and 10 Senators in the negative, with 2 Senators being absent, and 21 being less than two-thirds of the entire elected Membership of the Senate, this Bill fails of enactment.

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

Mr. KATZ: Mr. President, having voted on the Majority Side, I Move reconsideration of our action.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I Move this be Tabled until later in Today's Session, pending reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that this item be tabled until later in Today's Session pending reconsideration.

Is this the pleasure of the Senate? It is a vote.

(See Action Later Today)

(Off Record Remarks)

#### Papers from the House

##### Non-concurrent Matter

Bill, An Act to Clarify and Reform the Laws Relating to County Law Enforcement. (H. P. 214) (L. D. 224)

In the Senate June 7, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-387) as amended by House Amendment "A" (H-415) thereto and House Amendment "A" (H-416) and Senate Amendments "A" (S-183) and "C" (S-200), In non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and House Amendments "A" and "B" (H-563), and Senate Amendments "A" and "C", in non-concurrence.

On Motion of Mr. Mangan of Androscoggin, The Senate voted to Recede and Concur.

##### Non-concurrent Matter

Bill, An Act Establishing the Maine Student Incentive Scholarship Program. (S. P. 423) (L. D. 1481)

In the Senate May 13, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (S-133).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "C" (H-490) thereto and House Amendment "C" (H-491), in non-concurrence.

On Motion of Mr. Katz of Kennebec, The Senate voted to Recede and Concur.

#### Joint Orders

Expressions of Legislative Sentiment recognizing that:

Gerard L. Rousseau of Auburn has been selected by the Auburn Business Association as Auburn's Man of the Year for 1977. (H. P. 1682)

Donna Lucas, daughter of Mrs. Joan Lucas of Caribou, has been recognized for her outstanding academic record by being chosen Valedictorian of Caribou High School. (H. P. 1683)

Katherine Martin, daughter of Mr. and Mrs. Fred W. Martin of Caribou, has been recognized for her excellent academic record by being chosen Salutatorian of Caribou High School. (H. P. 1684)

John Pelletier has been recognized for his outstanding academic record by being chosen Salutatorian of Fort Kent Community High School. (H. P. 1685)

Daniel Theriault has been recognized for his outstanding academic by being chosen Valedictorian of Fort Kent Community High School. (H. P. 1686)

The following graduates of Wisdom High School at St. Agatha have attained the highest Scholastic Achievements:

Mark J. Tardif — of St. Agatha; Mary Lou Fongemie — of Frenchville; Ruth Franck — of Frenchville; Debra A. Plourde — of Madawaska; (H. P. 1687)

Roy Wilkins, who has served as the executive director of the NAACP since 1955 will retire on July 31, 1977. (H. P. 1693)

Benjamin Lawson Hooks will assume the executive directorship of the NAACP on August 1, 1977. (H. P. 1694)

Carrie E. Munger has been recognized for her excellent academic record by being chosen Salutatorian of Scarborough High School. (H. P. 1695)

Andrea M. Barnes has been recognized for her outstanding academic record by being chosen Valedictorian of Scarborough High School. (H. P. 1696)

Comes from the House, Read and Passed.

Which were Read and Passed, in concurrence.

#### Committee Reports

##### House

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

Bill, An Act to Provide Investigative Personnel for the Maine Human Rights Commission. (H. P. 985) (L. D. 1196)

Bill, An Act Concerning Consumer Remedies. (H. P. 1302) (L. D. 1540)

Bill, An Act to Prohibit Producers, Refiners and Distributors of Motor Fuels from Engaging in the Retail Sale of Gasoline. (H. P. 680) (L. D. 972)

Bill, An Act to Establish a 6-month Residency Requirement for Eligibility to Vote in Tribal Elections on the Indian Township Reservation of the Passamaquoddy Tribe of Indians. (H. P. 871) (L. D. 1064)

RESOLUTION, Proposing an Amendment to the Constitution to Limit the Amount of Revenues Which may be Raised by Taxes in any Fiscal Year. (H. P. 1501) (L. D. 1728)

##### Leave to Withdraw

The Committee on Business Legislation on, Bill, An Act Concerning the Maine Property Insurance Cancellation Control Act. (H. P. 806) (L. D. 982)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, An Act to Revise Restrictions in Allowing Reciprocity with Licensed Hairdressers in Cer-

tain States and Provide Greater Flexibility for State of Maine Licensees. (H. P. 46) (L. D. 67)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, An Act to Stop Illegal Beauty Culture Services in Unlicensed Salons. (H. P. 80) (L. D. 100)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Business Legislation on, Bill, An Act to Revise the Maine Barber Laws. (H. P. 120) (L. D. 153)

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 Exempting Solar and Wind Energy Equipment from the Property Tax. (H. P. 728) (L. D. 1043)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, An Act to Require the Board of Registration in Medicine to Provide for an Educational Program in Developmental Disabilities. (H. P. 116) (L. D. 130)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Marine Resources on, Bill, An Act to Repeal the Scallop Drag Law in Blue Hill Bay. (H. P. 994) (L. D. 1195)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Marine Resources on, Bill, An Act to Limit the Size of Scallop Drags. (H. P. 998) (L. D. 1239)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Natural Resources on, Bill, An Act Concerning Standards Used by the Maine Land Use Regulation Commission to Establish District Boundaries. (H. P. 833) (L. D. 1006)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Natural Resources on, Bill, An Act Appropriating Funds for State Park Facilities at Swan Lake. (H. P. 1000) (L. D. 1241)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Local and County Government on, Bill, An Act to Provide for the Modernized Government of Counties, Providing Optional Forms of Government and the Structure, Organization, Powers, Duties Functions and Responsibilities of Such Government. (H. P. 912) (L. D. 1101)

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 Judiciary on, Bill, An Act to Authorize County Jail Inmate Participation

in Municipal Public Works Projects. (H. P. 1313) (L. D. 1547)

Reported that the same Ought to Pass.

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

The Committee on Taxation on, Bill, An Act to Increase the Veterans Exemption for Paraplegics. (H. P. 1129) (L. D. 1347)

Reported that the same Ought to Pass.

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

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

#### Ought to Pass-As Amended

The Committee on Labor on, Bill, An Act Relating to Suitability of Employment. (H. P. 764) (L. D. 903)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-532)

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

The Committee on Marine Resources on, Bill, An Act to Allow Escape of Sublegal Lobsters from Lobster or Crab Traps. (H. P. 944) (L. D. 1139)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-540).

