

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

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

SENATE

June 13, 1977

Senate called to Order by the President.

Prayer by the Honorable Minnette H. Cummings of Hampden.

Mrs. CUMMINGS: Please, God, accept us not for what we say, but for what we do; not for declarations of piety, but for acts of fidelity; not for our good intentions, but for our consistent living; not because we have attained, but rather because we are growing.

Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, An Act to Allow Limited Operation of an Unregistered Motor Vehicle. (H. P. 1101) (L. D. 1325)

In the Senate June 3, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-449).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-577) thereto, in non-concurrence.

On Motion of Mr. Conley of Cumberland, the Senate voted to Recede and Concur.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

The Honorable Rodney Scribner, a former Legislator, who served as Assistant Legislative Finance Officer, State Budget Officer, State ContROLLER, Acting Commissioner of Indian Affairs, State Treasurer and State Auditor, has recently been elevated to the Office of the Deputy Director of the Office of Revenue Sharing for the United States. (H. P. 1702)

Debbie Donnelly of Windham is representing the Girl Scouts of Maine at the Wider Opportunity Program, a Girl Scout convention being held at Omaha, Nebraska. (H. P. 1703)

J. David Sjoström has been elected to the high office of Grand Counselor of New England, United Commercial Travelers of America. (H. P. 1697)

Elena Niehaus has been recognized for her excellent academic record by being chosen Salutatorian of Gray-New Gloucester High School. (H. P. 1698)

Debra Ordway has been recognized for outstanding academic record by being chosen Valedictorian of Gray-New Gloucester High School. (H. P. 1699)

The South Portland High School "Red Riots" Girls Outdoor Track Team has won the State Class A Championship for 1977. (H. P. 1700)

The South Portland High School "Red Riots" Boys Outdoor Track Team has won the State Class A Championship for 1977. (H. P. 1701)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Order

An Expression of Legislative Sentiment recognizing that: Katherine Curtis is Retiring on June 17, 1977 after 16 Years of Faithful Service to the Maine Youth Center. (S. P. 545)

Presented by Senator Hichens of York.

Cosponsor: Representative Curran of South Portland.

Which was Read and Passed.

Sent down for concurrence.

Committee Reports
House

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 Relating to General Assistance

Payments for Home Heating Fuel. (H. P. 1417) (L. D. 1617)

Leave To Withdraw

The Committee on Business Legislation on, Bill, An Act to Require Compulsory Motor Vehicle Liability Insurance. (H. P. 1431) (L. D. 1665)

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 Require Home Health Services Insurance Coverage for Elderly Persons to be Provided in All Health Care Policies and Contracts. (H. P. 1465) (L. D. 1710)

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 Establishing a Loan Fund for Volunteer Ambulance and Rescue Squads. (H. P. 571) (L. D. 695)

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 Business Legislation on, Bill, An Act Relating to an Equitable Billing Procedure for Open-end Credit under the Consumer Credit Code. (H. P. 1140) (L. D. 1375)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Agriculture on, Bill, An Act Concerning Equine Infectious Anemia. (H. P. 1138) (L. D. 1380)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-555).

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

The Committee on Health and Institutional Services on, Bill, An Act Concerning the Board of Registration in Medicine. (H. P. 1211) (L. D. 1478)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-553).

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

The Committee on Human Resources on, Bill, An Act to Transfer the Eminent Domain power of the Penobscot Indian Housing Authority to the Tribal Governor and Council and to Require Referendum Approval of any Action Relating to Eminent Domain. (H. P. 490) (L. D. 609)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-554).

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

The Committee on Local and County Government on, Bill, An Act to Provide Safeguards Against the Use of Discriminate and Exclusionary Zoning Practices. (H. P. 1151) (L. D. 1369)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-551).

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

The Committee on Judiciary on, Resolve, Authorizing John Carlo, Inc. to Resolve a Dispute with the State of Maine by Arbitration. (H. P. 1016) (L. D. 1231)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-552).

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

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

The Committee on Energy on, Bill, An Act to Provide Home Winterization for Older Citizens. (H. P. 1243) (L. D. 1468)

Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-558).

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

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

The Committee on Local and County Government on, Bill, An Act repealing the York Beach Village Corporation. (Emergency) (H. P. 1601) (L. D. 1809)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-522).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-556) 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 Election Laws on, Bill, An Act Concerning the Fee for Recounts in Election Contests. (H. P. 980) (L. D. 1186)

Reported that the same Ought to Pass in New Draft under new title: Bill, An Act Concerning the Certificate of Apparent Election and the Fee for Recounts in Election Contests. (H. P. 1691) (L. D. 1871)

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

The Committee on Fisheries and Wildlife on, Bill, An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear. (H. P. 1241) (L. D. 1466)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1662) (L. D. 1858)

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

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on Bill, An Act to Remove Weight Restriction on Black Bass During a Sanctioned Bass Tournament. (H. P. 624) (L. D. 765)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-547).