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

The Committee on Marine Resources on, Bill, An Act Relating to Tuna Fishing. (Emergency) (H. P. 914) (L. D. 1110)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-539).

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

The Committee on State Government on, Bill, An Act Relating to the Regulation of the Blueberry Industry. (H. P. 598) (L. D. 739)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-474)

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

Which Report was Read.

On Motion of Mr. Wyman of Washington, Tabled until later in today session. Pending acceptance of the Report.

The Committee on State Government on, Bill, An Act Establishing the Maine Small Business Loan Authority. (H. P. 1004) (L. D. 1244)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-537).

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

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

The Committee on State Government on, Bill, An Act to Reduce the Size of the Board of Directors of the Criminal Justice Planning and Assistance Agency and to Change the Appointment of the Executive Director. (H. P. 441) (L. D. 548)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-524).

Comes from the House, the Bill Passed to be

Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-564) thereto.

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.

#### Ought to Pass in New Draft

The Committee on Public Utilities on, Bill, An Act to Provide Lifeline Electrical Services. (H. P. 1093) (L. D. 1317)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1669) (L. D. 1867)

Comes from the House, the Bill, in New Draft Passed to be Engrossed as amended by House Amendment "A" (H-561).

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

#### Divided Report

The Majority of the Committee on Election Laws on, Bill, An Act to Prohibit Campaign Activities Within 250 Feet of Voter Registration on Election Day. (H. P. 518) (L. D. 636)

Reported that the same Ought to Pass in New Draft under New Title: Bill, An Act to Regulate Campaign Activities on Election Day. (H. P. 1663) (L. D. 1863)

Signed:

Senators:

KATZ of Kennebec

DANTON of York

Representatives:

BOUDREAU of Waterville

RAYMOND of Lewiston

TALBOT of Portland

DURGIN of Kittery

MITCHELL of Vassalboro

TRUMAN of Biddeford

McMAHON of Kennebec

BIRT of E. Millinocket

BOUDREAU of Portland

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

Signed:

Senator:

TROTZKY of Penobscot

Representative:

BUSTIN of Augusta

Comes from the House, the Bill in New Draft Passed to be Engrossed as amended by House Amendment "A" (H-562).

Which Reports were Read.

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

Mr. TROTZKY: Mr. President, I move that the Senate accept the Ought Not to Pass Report of the Committee, 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, what this Bill does is prohibit candidates from meeting new voters near their place of registration on election, and I think many of you do send out brochures or political material by mail to constituents. If they are not on the voting list, you cannot contact them. Now in my City of Bangor over 1,000 people, I think, registered on election day. The registration place was in the City Hall, which was far away from any voting booth, and most of the candidates for office during that day spent the day at City Hall meeting some of the voters.

I feel that for many candidates who do not have organizations that work for them, such as

the AFL, the MTA, the MESA, they have to work alone. They have to meet as many voters as possible, and I feel that it is unfair to the voter if he does not get a chance to meet the candidates and know who he is voting for.

I hope the Senate would accept the Ought Not to Pass Report of the Committee.

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

Mr. KATZ: Mr. President, the Election Laws Committee is attempting to bring some kind of consistency into the question of who can do what, and one of the things we found out was that although we have prohibited political activity at the polls, we have left the Board of Registration out there completely unattended for those nefarious politicians who wanted to use the existence of voters to go after some votes. Some of the candidates have been extremely successful.

I am very, very pleased that my good friend from Penobscot, Senator Trozky, whose friendship and presence I treasure, made very effective appearances at the Board of Registration in Bangor, and he was the first candidate really to discover the fact that everybody else was milling around and he discovered a treasure trove of voters and was able to influence them, particularly since I understand he had his absolutely beautiful wife along.

But what the Election Laws Committee attempted to do was say lets not have any political activity on the part of the candidates, either at the polls or at the Board of Registration, because as we have introduced registration on Election day, it becomes a really, really hub-bub of political activity. That was the whole thrust of those of us who have signed Ought to Pass on this piece of Legislation.

I request a division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, I do not believe there has been the problem that would necessitate a change in the law. I think this is needless legislation.

I do not think we ought to be passing laws for the sake of passing laws, and perhaps causing trouble when there are no abuses now.

I support the motion of the Senator from Penobscot, Senator Trozky, and hope you will vote to kill this bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: I notice my good friend and seat-mate, Senator Danton of York, is not here today, but I notice that he has signed the Majority Ought to Pass Report.

Having listened to the good Senator from Penobscot, Senator Trozky, and having visited his City at a time when elections were in full swing, I have noticed that the good Senator takes advantage of practically everything that is available to him as far as the line of politicking.

One evening I was invited to Bangor to appear at a Democratic function, and lo and behold entered the building to meet some gentleman I had never seen before in my life, put out his hand, extended his hand to me and shook hands with me and saying you are Senator Conley. I know a lot about you. My name is Howard Trozky and I am running for Senator from District so and so against a very good friend of mine by the name of Murray. I can assure you that did not go over too well with me, particularly being in the Democratic stronghold.

It would appear to me that if I were a registered voter in Penobscot County, and particularly in the City of Bangor where Senator Trozky resides, that he would like to come right into the voting booth with me. And I assure him that I think there is some need for

some type of regulation, at least on election day.

I think most people in the State are concerned about the length and the extent of time that we presently have for campaigning. I know as a candidate myself that it sort of drives me a little tapioca at times to think that because my opponent is starting to campaign six months ahead of election time, that I have to sort of follow suit. I recall that on election day of the past general election in November that in going to the polls I was amazed to see that my opponent had not only had workers at the polls passing out material, but that he also had people working inside the polls with their buttons on their lapels and also distributing material.

But I just think that you can go to a certain extent where it becomes a little bit irritating. I would support the motion of the good Senator from Kennebec, Senator Katz, and I think the passage of the bill will at least put us all on equal footing, and I think that is what we would like, even though there is a vast majority of us here.

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

Mr. PRAY: Mr. President and Members of the Senate: I think the previous speaker is a little confused about the bill that is before us. We are talking about the place of registration and not the place of voting. He continuously referred to the voting booths, the buttons being on the individuals at the polling places. So let us not confuse the issue.

I think that if an individual has the persistence and consistency to keep out there even on the last day, and happens to win an election and that is to his advantage, and not to the disadvantage of the people that he is going to represent.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The only way that you can meet the voter who has not registered is to get there on election day and meet him at the registration booth, and I think it is an advantage to the voter, and, by the way, the voter in Bangor met all of the candidates during that day. We were all there, and instead of standing on those lines doing absolutely nothing, he questioned the candidate. Believe me I was questioned on a lot of my stands during that day, and so were many of the other candidates, so I feel it is an advantage to the voter and it is also an advantage to the candidate who wants to make the extra push to get out there and meet the voters.

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

Mr. HEWES: Mr. President and Members of the Senate: I note that in the L. D. 1863 there is a repealer, Section 892, Subsections 2 and 3. Now that is a repealer of the present law relative to campaigning within 250 feet of the polling place. I think we had ought to go slow in repealing something that is working satisfactorily.

If you want to have a Bill that affects only the area where the Registrar of Voters is registering voters, fine, but you are dealing with two different subjects here, and I certainly think that you do not want to abolish, repeal or eliminate the present law that seems to be working so satisfactorily, which prohibits advertising and campaigning within 250 feet of the entrance to a polling place.

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 accept the Minority Ought Not to Pass Report of the Committee. A Division has been requested.

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

Will all those Senators opposed to the Motion

to accept the Ought Not to Pass Report, please rise in their places to be counted.

15 Senators having voted in the affirmative, and 8 Senators in the negative, the Motion to Accept the Ought Not to Pass Report does prevail. Sent down for concurrence.

(See Action Later Today)

#### Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Establish Withdrawal Dates for Candidates and Nominees." (H. P. 319) (L. D. 410)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1666) (L. D. 1866)

Signed:

Senator:

DANTON of York

Representatives:

BOUDREAU of Waterville

BOUDREAU of Portland

BUSTIN of Augusta

McMAHON of Kennebunk

TRUMAN of Biddeford

RAYMOND of Lewiston

TALBOT of Portland

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

Signed:

Sensors:

KATZ of Kennebec

TROTZKY of Penobscot

Representatives:

DURGIN of Kittery

MITCHELL of Vassalboro

BIRT of East Millinocket

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

Which Reports were Read.

Majority Ought to Pass in New Draft Report of the Committee Accepted in concurrence.

The Bill in New Draft read once, and Tomorrow Assigned for Second Reading.

#### Reconsidered Matter

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

Mr. HEWES: Mr. President, in respect to Bill, "An Act to Prohibit Campaign Activities Within 250 Feet of Voter Registration on Election Day." (H. P. 1663) (L. D. 1863) having voted on the prevailing side, I move reconsideration and hope that you vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate reconsider its action whereby it accepted the Ought Not to Pass Report on L. D. 1863.

A viva voce vote being had,

The Motion to reconsider does not prevail.

#### Reconsidered Matter

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

Mr. KATZ: Mr. President, would it be in order for me to move that the Senate remove from the table "An Act Relating to the Spending Ceiling for Education Purposes." (H. P. 968) (L. D. 1165) (Emergency)

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate take from the table L. D. 1165. Is it the pleasure of the Senate? It is a vote.

Mr. KATZ: Mr. President, I move the pending question, which is reconsideration.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby this Bill failed of enactment.

A viva voce vote being had.

The Chair is in doubt and will order a Division.

Will all those Senators in favor of recon-

sideration, please rise in their places to be counted.

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

27 Senators having voted in the affirmative and 2 Senators in the negative, the Motion to reconsider does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the pending question is now enactment. I request a Roll Call.

I notice that last time we had 21 votes which is just one little ole vote short of enactment. I would ask all of you who might have voted in a contrary way to reevaluate any rigidities you may have in your mind — set, and consider whether or not you would like to be the person today who wins the indecision for the people of the State of Maine.

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 Conley.

Mr. CONLEY: Mr. President, I pose a question through the Chair to the Senator from Kennebec, Senator Katz, with respect to this particular item. If this item fails passage and is not enacted, what will be the ultimate result?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Chairman of the Education Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the provisions of Title 20 would then take over. The provisions of Title 20 were suspended for one year. That one year is over on June 30th.

Title 20 provides that there be an absolute ceiling, without reference to hardship cases or anything else. What has happened since Title 20 was enacted in its present form is that we have had inflation, we have had expansion of vocational education and special education, and there are in the minds of some people questions whether we have adequately funded. This means that around the State there are an extraordinary number of communities which would have absolutely no legal way whatsoever to adequately fund the operation of the schools. It will be a tragedy, and it will be of our making.

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

Mr. MERRILL: Mr. President, parliamentary inquiry, if we fail to enact this Bill today, and the other Body adhered, would it not be before this Body again to address?

The PRESIDENT: The Chair would answer the Senator in the affirmative, it would return.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: The Senator from Kennebec, Senator Katz, stated earlier this afternoon, that we were getting at the eleventh hour in dealing with this particular matter, and I feel personally, that no one has supported education more on the State level than the good Senator from Kennebec, Senator Katz. I also feel that in my own mind, back when 1452 and 1994 were before this Legislature, that I gave 100 percent support to that program. When I see the good Senator from Cape Elizabeth, Cumberland County, Senator Hewes, voting for this particular Bill, I sometimes wonder why, because if there is a Senator who has a right, because his constituents have raised their voice as to raising the ceiling and taking the ceiling off of funding

in education, I can appreciate him voting to remove the ceiling.

So when I strongly voted for 1452 and 1994, I supported it primarily because it provided equal funding for equal education for every child in this State, and I maintain that that is exactly what it still does, so long as we have a ceiling on the present law.

Three years ago we under funded education by \$10 million, and we had to allow the communities to raise that revenue to fund education on the local level where the State failed. When this Bill first came into the Senate, I disagreed with my colleague, the Senator from Portland, Senator Merrill. He expressed his philosophical view points, and I expressed mine, and I voted at that time contrary to his or to my wishes, or at least against the philosophical belief I had for the philosophical belief I had at that time, only to find that the good Senator, as he stated earlier, that his position prevailed, and I believed it prevailed by one vote or possibly two, at which a Committee of Conference Report came back with the vast majority of five in favor and one opposed.

My party sat and we discussed this issue in a caucus, and agreed to support Senator Merrill of Cumberland's position to see if we could get another Committee of Conference. We do not have that Committee of Conference, and I only remind Members of this Senate that when I look down at the other end of the corridor it is not the majority party of this Body that controls down there, but the members of my party, and they are the ones who have voted to sustain 1994 and 1452 by placing a ceiling, and by appropriating the \$290.6 million on State Funds for education.