Signed:
Senators:

REDMOND of Somerset
USHER of Cumberland

Representatives:

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

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

Signed:

Senator:

PRAY of Penobscot

Representative:

GILLIS of Calais

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

Which Reports were Read.

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

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

The PRESIDENT: The Senator from Somerset, Senator Redmond, now Moves that the Senate accept the Majority Ought to Pass as amended Report of the Committee.

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

Mr. O'LEARY: Mr. President, I Move this item lie on the table for One Legislative Day.

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

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

The PRESIDENT: A Division has been requested.

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.

4 Senators having voted in the affirmative, and 18 Senators in the negative, the Motion to Table for One Legislative Day does not prevail.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Somerset, Senator Redmond, that the Senate accept the Majority 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 Majority Ought to Pass as amended Report, please rise in their places to be counted.

On Motion of Mr. Conley of Cumberland, Tabled until later in Today's Session, Pending the Motion of the Senator from Somerset, Senator Redmond, that the Senate accept the Majority Ought to Pass as amended Report.

Divided Report

The Majority of the Committee on Marine Resources on, Bill, An Act to Remove the Commercial License of Smelt Fisherman. (H. P. 1045) (L. D. 1272)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CHAPMAN of Sagadahoc
LEVINE of Kennebec
HEWES of Cumberland

Representatives:

CONNERS of Franklin
NELSON of Roque Bluffs
GREENLAW of Stonington
JACKSON of Yarmouth

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-538).

Signed:

Representatives:

BUNKER of Gouldsboro
BLODGETT of Waldoboro
POWELL of Rockland
POST of Owl's Head
TYNDALE of Kennebunkport

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

Which Reports were Read.

Majority Ought Not to Pass Report accepted.

Sent down for concurrence.

Divided Report

Five members of the Committee on Labor on, Bill, An Act to Increase the Minimum Wage to \$3 per Hour. (H. P. 1173) (L. D. 1403)

Reported in Report A that the same Ought to Pass as amended by Committee Amendment "A" (H-529).

Signed:

Representatives:

BUSTIN of Augusta
FLANAGAN of Portland
BEAULIEU of Portland
ELIAS of Madison
DUTREMBLE of Biddeford

Four Members of the same Committee on the same subject matter reported in Report B that the same Ought to Pass as amended by Committee Amendment "B" (H-530).

Signed:

Senators:

PRAY of Penobscot
REDMOND of Somerset

Representatives:

TARR of Bridgton
LEWIS of Auburn

Two members of the same Committee on the same subject matter Reported in Report C that the same Ought to Pass as amended by Committee Amendment "C" (H-531).

Signed:

Representatives:

LAFFIN of Westbrook
McHENRY of Madawaska

Two members of the same Committee on the same subject matter Reported in Report D that the same Ought Not to Pass.

Signed:

Senator:

McNALLY of Hancock

Representative:

PELTIER of Houlton

Comes from the House Report A Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-583) thereto.

Which Reports were Read.

On Motion of Mr. Speers of Kennebec,

Tabled One Legislative Day, pending acceptance of any Committee Report.

Senate**Leave to Withdraw**

Mr. Greeley for the Committee on Transportation on, Bill, An Act Requiring the Secretary of State to Give Notification Without Cost when the Renewal of Motor Vehicle Registrations are Due. (S. P. 326) (L. D. 1081)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Mr. Pierce for the Committee on Business Legislation on, Bill, An Act Amending the Maine Automobile Insurance Cancellation Contract Act. (S. P. 118) (L. D. 277)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-223).

Mr. Merrill for the Committee on Appropriations and Financial Affairs on, Bill, An Act to Allocate Money for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (S. P. 104) (L. D. 233)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-222).

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

Ought to Pass in New Draft

Mr. O'Leary for the Committee on Natural Resources on, Bill, An Act Concerning the Powers of Plantations under Land Use Regulation and Zoning Statutes. (S. P. 176) (L. D. 492)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 546) (L. D. 1881)

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 Local and County Government on Resolve, to Evaluate Substate Districts in Maine. (S. P. 148) (L. D. 390)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-224).