I just feel that it is a very late hour. I have to agree with the good Senator from Kennebec, Senator Katz. We have extended this hour again and again and again, and I just feel to vote contrary to that at this time is being nothing more than an obstructionist. I do not want to gamble that we prolong this thing to July. I think it is time we wrap things up and get out of here, and if this Bill fails, then education will take a clobbering throughout the State, because there will be no ventilation, no ducts, there will be nothing, but a solid ceiling which will hold educators right firmly entrenched. So I think if we are going to give some life and we are going to align maneuverability, then I suggest that the Senate vote to enact this Bill today.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is enactment of L. D. 1165.

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

The Doorkeepers will secure the chamber. The Secretary will call the Roll.

**ROLL CALL**

YEA — Collins, D.; Collins, S.; Conley, Cummings, Curtis, Farley, Greeley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Mangan, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trozky, Wyman, Sewall.

NAY — Carpenter, Chapman, Jackson, Merrill, Minkowsky, O'Leary, Pray, Usher.

ABSENT — Danton, Martin.

23 Senators having voted in the affirmative, and 8 Senators in the negative, with 2 Senators being absent, and 23 being more than two-thirds of the elected Membership of the Senate, this Bill was passed to be enacted, and will be signed by the President.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I want to express my gratitude to the statesmanship of the Minority Leader for voting with us on this one, and ask him now to vote against me as I move reconsideration.

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

reconsider its action, whereby it enacted L. D. 1165.

A viva voce vote being had, The Motion to reconsider does not prevail. Sent forthwith to the Governor for his approval.

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

**Paper from the House  
Joint Order**

An Expression of Legislative Sentiment recognizing that: Michael Vincent Kelley, a student of Central High School in East Corinth, has been offered admission to the United States Military Academy at West Point. (H. P. 1705) Comes from the House, Read and Passed. Which was read and passed. (Off Record Remarks)

**Divided Report**

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Allow Free Hunting and Fishing Licenses to Maine Residents over 65 and to Disabled War Veterans." (H. P. 1071) (L. D. 1263)

Reported that the same Ought Not to Pass. Signed:

Senators:  
REDMOND of Somerset  
USHER of Cumberland  
PRAY of Penobscot

Representatives:  
MASTERMAN of Milo  
GILLIS of Calais  
PETERSON of Caribou  
ROLLINS of Dixfield  
DOW of West Gardiner  
TOZIER of Unity

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-507).

Signed:  
Representatives:  
McKEAN of Limestone  
MacEACHERN of Lincoln  
PEARSON of Old Town

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-557) thereto.

Which Reports were Read. The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I move that the Senate accept the Minority Ought to Pass Report, and would like to speak to my Motion.

The PRESIDENT: The Senator has the floor. Mr. PRAY: Mr. President, as you read through the Committee Report, you will see that originally I had signed the Ought Not to Pass Report, but with further consideration and reading the House Amendment that was attached to it over there, I would just like to share that House Amendment with you.

The Amendment changes the title to read "An Act to Allow Free Hunting and Fishing License to Maine Disabled War Veterans," and after consideration of those individuals which served in the military combat zone and become disabled I thought that this would be one small offering that the State of Maine could give to them. Thank you.

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

The Chair will order a Division. Will all those Senators in favor of the Motion to accept the Minority Ought to Pass as amended Report, please rise in their places to be counted.

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

17 Senators having voted in the affirmative, and 5 Senators in the negative, the Motion to accept the Minority Ought to Pass as Amended Report of the Committee does prevail.

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

**Committee of Conference**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on "An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act." (H. P. 277) (L. D. 341) have had the same under consideration, and ask leave to report: that they are unable to agree

On the Part of the House:  
CLARK of Freeport  
WYMAN of Pittsfield  
GILL of South Portland  
On the Part of the Senate:  
CHAPMAN of Sagadahoc  
KATZ of Kennebec  
MANGAN of Androscoggin

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

**Senate**

Mr. Chapman for the Committee on Business Legislation on, Bill, "An Act Requiring Motor Vehicles Registered in This State to Carry Liability Insurance." (S. P. 253) (L. D. 760)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted. Sent down for concurrence.

**Ought to Pass**

Mr. Wyman for the Committee on Taxation on, Bill, "An Act Exempting Blind Property Owners from Real Property Tax." (S. P. 172) (L. D. 489)

Reported that the same Ought to Pass. Which Report was Read and Accepted and the Bill Read Once.

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

Mr. KATZ: Mr. President, might I raise a question through the Chair. As I read this, it increases the property tax exemption for blind property owners from \$3 to \$4,000.00, which seems to be appropriate in light of inflation.

What is not clear to me is whether or not this \$4,000.00 figure is local property tax, or the full value of the property. I wonder if some member of the committee might solve this mystery for me.

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I believe in the interpretation of value, it was on the full value of the recipient's property. As I understand it in talking with the Department of Taxation, just value and value presently have the same meaning, so it is on the full value of the property.

The Bill Tomorrow Assigned for Second Reading.

**Ought to Pass — As Amended**

Mr. Pierce for the Committee on Business Legislation on, Bill, "An Act Providing for the Practice of Architecture through a Corporation or Partnership." (S. P. 137) (L. D. 378)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-219).

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

#### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Require that Commercial Home Builders who Accept Earnest Money Deposits be Required to Maintain an Escrow Arrangement to Protect These Funds." (S. P. 354) (L. D. 1179)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

PIERCE of Kennebec  
CHAPMAN of Sagadahoc

Representatives:

JACKSON of Yarmouth  
RIDEOUT of Mapleton  
PEAKES of Dexter  
SPROWL of Hope  
HOWE of South Portland  
ALOUPI of Bangor  
KILCOYNE of Gardiner  
BOUDREAU of Portland  
WHITTEMORE of Skowhegan  
CLARK of Freeport

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

Signed:

Sensor:

FARLEY of York

Which Reports were Read.

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

Mr. PIERCE: Mr. President, I would move the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Pierce Moves the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: I would ask for a Division on the Motion, and would briefly explain the legislation before you. It happens to be my particular Bill that we are discussing here (L. D. 1179).

It merely requests that any builder who contracts to build a home for anybody, that the person who wanted a home built, any money he gives to the contractor until he starts building that home be held in escrow. Now the Bill prevents some of them taking your money and paying Bills on a home that he has built for somebody else, or using the money anywhere else. I have to concede, I did not lobby the committee very hard, I guess. There was only one member who spoke for the bill, and one person who spoke against the bill, myself and some other gentleman from Portland.

But it is a good piece of legislation. The bill derives from problems where people have paid down payments to contractors to build their homes. They have used the money to pay off bills from a previous home, and delayed in many, many cases the building of the home of the person who actually gave them money, and in that period of time the cost has gone up. So that is why this piece of legislation was put in. I think it is excellent legislation to be honest with you.

I hope that you would defeat the pending motion and accept the Minority Ought to Pass Report.

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

Mr. PIERCE: Mr. President and Members of the Senate: While the committee shared the good Senator's concerns which prompted him to put in this bill, we felt that it was probably really a shotgun approach to a much smaller problem. I am sure they have their instances

around the State when builders did abscond with funds on certain occasions. However, I think what he requires by this legislation is that every contractor, and certainly the overwhelming majority of them, probably 99.9 percent are honest and do not need this, would have to enter into such a contract.

Now I am sure that most of you are aware that most contracts between builders and the person who is contracting with them, the person who wants a home built and so forth, can enter into such an arrangement and usually do, so that they have a satisfactory contractual arrangement.

Also all the construction loans, which again is another large majority, are supervised by banks. They control the funds and they let out to the builders, the money, as they see fit.

Those people who do not choose to enter into such a contract or that do not have a bank supervised loan, I think, really would make it an extra bookkeeping effort for those small contractors, and on the whole the committee just did not feel that to mandate this and to face the question of who was going to enforce such legislation did not merit further consideration by the committee.

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

Mr. FARLEY: Mr. President and Members of the Senate: This particular piece of legislation was given to me by a member of a banking institution of the State of Maine, so apparently with the banks there is a problem.

The good Senator from Kennebec, Senator Pierce, has mentioned that it is not too often that someone absconds with the money, true. It has happened, but the biggest problem is the delay in construction of the home, which adds additional thousands of dollars because after he has taken the money that gentleman who wants the home built has given him, has paid off his previous bills and, is getting the capital again to get the building started he contracted with. Again if it was not a problem, certainly it would not have been given to me, this piece of legislation, from this particular banker in the State of Maine.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A Division has been requested.

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

Will all those Senators opposed to the Motion to accept the Ought Not to Pass Report please rise in their places to be counted.

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

Mr. FARLEY: Mr. President, I request the yeas and nays.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators present 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 Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: There has been a number of instances come to my attention very recently where a man has thought he had his house paid for, and then he finds one of his subcontractors has not been paid, and he comes back and puts an attachment on the building and he has to pay. In other words, he has to pay twice, and I disagree with the good Senator from Kennebec. I think there are a lot more instances than he realizes, because right now personally I am

holding back some money on a guy for the very same reason. I want to be sure, and I have talked with some attorneys about this, and there is a risk, and I think more people have been caught on this than you would think at first glance. I want to support the Senator from York, Senator Farley.

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

Mr. PIERCE: Mr. President and Members of the Senate: I would just reiterate a couple of points, and that is that I think the overwhelming number of contracts that people get involved in already involve this without legislation.

I assume if any of us here were going to build a home, we would contract with a builder. However, there are some people who choose not to go this route, and it is going to cause, for instance, some of the small carpenters who maybe want to build a home, who need that money that is purposely put up front by the other people to get the equipment and to get some of the materials with, it is going to force them to place this in an account, which would be a real hardship on the small contractor. It is going to force them into further bookkeeping chores. There was virtually no one, except the sponsor, to support the legislation, and I think it is a piece of legislation that just plain is not needed.

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

Mr. FARLEY: Mr. President and Members of the Senate: The question or the remarks that the Senator from Kennebec, Senator Pierce, just made are not really relevant.

If the gentleman wants to take the money I give him to buy supplies to build my house, fine. It is when he takes my money and applies it to bills to a home he has already built for somebody else. That is what this legislation is all about. I think it all boils down to a matter of principle. If I give a man some money for my house, I want it spent on my house, not finishing up somebody else's house that the man has already paid him for.

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

Mr. LEVINE: Mr. President and Members of the Senate: The good Senator from Kennebec, Senator Pierce, just mentioned that there are very few contractors who might abuse the way in which the law works right now, and I cannot say that I can disagree with him fully, because I do not know whether there are indeed a large number that would take advantage of that. But it does not take a large number. All it takes is a small number, and I would say to the members of the Senate gathered here today, what if you were in the position of the person having your house built and you had not had this put into your contract. I think all of us would very likely have a stipulation that this money could not be used for previous practices or so on in the contract. I do not think that problem would arise with us. But what about the little guy, the little guy that does not have a good legal mind, that does not want to spend the money on an attorney, or does not have the money to spend on the attorney. I am afraid the little guy is the guy who is getting caught in this practice now, and I think we should protect him.

He spoke of the small contractor and that is true. I think we should be very careful about making things tougher on the small contractor. But most often I would say that the small contractor is the one where the problem arises, because he is the man without the capital to invest on his own. He has to use other people's capital, and I think perhaps that small contractor is the reason for this problem arising in the first place.

Therefore, I would ask the Members of the Senate to vote against the Motion.

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



Mr. REDMOND: Mr. President, I would like to ask a question through the Chair to the Senator from Kennebec, Senator Pierce.

The PRESIDENT: The Senator may state his question.

Mr. REDMOND: Mr. President, would this deposit be available to the person who has his home built in the event that the building supplier slaps a mechanic's lien on his home. Would this deposit be available to help the person who is having the house built recover some of that.

The PRESIDENT: The Senator from Somerset, Senator Redmond, has posed a question through the Chair to any member of the Business Legislation Committee who would care to answer.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I would think probably this question is better answered by a legal mind than mine.

It would be my opinion that this really is just going to cause a hardship on people rather than do any good. What it is going to create is a situation where every single person, whether they want to or not, are now going to be mandated into setting up all these escrow accounts. I think certainly it is going to be a hardship on some of the small contractors, on the carpenters who work for themselves, and if there is any great need for it, it certainly was not demonstrated to the Committee. I think probably we are getting off a little bit onto an emotional issue, but I think that it is really needless legislation.

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

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

The PRESIDENT: The Senator from York, Senator Farley, requests permission to address the Senate for a fourth time. The Chair hears no objection. The Senator may proceed.