Signed:

Senator:

HICHENS of York

Representatives:

HENDERSON of Bangor
DRINKWATER of Belfast
HICKEY of Augusta
LaPLANTE of Sabattus
BERUBE of Lewiston
TRUMAN of Biddeford
GRAY of Rockland

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (S-225).

Signed:

Senators:

JACKSON of Cumberland
O'LEARY of Oxford

Representatives:

McPHERSON of Eliot
STOVER of West Bath
MARTIN of Brunswick

Which Reports were Read.

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

Mr. HICHENS: Mr. President, I move the Senate accept the Majority Ought to Pass as amended Report.

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

On Motion of Mr. Pierce of Kennebec.

Tabled until later in Today's Session Pending the Motion of the Senator from York, Senator Hichens, that the Senate accept the Majority Ought to Pass as amended Report.

Second Readers

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

House

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

Bill, An Act to Authorize County Jail Inmate Participation in Municipal Public Works Projects. (H. P. 1313) (L. D. 1547)

Bill, An Act to Establish Withdrawal Dates for Candidates and Nominees. (H. P. 1666) (L. D. 1866)

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

House - As Amended

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

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

Bill, An Act to Provide Lifeline Electrical Services. (H. P. 1669) (L. D. 1867)

On Motion of Mr. Speers of Kennebec, Tabled until later in today's session.

Pending passage to be engrossed.

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)

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

Bill, An Act Relating to Tuna Fishing. (Emergency) (H. P. 914) (L. D. 1110)

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

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

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)

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

Senate

Bill, An Act Exempting Blind Property Owners from Real Property Tax. (S. P. 172) (L. D. 489)

Bill, An Act to Provide for a Council of Economic Advisors. (S. P. 257) (L. D. 814)

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

Sent down for concurrence.

Senate - As Amended

Bill, An Act Providing for the Practice of Architecture through a Corporation or a Partnership. (S. P. 137) (L. D. 378)

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

Sent down for concurrence.

Enactors

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

An Act to Amend the Oil Pollution Control and Discharge Prevention Laws. (H. P. 1283) (L. D. 1641)

An Act Concerning Proof of Residence Required for Certain Inland Fisheries and Wildlife Licenses. (H. P. 261) (L. D. 329)

An Act to Provide for the Study of Transportation and Electric Power Alternatives and to Compile Maine's Energy Statutes. (H. P. 1468) (L. D. 1711)

An Act Relating to Granting Administration of an Instate's Goods or Estate under the Law of Decedent's Estates. (H. P. 1202) (L. D. 1431)

An Act to Provide for the Department of Transportation to Participate in the Federal Railroad Administration Track and Equipment Safety and Inspection Program and to Administer Railroad Safety Investigation Provisions of the Maine Statutes. (H. P. 1632) (L. D. 1835)

An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission. (H. P. 1128) (L. D. 1345)

(See Action Later Today.)

An Act Empowering the State of Maine to

Enter into the Interstate Corrections Compact. (H. P. 358) (L. D. 451)

An Act Clarifying the Tax Status of Regional Planning Commissions and Councils of Government. (H. P. 555) (L. D. 672)

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 Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission. (H. P. 1388) (L. D. 1660)

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

Mr. TROTZKY: Mr. President and Members of the Senate, I am very concerned about L. D. 1660.

First of all, this talks about certification of Nuclear Power Plants by the Public Utilities Commission. Presently the responsibilities for Nuclear Power Plants rests with the Nuclear Regulatory Commission, a Federal agency, and the Energy Research and Development Administration, also Federal. There are literally thousands and thousands of pages of Federal Regulations dealing with requirements for Nuclear Power Plant construction. To add other requirements of the PUC on top of Federal Regulations would accomplish no more protection to the people of Maine, but would in fact, increase the work load of an already overburdened Public Utilities Commission, and add costs to the new facility, and costs to be borne by the rate payers of Maine.

Looking at the Bill, first of all it talks about certification of Nuclear Power Plants, and it states that the Commission shall not certify any Nuclear Power Plant until the following conditions are met. (1) The Commission finding of United States identification approval of technology, — the commission finds the United States through its authorized agency, and that is the NRC and ERDA has identified and approved a demonstrated technology on means for the disposal of high Nuclear Waste. Now one of the problems that you face here is that if we should end up with an oil embargo caused by international situation, and Maine decides to build say a second Nuclear Power Plant, it appears to me that this condition could effectively be interpreted to put a moratorium on Nuclear Power Plant construction in the State unless ERDA and the NRC have defined some improved technology for the final disposal of these wastes.