Mr. FARLEY: Mr. President and Members of the Senate: on the question the good Senator Redmond, I think this goes really goes to the heart of the problem. It is something we have wrestled here, I know in my three Sessions here, the mechanics lien law, as to who is responsible. This money was not held in escrow for certain supplies used on that particular building, that I would assume with some legal help that the building supplier could get his money through the contractor and not just the person the house is being built for.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: I feel a little compelled to say a few remarks on this bill, since I am a member of the committee.

I think that the Senator from Kennebec, Senator Pierce, has well stated the Committee's position. As you see, it was quite a strong one.

There was little reaction pro or con to this bill at the hearing. The Committee was concerned that the abuses were not of the large scale, and was concerned about establishing a regulation on a rather large number of people in this industry where there may have been a relatively small number of instances where abuses occurred. If this step were taken, where does it stop? There are other activities that would follow this same path. Certainly, it was not without concern for the people that may have been affected by this practice. The Bill also requires that the money be deposited in escrow account, and interest be applied to this.

The enforcement issue came before us, the workability with especially some of your smaller contractors was a question. It seemed to be in its present state a little difficult to be managed, and I think those are the major reasons why the Committee reacted the way it did.

Mr. FARLEY: Mr. President, I request permission to address the Senate a fifth time.

The PRESIDENT: The Senator from York, Senator Farley, requests permission to address the Senate for a fifth time. The Chair hears no objection. The Senator may proceed.

Mr. FARLEY: Mr. President and Members of the Senate: Very very briefly. The only thing that was of concern to the Committee that day was speed. I can leave it right there, and I think that the good Chairman will support and the Senator from Sagadahoc will support my statement on that.

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

A yes vote will be in favor of accepting the Ought Not to Pass Report. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Huber, Katz, McNally, Merrill, Morrell, O'Leary, Pierce, Pray, Snowe, Speers, Trotzky.

NAY — Carpenter, Conley, Curtis, Farley, Hewes, Hichens, Jackson, Levine, Lovell, Redmond, Usher, Wyman.

ABSENT — Danton, Mangan, Martin, Minkowsky.

16 Senators having voted in the affirmative, and 12 Senators in the negative, with 4 Senators being absent, the Motion to accept the Majority Ought Not to Pass Report does prevail.

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

Mr. PIERCE: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, having voted for the prevailing side, now moves the Senate reconsider its action whereby it voted to accept the Majority 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 State Government on, Bill, "An Act to Provide for a Council of Economic Advisors." (S. P. 257) (L. D. 814)

Reported that the same Ought Not to Pass.

Signed:

Senator:

MARTIN of Aroostook  
Representatives:

LOCKE of Sebec  
VALENTINE of York  
KANY of Waterville  
BACHRACH of Brunswick  
SILSBY of Ellsworth  
CHURCHILL of Orland  
MASTERTON of Cape Elizabeth  
CURRAN of South Portland  
DIAMOND of Windham

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

Signed:

Senaors:

SNOWE of Androscoggin  
COLLINS of Aroostook

Representative:

STUBBS of Hallowell

Which Reports were Read.

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

Mr. COLLINS: Mr. President, I Move the Senate accept the Minority Ought to Pass Report, and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: The State Government has a package of economic development bills that arose as the result of the Task Force activity on Economic Development. This is the first one that some of you have seen.

It provides for a council of economic advisors, whose duties would be to evaluate existing and proposed legislation with respect to its impact on the state's economy. By and large the committee has been supportive of most of these economic development bills. I suspect the reason that this one has such a majority on the other side has to do with the price tag involved. However, I would hope that at this time you would pass it so that it may fit in with the other bills that are coming along, and you can make a decision on the money a little bit later.

Minority Ought to Pass Report Accepted.

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

#### Second Readers

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

#### House

Bill, "An Act to Clarify the Criminal History Record Disclosure Law." (Emergency) (H. P. 1039) (L. D. 1280)

RESOLVE, Authorizing the Secretary of State to Convey the State's Interest in a Lot in Waldoboro, Lincoln County, to Clarify Title. (H. P. 1193) (L. D. 1426)

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

Bill, "An Act Increasing the State Gasoline Tax." (H. P. 1159) (L. D. 1383) (Emergency)  
Which was Read a Second Time.

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

#### House — As Amended

Bill, "An Act to Repeal Certain Laws Relating to Transportation." (H. P. 1056) (L. D. 1288)

Bill, "An Act to Permit Farmers to Shoot Marauding Animals." (H. P. 1242) (L. D. 1467)

Bill, "An Act to Amend the Laws Relating to Criminal History Record Information." (H. P. 1629) (L. D. 1832)

Bill, "An Act Relating to the Practice of Real Estate Brokers and Salesmen." (H. P. 1631) (L. D. 1833)

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

Bill, "An Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition." (H. P. 455) (L. D. 560)

Which was Read a Second Time.

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

Mr. WYMAN: Mr. President, I move indefinite postponement on L. D. 560.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves the Senate indefinitely postpone L. D. 560.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

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

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, requests a Division on the Motion of the Senator from Washington.

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.

9 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to indefinitely postpone does not prevail.

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

Bill, "An Act to Revise the Laws Relating to Barbers and Cosmetologists." (H. P. 1639) (L. D. 1838)

Which was Read a Second Time.

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

Mr. PIERCE: Mr. President and Members of the Senate: I am setting aside this item today so that someone can table it, and I want to draw your attention to it if it needs any drawing. It has been the center of some controversy for the last week or so. Somebody mentioned it to me you should never let it be tabled over the weekend so they can lobby it.

But I feel strongly enough about this that I am sure it will stand the test of any lobbying, and will stand that test over the weekend and then some. I put out a memo to you to let you know there was one major flaw in it which was an inadvertent mistake on the part of clerical staff. However there are a lot of good things.

This has been an extensive study over a two year period. Talking to my cosmetologists and barbers in my area, they to a person do support it when they understand the Bill, other than having one or two people call them and say, hey, do not support this. So all I have asked is that if any of you do have any objections from your barbers or cosmetologists, if you ask them what is wrong with the Bill, and assure them that it is not L. D. 578 which many of them are having it confused with, I am sure there are some minor concerns, and we could clear them up with an amendment on Monday, but I think it is a good document and I will fully explain it when we discuss it on Monday.

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

Bill, "An Act Relating to Public Utility Electrical Transmission Lines and Gas and Oil Pipelines." (H. P. 1659) (L. D. 1855)

Which was Read a Second Time.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I present Senate Amendment "A" (S-221), and move its passage and would speak briefly.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now offers Senate Amendment "A" to L. D. 1855. The Secretary will read Senate Amendment "A".

Senate Amendment "A" read.

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

Mrs. CUMMINGS: Mr. President, the original bill required approval before underground lines could be put in new rights of way so that the old ones that might have to be repaired would be exempted by this Amendment. It would, therefore, take care of the original idea of the Bill, which was just to be sure that there were acceptances for rights of way on any new underground construction.

Senate Amendment "A" Adopted.

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

Sent down for concurrence.

#### Senate

Bill, "An Act to Regulate Affiliated Interests of Public Utilities." (S. P. 539) (L. D. 1870)

Which was Read a second time.

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

Bill, "An Act to Revise the Judicial Retirement System." (S. P. 497) (L. D. 1776)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Allocate Moneys for the Ad-

ministrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (S. P. 107) (L. D. 236)

Bill, "An Act Appropriating Funds for Maine Health Systems Agency, Incorporated, to Ensure that Quality Health Services are Available at a Reasonable Cost to all Maine People." (Emergency) (S. P. 173) (L. D. 490)

Bill, "An Act Concerning Euthanasia of Cats and Dogs." (S. P. 333) (L. D. 1092)

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

Sent down for concurrence.

Bill, "An Act Regarding the Sales Tax for Sales Made Through Vending Machines." (S. P. 396) (L. D. 1355)

Which was read a second time.

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

#### Enactors

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

"An Act to Amend the Septic Tank and Cesspool Waste Act." (H. P. 365) (L. D. 456)

"An Act Relating to the State's Bonded Debt." (H. P. 502) (L. D. 621)

"An Act to Create a Commission on Energy Efficiency Building Performance Standards." (H. P. 749) (L. D. 954)

"An Act to Delete the Requirement that Appeals to Superior Court from a Municipal Board of Appeals must be Trial De Novo (Trial Anew)." (H. P. 756) (L. D. 929)

"An Act Concerning the Registration of Voters by Justices of the Peace." (H. P. 1353) (L. D. 1622)

"An Act to Repeal Certain Laws Relating to Domestic Relations." (H. P. 1627) (L. D. 1830)

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 Provide for Budgeting of State Expenditures of Federal Funds." (H. P. 1387) (L. D. 1676)

"An Act to Simplify, Improve and Reduce the Cost of State Agencies Auditing Human Service Contracts and Grants." (S. P. 522) (L. D. 1826)

"An Act to Exempt Certain Woodburning Appliances from the Sales Tax." (H. P. 1240) (L. D. 1465)

"An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases." (H. P. 1364) (L. D. 1599)

On Motion of Mr. Huber of Cumberland, Placed on special appropriations table, Pending Enactment.

"An Act to Provide for the Provisional Payment of Certain Disability Benefits Pending the Outcome of a Workmen's Compensation Application." (H. P. 1373) (L. D. 1576)

On Motion of Mr. Huber of Cumberland, Tabled for One Legislative Day, Pending Enactment.

RESOLVE, to Appropriate \$20,000 to the Office of Camping Resources at the University of Maine, Portland-Gorham. (H. P. 1259) (L. D. 1488)

On Motion of Mr. Huber of Cumberland, Placed on special appropriations table, pending passage.

#### Emergency

"An Act to Appropriate Funds to Enable the City of Eastport to Cope with Gale Damage." (H. P. 565) (L. D. 690)

#### Emergency

"An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland, Maine, an Emergency and Extended Shelter for Girls." (H. P. 421) (L. D. 526)

On Motion of Mr. Huber of Cumberland,

Placed on special appropriations table, pending enactment.

#### Emergency

RESOLVE, Directing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation, Inc. (H. P. 1619) (L. D. 1820)

#### Emergency

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to Undertake, to Preserve and to Enhance the Anadromous Fish Runs of the State of Maine. (H. P. 1246) (L. D. 1487)

These being emergency measures and having received the affirmative votes of 22 members of the Senate, were Finally Passed, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Orders of the Day

On Motion of Mr. Wyman of Washington, the Senate voted to take from the table:

The President laid before the Senate: Bill, "An Act Relating to the Regulation of the Blueberry Industry." (H. P. 598) (L. D. 739)

Which was tabled earlier in Today's Session by the Senator from Washington, Senator Wyman, pending acceptance of the Report.

On Motion of Mr. Wyman of Washington, 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 Reading.

The President laid before the Senate:

Senate Reports — from the Committee on Taxation — Bill, "An Act to Make Possible Property Tax Valuation Assistance to Local Officials." (Emergency) (S. P. 464) (L. D. 1607)

Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled — June 8, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

On Motion of Mr. Speers of Kennebec, Retabled for Two Legislative Days.

The President laid before the Senate: Bill, "An Act Creating the Maine Capital Corporation." (H. P. 1011) (L. D. 1250)

Tabled — June 9, 1977 by Senator Collins of Aroostook

Pending — Passage to be Engrossed

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

The President laid before the Senate: Bill, "An Act to Change the Deadline for Change in Party Enrollment in Order to Qualify for Voting in a Primary Election." (H. P. 1028) (L. D. 1246)

Tabled — June 9, 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, I move this Bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that L. D. 1246 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would pose a question through the Chair to the Senator from Kennebec, Senator Katz, if this is the Bill that reduces the period from 90 days to 30 days for switching enrollment in a political party.

Mr. President, I think this may not be an ex-

cellent Bill, but I think it is a progressive Bill, and I would ask for a Division, and I would hope the Senate would reject the Motion.

The PRESIDENT: A Division has been requested.

Is the Senate ready for the question. The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that L. D. 1246 be indefinitely postponed.

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.

13 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to indefinitely postpone does prevail.

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act to Impose a 4-Quart Limit on the Taking of Smelts Throughout the Entire Smelting Season." (S. P. 320) (L. D. 1077)

Tabled — June 9, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

The Bill, as amended, passed to be engrossed. Sent down for concurrence.

The President laid before the Senate: Bill, "An Act to Increase the Salaries of the Judiciary." (H. P. 310) (L. D. 401)

Tabled — June 9, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

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

Mr. HUBER: Mr. President and Members of the Senate: By way of a brief explanation, the only Amendment, I believe, is the Committee Amendment, which would grant \$3,500.00 salary increases to all judges in the first year, and an additional \$3,500.00 in the second year.