The second condition they talk about, Section 254, is that each power plant must have specific facilities with adequate capacity to contain high level nuclear wastes when it is in actual operation. Well, this Section appears to me to be meaningless, because you do not have a Nuclear Power Plant built today unless they have some storage capacity. Maine Yankee, for example, does have storage capacity until 1985.

The second Section under Section 254 states that the high level nuclear wastes coming from the Nuclear Power Plant must be stored in conformity with the technology approved by the authorizing agency of the United States Government. Well the plant cannot be built until it is approved by the NRC, so all I see in this Bill is a duplication of regulations coming from Washington, and, secondly, in the first Section I read a possibility of putting a moratorium on Nuclear Power in the State. And Maine, which sits at the end of the line with very few energy resources now, I do not think can afford to put itself in this position with the unstable energy policy and conditions right now in the United States and the World.

I would request a Division on L. D. 1660.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, right now there is no Federally identified and approved technology for the long term storage or disposal of these high level nuclear wastes. The things that Senator Trotzky has said are true, that it will not do anything more than put added pressure onto ERDA to make the rules and regulations that will have to guide the disposal of these highly radio-active and potentially dangerous wastes.

This Bill is patterned on similar Legislation that was passed in California, and actually what it really does, and I would like to add parenthetically that it was done in conjunction with Commissioners Bradford and Gelder, it helps the PUC to put pressure on the Federal Government to solve these high level nuclear waste programs. The idea behind this Bill is that it would be possible at the moment for a Nuclear Plant to be built with no provisions made for the disposal of these radio-active waste products. This would hasten the day when the technologists will either find that there are methods of storing these things or that there are methods of reusing them.

It is not the most important Bill that we have to consider, but I do think that it is something that it would help to have on the Books.

The PRESIDENT: Is the Senate ready for the question? The pending question is enactment of LD 1660.

A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, the Carter Administration has already committed itself to attempting to solve the nuclear waste problem as soon as possible. Again, I state that all this Bill can do is possibly put Maine at a disadvantage so that no other Nuclear Power Plants can be built, while other States can build them. In other words, it puts the power in the PUC to certify Nuclear Power Plants which it has never had before. The technology in Nuclear Power Plant construction is very, very complex and most of the experts do work, you might say, for the Federal agencies, such as the NRC.

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

Mr. HUBER: Mr. President and Members of the Senate, I would simply like to concur with the remarks of the good Senator from Penobscot, Senator Cummings, in saying that this Bill does put pressure on the Federal Government to try and get the approval for disposal of high level nuclear waste. I think this is important. It is a question of long term importance, not only to our generation but subsequent generations. I think if this Bill can exert such pressure, it is worth passing, and it is not detrimental to the development of Nuclear Power in the State of Maine.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been ordered.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA — Carpenter, Chapman, Collins, Conley, Cummings, Curtis, Farley, Huber, Katz, Levine, Martin, Merrill, Minkowsky, Pierce, Pray, Snowe, Speers.

NAY — Collins, Greeley, Hichens, Lovell.

McNally, O'Leary, Redmond, Trotzky, Usher, Wyman.

ABSENT — Danton, Hewes, Jackson, Mangan, Morrell.

17 Senators having voted in the affirmative, and 10 Senators in the negative, with 5 Senators being absent, this Bill is passed to be enacted, and will be signed by the President.

(See Action Later Today.)

An Act to Provide for Adult Education for Certain Students under the Provisions of the School Finance Act of 1976. (H. P. 1466) (L. D. 1720)

An Act Appropriating Funds to Provide Road and Bathing Facilities at Birches Point Park at Owls Head. (H. P. 1217) (L. D. 1453)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriation Table, pending enactment.

An Act to Provide for Legislative Confirmation of Gubernatorial Nominations for Chairmen of the Maine Human Services Council and the Maine Committee on Aging. (H. P. 723) (L. D. 856)

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

Mr. CURTIS: Mr. President, this is an Enactor for a Bill which would require two more confirmations by the Legislature. As such, it requires a two-thirds vote.

I am opposed to it, and I would urge my colleagues in the Senate to consider how much further that we want to go in adding new positions which require a full public hearing after advertisement, report to the Senate and Roll Call vote by the Senate. In this particular incident the piece of Legislation involves the Chairman of two advisory committees, one on Aging and one on the Human Services Council. Both agencies are advisory to the Department of what used to be Health and Welfare, now Department of Human Services, and if we once get started with having confirmation of Chairmen or Members of advisory committees, I would suggest that the list will be almost endless because most departments in State Government have one type or another of advisory agency.