The Bill, as amended, passed to be engrossed in concurrence.

The President laid before the Senate: Bill, "An Act to Revise the Water Quality Program." (S. P. 508) (L. D. 1793)

Tabled — June 9, 1977 by Senator Collins of Knox

Pending — Passage to be Engrossed

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

Mr. COLLINS: Mr. President, I present Senate Amendment "D" (S-220) and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "D" and moves its adoption. The Secretary will read Senate Amendment "D".

Senate Amendment "D" Read and Adopted. The Bill, as amended, Passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act to Authorize Bond Issue in the Amount of \$2,348,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute, a Mechanicals Building at Eastern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute." (H. P. 1618) (L. D. 1819)

Tabled — June 9, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. KATZ: Mr. President, the Senate will notice that there are presently two Amendments on this and they conflict.

It is my purpose to offer an Amendment, and

then kill one of them, which will straighten out the conflict.

Mr. President, under suspension of the rules, I move that we reconsider our action whereby House Amendment "A" was adopted.

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

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I offer Senate Amendment to House Amendment "A" (S-218) and move its adoption.

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

Senate Amendment "A" Read and Adopted. House Amendment "A", as amended, Adopted.

The PRESIDENT: The Chair recognizes the same Senator.

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

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

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I move that House Amendment "B" be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that House Amendment "B" be indefinitely postponed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I pose a question through the Chair to the Senator from Kennebec as to exactly what is being done. I am getting a little bit confused with the rapidity.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the conflict between the two Amendments was in one Amendment Section 1 of the Bill as amended, and in the other Amendment Section 1 of the Bill was repealed. This includes all of the provisions of both Amendments in a consistent manner.

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

Mr. CARPENTER: Mr. President, I would apologize to the Senate. My Aroostook County paranoia was showing.

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

Mr. O'LEARY: Mr. President, to further amplify on the question that was asked by the good Senator from Aroostook, Senator Carpenter, it is to make it more palatable to more people in various areas of the State to vote for this Bill.

The PRESIDENT: Is it now the pleasure of the Senate to indefinitely postpone House Amendment "B"?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would pose a question through the Chair as to whether or not this Amendment changes any particular vocational educational systems from a region to a center, or vice versa.

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

Mr. KATZ: Mr. President, it should come as

no surprise to the Majority Leader to know that this pertains to the post-secondary vocational technical institutes, and there are no regions or centers.

House Amendment "B" indefinitely postponed.

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

Sent down for concurrence.

(Off Record Remarks)

Out of order and under suspension of the rules, the Senate voted to consider the following additional papers.

Communication  
Committee on Judiciary

June 10, 1977

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Edward W. Rogers to the position of Associate Administrative Court Judge.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: Senators 3. Representatives 6.

NAYS: Senators 0. Representatives 0.

ABSENT: 4 (Representatives Hobbins, Gauthier, Hughes and Tarbell)

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward W. Rogers to the position of Associate Administrative Court Judge be confirmed.

Sincerely,

Signed:

SAMUEL W. COLLINS, JR.  
Senate Chairman

Signed:

RICHARD A. SPENCER  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Edward W. Rogers be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

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

Mr. HEWES: Mr. President and Members of the Senate: Just a word in passing, having known and practiced law on the same street with Eddie Rogers, who is soon going to be Judge Rogers, for the past 17 years, I want to tell you what a straight-shooting man he is. He, of course, was in the service. He has seven children. His wife is Chairman of the Portland School Committee, as I understand it, and keeps the council on the ball.

He is really a very fine man, qualified with compassion, and he will be an excellent judge, I am sure.

The PRESIDENT: Is the Senate ready for the question?

A vote of yes will be in favor of over-riding the recommendation of the Committee. A vote of nay will be in favor of sustaining the recommendation of the Committee.

The doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

#### ROLL CALL

NAY — Carpenter, Chapman, Collins, S.; Conley, Cummings, Curtis, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, McNally, Merrill, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Collins, D.; Danton, Farley, Mangan, Martin, Minkowsky.

None having voted in the affirmative and 27 Senators in the negative, with six Senators being absent, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Edward W. Rogers is confirmed.

#### Order

An Expression of Legislative Sentiment recognizing that: The Boys' Baseball Team of Marshwood High School has won its first Southern York League Baseball Championship. (S. P. 544) (Presented by Senator Hichens of York)

Which was Read and Passed.  
Sent down for concurrence.

#### Committee Report Senate

##### Leave to Withdraw

Mr. Greeley for the Committee on Transportation, Bill, "An Act Appropriating Funds for the Expansion of the Portland International Jetport." (S. P. 267) (L. D. 825)

Reported that the same be granted Leave to Withdraw.

Which Report was read and accepted.  
Sent down for concurrence.

#### Communication Committee on Labor

June 10, 1977

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House

Augusta, Maine-04330

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Mr. Peter DeTroy to the position of member of the State Employee Appeals Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: 10.

NAY: 0.

ABSENT: 3. Sen. Charles Pray, Penobscot, Rep. Joyce Lewis, Auburn. Rep. James Elias, Madison.

Ten members of the committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Peter DeTroy to the position of member of the State Employee Appeals Board be confirmed.

Sincerely,

Signed:

CECIL H. McNALLY  
Sen. Cecil McNally

Signed:

DAVID W. BUSTIN  
Rep. David W. Bustin

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Peter DeTroy be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

#### ROLL CALL

NAY — Carpenter, Chapman, Collins, Conley, Cummings, Curtis, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, McNally, Merrill, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Collins, D.; Danton, Farley, Mangan, Martin, Minkowsky.

None having voted in the affirmative and 27 Senators in the negative, with 6 Senators being absent, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Peter DeTroy is confirmed.

#### Papers from the House

##### Joint Order

An Expression of Legislative Sentiment recognizing that: Mrs. Ida Hammond of West Sumner is celebrating the Ninety-Sixth Anniversary of her Birth. (H. P. 1706)

Comes from the House, Read and Passed.  
Which was Read and Passed in concurrence.

##### House Paper

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with International Paper Company. (H. P. 1704) (L. D. 1879)

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

Referred to Committee on Natural Resources and Ordered Printed, in concurrence.

On Motion of Mr. Huber of Cumberland,

Adjourned to June 13, 1977 at 10:00 in the morning.