The PRESIDENT: Is the Senate ready for the question? The Chair would advise the Senate that pursuant to the provisions of Article V part 1, Section 8, of the Constitution of the State of Maine that an affirmative vote of two-thirds of the membership present is required for passage.

The Chair will order a Division.

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

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

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

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, in the last Session of the Legislature I was deeply concerned that the post-secondary education commission of Maine's nominees were not going to be subject to the confirmation process, and I felt that it was potentially a very important Body, and I felt that it should be subject to confirmation. However, out of deference to my seat mate, I

did not oppose it. And, in retrospect I think he was right and I was wrong.

We all have our own concept as to which board should be an exception, except I could justify another board, and so could you, and then another board and another confirmation, and pretty soon we would be back to the absolutely intolerable situation we had prior to our reform. So, as you vote today, ask yourself whether or not it is practical to double, and I predict double, the amount of confirmation responsibilities this Legislature may have two or three Sessions from now. It is going to be hard to keep it lean and limited, but I think the Legislature has a very real responsibility not to yield to the temptation of confirmation of a new group which is demonstrably reasonable to confirm, and yet which opens the door to a real rotten situation which will give us more confirmations than we can legitimately handle.

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

Mr. CONLEY: Mr. President, I do not disagree strongly with the good Senator from Kennebec, Senator Katz, in fact I do not disagree. I disagree with him in a sense that I look upon this as just another check and balance on government.

Last Friday this Senate confirmed two appointments that came before the Joint Standing Committee earlier in the day, were presented before this House on a supplemental calendar. I think the Committees that had the hearing and had them the same morning, and sent forward almost immediately the recommendation. I see no problem at all with adding these additional two Committees, two members that would be confirmed, adding them to the list. I think there is grave concern about those who are serving in government today, and I think that just another stamp of approval regardless of how important or how little importance it has, it does give at least the importance of saying at least somebody else is taking another look and agrees with the appointee. I do not think honestly that we are stepping on anyone's toes.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I share the concerns of the good Senator from Penobscot, Senator Curtis, and I was on the State Government Committee two years ago when we originally abolished the Executive Council and set up the new system, and I think it has worked quite well.

I do not see that we have added a great deal of time or trouble to the Legislative process. The public hearings have been good, although sparsely attended, I believe. The appointments have been good by and large.

I would just ask you to take a look at LD 856. When we are talking about the Maine Human Services Council and the Maine Committee on Aging, and while they are advisory, I think they are very, very important advisory positions that certainly could have a large impact on two groups within our society, and I would hope that now and in the future we could not vote yes or no on these issues based on whether we want to clutter up the selection or election process within the Legislature, but look at each individual one, and I am sure there will be more coming this Session and perhaps next sessions, look at each individual proposal, if you will, and judge those on their merits. I do not think there was any degree of infallibility in the State Government Committee two years ago, although the Chairman. The Senator from Penobscot, might disagree with me, but I think we did make some mistakes. We did leave some things out that we might have wanted to have in, and I do not think there is anything sacred about that document. I think that we can amend that or change that at any time through the Legislative

process, and I would hope that this morning we could include in that list, and if you will look down that list, some of the appointments really are not in my opinion as important as the confirmation of these two very key advisory positions might be at some time in the future. Think of the impact that the two people might have if they were appointed without any Legislative oversight at some time in the future to the Maine Human Services Council and the Committee on Aging. I think it is very important, or I think it is important in these two positions, at least, that we do have some Legislative oversight, and if we defeat this Bill this morning we will have none. Thank you.

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

Mr. CURTIS: Mr. President, I think the question has been clearly stated. I will not belabor the issue, but I would like to mention one matter which is unclear in my mind and I think would be of some interest to the Senate, and that is the provision of the Constitution which says that no Senator or Representative shall, during the term which he shall have been elected, be appointed to any civil office of profit under this State which requires the approval of the Legislature. The Maine Human Services Council has two positions which are Legislative positions. I am not sure about the question of profit, as to whether or not the expenses which the members of that council receive would be included under the term of profit, and I am not that familiar with how they handle their money, but I would think that it would at least be a question in terms of whether or not it would be possible for the Legislative members, and I know that there are Legislative members of the Committee on Aging also, whether or not it would be possible at all for them to serve as Chairman if this particular Bill is passed.

The PRESIDENT: Is the Senate ready for the question?

A yes vote will be in favor of Enactment of LD 856. A Nay vote will be opposed.

The doorkeepers will secure the Chamber.

The Secretary will Call the Roll.

YEA — Carpenter, Chapman, Collins, D.; Conley, Farley, Greeley, Hichens, Huber, Levine, Martin, Merrill, Minkowsky, O'Leary, Pray, Snowe, Trotzky, Usher, Wyman,

NAY — Collins, S.; Cummings-Curtis, Katz, Lovell, McNally, Morrell, Pierce, Redmond, Speers, Sewall.

ABSENT — Danton, Hewes, Jackson, Mangan.

18 Senators having voted in the affirmative, and 11 Senators in the negative, with 4 Senators being absent, and 18 being less than two-thirds of the membership present, this Bill fails enactment.

Sent down for concurrence.

Resolve, Authorizing and Directing the Commissioner of Inland Fisheries and Wildlife to Promulgate Rules and Regulations Pertaining to Ice Fishing. (H. P. 1637) (L. D. 1839)

Resolve, to Provide for an Agreement Between the Department of Educational and Cultural Services and the City of South Portland to Establish a Greenbelt Area on the Southern Maine Vocational-Technical Institute Campus. (H. P. 1265) (L. D. 1492)

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

Reconsidered Matter

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

Mr. HUBER: Mr. President, in reference to An Act to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission. (H. P. 1388) (L. D. 1660) I move that the Senate reconsider its action.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby it enacted L. D. 1660.

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

Mr. O'LEARY: Mr. President, I think the good Senator from Penobscot, Senator Trotzky, made his position clear on this Bill and I would have you note that all three members of the Committee on Natural Resources voted not to enact this piece of Legislation.

I think that the way I feel is that the Department of Environmental Protection holds hearings now, and all the advice that is necessary for licensing of these plants would be available to these hearings, and I feel sure that before a license or a permit was issued that the Department of Environmental Protection would be certain that everything that concerns the good Senator from Penobscot, Senator Cummings, would be provided for within that application, so, therefore, I would hope that you would vote to reconsider.

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

Mrs. CUMMINGS: Mr. President, the Bill comes from the Public Utilities Committee and all three Senators agreed it should pass.

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

Presented to the Governor for his approval.

Reconsidered Matter

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

Mr. MORRELL: Mr. President, in reference to An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission. (H. P. 1128) (L. D. 1345)

I now move that the Senate reconsider its action whereby it was enacted.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now moves that the Senate reconsider its action whereby LD 1345, was passed to be enacted.

A viva voce vote being had,

The Motion to reconsider does prevail.

On Motion of Mr. Morrell of Cumberland, Tabled One Legislative Day, pending enactment.

Emergency

An Act to Exempt Energy Conservation Materials from the Sales Tax. (H. P. 1642) (L. D. 1841)

Emergency

An Act to Establish an Assessment of Student Performance in the Basic Skills. (S. P. 518) (L. D. 1810)

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

Emergency

An Act Relating to Licensing of Theaters and Motion Picture Houses. (S. P. 524) (L. D. 1837)

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

Mr. MERRILL: Mr. President and Members of the Senate, an inquiry through the Chair. I would just like to inquire of anybody who may care to answer, is 1837 in its enacted form exactly as it appears in its LD form?

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

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

Mr. PIERCE: Mr. President and Members of the Senate, perhaps I can anticipate the question which the good Senator is interested in. This Bill was given a unanimous Ought to Pass Report at one time, came out, went through the Bodies a few times and then eventually it was

recommitted to the Committee on Legal Affairs. That Committee since has put back in the provision which continues the license of projectionists and that is included in this present draft, if that answers the question.

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, Authorizing the Attorney General to Undertake Proceedings on behalf of Resident Taxpayers of this State to Recover Certain Taxes Paid to the State of New Hampshire. (H. P. 1633) (L. D. 1834)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Repeal the Section Concerning Appointment of Standby State and Local Government Officers in Case of Enemy Attack. (H. P. 15) (L. D. 24)

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

Mr. CONLEY: Mr. President, I wonder if the Chairman of the Joint Standing Committee might point out exactly where this is in the Constitution. I have been searching it for many days now, and I cannot find it. I know that there are certainly people around the State waiting to fill in for all of us in case something does happen, but I notice it does not make any reference, — at least on the calendar it makes no reference to what part of the Constitution this Amendment is in and I just wonder if the Secretary of State may have difficulty in trying to strike it out if this is adopted by the citizenry.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Member of the State Government Committee who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: I cannot respond specifically to the Senator's question. I understand that this is in the Constitution. It came to us as a result of the work of a Committee that was looking for obsolete items within the Constitution, and I understand that it does exist, although I cannot tell you precisely where. In effect, it provides for Legislators, municipal officials and others to name their successors in the event of an enemy attack, and I understand that it was adopted sometime during the 1960's. Further, I cannot tell you, sir.

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

Mr. MERRILL: Mr. President and Members of the Senate, if the good Minority Leader will turn to page 30 of his little book, under Article 9, Subsection 17, he will see the provision that would be removed by this law.

I would like to assure the Members of the Senate that being stopped on closed roads does not constitute enemy attack under this Bill.

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

Mr. KATZ: Mr. President, I hesitate to delay things. The statutes that I have tripped over a couple of times, and which really are not very applicable to the peaceful world in which we live, are one thing, but I wonder if those who support the Constitutional Amendment would explain why the standby authority in the Constitution is better not left in place.

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

Mr. COLLINS: Mr. President and Members of the Senate, the Committee is aware also of the statutory provisions. It was the opinion of the Committee that we at first should deal with the Constitutional provision, and then at the next Session deal with the statutory provisions. As a matter of fact, the provisions of the Constitution and of the statutes have not been followed. Practically nobody has paid any attention to the statutory provisions or the Constitutional Amendment. The Committee could see no further use for the Constitutional Amendment, and it unanimously selected a device by removing it, first, from the Constitution and, secondly from the statutes.

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

Mr. KATZ: Mr. President, the point I was making is we are a long way from the cold war days during which we assumed this Constitutional change, which is not to say there may be occasions in the future where the Legislature is going to have to Legislate to insure continuity. I am having difficulty understanding why we should amend the Constitutional Authority for the Legislature by the Enactment of this today.

There must be some thought to my feeling, but I would feel a little bit more comfortable if we left the Constitutional measure in place so that 10, 12, 20 years from now if a future Legislature ran into an emergency situation and wanted to Legislate, they would have a Constitutional basis to do so. I am confident the Committee must have considered all of this, but I feel very uneasy about removing this Legislative Authority from the Constitution.

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

Mr. KATZ: Mr. President, I apologize. It costs \$15,000.00 to put a question out to referendum, and an Amendment to the Constitution is so serious that the burden of proof is on those who support it to give us over-riding considerations as to why the Constitution should be amended.

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

Mr. MERRILL: Mr. President and Members of the Senate, this is not my Constitutional Resolve, so I do not defend it for that reason. I have no personal stake in it. But I do think that if the Senator from Kennebec, Senator Katz, or anyone else is seriously concerned about the ability of the government to continue after enemy attack, they may want to have a much broader sort of a power given than is given in this Constitutional Amendment, which was really written to dovetail with the Legislation which the previous Senators have referred to, and which involves trying to set up some sort of successor system for the Legislature.

I am sure that a more appropriate response would be to set up some sort of special powers for the Chief Executive, than to have five or six or eight people designated as standbys in that order, and to have those people try to assemble those people after an enemy attack and try to have them run the Legislature. That is the approach that is taken in this Amendment. I think it is inappropriate, and I think that we would be well advised to get this Section off the Books.

If it is such a serious problem as to require some sort of special Constitutional provision, and I seriously do not think that it is, because I think the Governor has those powers under a state of emergency, and we ought to see to it that the Chief Executive is given some of these powers and not try to set up a system whereby he will try to assemble whoever is left in line of eight people that are appointed by the Legislature to come up here and take their place in the Legislative process.

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

Mr. KATZ: Mr. President, the Senator is

debating the statute that is on the Books, and it is the statute that is offensive to me. The Constitutional Amendment we are being asked to repeal does not say anything at all about six successors. It talks about the orderly continuity of government, State and Local Government, in periods of emergencies resulting from disasters caused by enemy attack.

I ask the Senate to separate in your minds the question as to whether or not we ought to repeal that which appears to be ludicrous statute, or whether we ought to repeal the authority the Legislature has to act in case of emergency, and it is that statute, that Constitutional Authority which I would like to see retained to protect us.

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

Mr. MERRILL: Mr. President and Members of the Senate, a close reading of the present Constitution will see that Section 17 provides for successors to us to be chosen, and, therefore, I think my debate is exactly relevant to this Constitutional Amendment.

As I suggested before, I do not think that is an appropriate approach, if we are concerned about the ability of the government to respond in time of an emergency brought about by enemy attack. I think that most of us would agree that the appropriate response is not to try to set up a successor system for the present Legislature, but to give those powers, if they are not already given, and I think they are under our ability to respond to emergencies, to the Chief Executive, and not try to assemble somebody who is a successor to the Legislature. That is exactly what is called for in Section 17, if you read it closely. Not to give those powers to the Chief Executive, but it is to have a successor system set up. I think it is impractical.

This being a Constitutional Amendment, and having received the affirmative vote of 13 Members of the Senate, and the negative votes of 13 Members of the Senate, and 13 being less than two-thirds of the Membership present. This Resolution fails of passage.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

HOUSE REPORTS — from the Committee on Business Legislation, Bill, "An Act Relating to an Increase in the Volume Fees Paid by Major Creditors under the Maine Consumer Credit Code. (H. P. 180) (L. D. 242) Majority Report Ought to Pass as Amended by Committee Amendment "A" (H-485); Minority Report — Ought Not to Pass.

Tabled — June 9, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report.

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

The President laid before the Senate:

Bill, "An Act to Amend the Maine Income Tax Law." (H. P. 1514) (L. D. 1749)

Tabled — June 9, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

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

Tabled — June 10, 1977 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. CARPENTER: Mr. President, I would Move indefinite postponement of this Bill and all its accompanying papers, and I would speak briefly.

The PRESIDENT: The Senator has the floor.

Mr. CARPENTER: Mr. President and Ladies

and Gentlemen of the Senate, I do this because for a number of reasons.

One, I think there are quite a few problems with this particular measure. I am a little bit concerned that there is a number of Amendments to be offered to clean this Bill up. I know that the Senator from Kennebec, Senator Pierce, mentioned on Friday that there were some problems that he would try to take care of with an Amendment. I know there are additionally several Amendments floating around here. I received a lot of calls this weekend from my barbers and cosmetologists. While they do not have anything specific against the Bill, they just do not like, I guess, the whole thrust of the thing.

I understand there is very little if any public support for this measure, and a lot of opposition at the hearing, and also at the work Session, and I am also a little bit concerned because I understand there are at least two Members of this Legislature who did not intend to sign this Bill out Ought to Pass that sit on the Business Legislation Committee, yet we have a unanimous Committee Report when it did get out.

I would hope that we could put this Bill to rest this morning, and perhaps at a later Session or later today in this Session, or another Session of the Legislature, if it is needed, that we could come up with changes in the statutes regarding barbers and cosmetologists.

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

Mr. PIERCE: Mr. President and Members of the Senate, I would oppose the Motion to indefinitely postpone this Bill. I had understood that it was going to be tabled for one more day, but I would just as soon debate it today as any other day. There is quite a long history behind this Bill, and I am afraid you are going to have to bear with me while I explain some of the background to you.

In the last Session of the Legislature, both the barbers and the cosmetologists were before the Business Legislation Committee on several occasions, either asking for increases in fees or changes in the laws or whatever. And, as you know, our Committee gets a great many boards come before us for various requests, and it soon became very clear the more we met with the Board of Cosmetologists, and the more we met with the Board of Barbers, that these were two of the weakest Boards that we had to deal with in that Committee.

It was also unanimous opinion of our Committee that certainly something had to be done to clean up the laws. Many of them are outdated surrounding the barbers and cosmetologists, so that we ordered a study to be done between Sessions of the Legislature. We did that study and out of it came L. D. 578.

Now in L. D. 578 we put in a lot of things that we knew right away that barbers did not like, and cosmetologists did not like, but they were suggestions from various people, and we said, well, let us put it all in that Bill, and we will have our public hearing. We will see what they like, and what they do not like, and we will try to come with an improvement in the law. And came the public hearing on L. D. 578, and sure as heck, a lot of people showed up. Many to favor a lot of the provisions of the Bill, and many in opposition. The primary opposition being the combining of the two Boards.

The two Boards used to be combined up until a few years ago, and then, being the children that they are on the Boards, they could not get along anymore, although the professions are drawing closer and closer together. They felt that they did not want to be together any longer. So, we said, fine, we will take that provision out. We took out a lot of other things that we felt was not in the best interest of the barbers or the cosmetologists, and the result was L. D. 1838.

I have not been in politics a long time, but being on that committee and having more barbers

and more cosmetologists than anybody else on that Committee in my District, I was not about to jump headlong into a major change in the laws without consulting with all of the people in my area. Therefore, I had sent them all a draft of L. D. 578, and found that they had several objections to it and so forth. I further sent them all a redraft, which was what was eventually to be L. D. 1838, which cleared up some further objections, and finally sent them the draft of L. D. 1838.

I can tell you that to a person throughout my District, with the one exception of the booth license, which you remember I told you was overlooked, which we put back in, they were completely supportive of it. Only a couple of people I can find are not supportive of the Bill. One is the representatives of the Maine Barbers Association, which I understand represent less than five percent of the barbers in the State of Maine, and the other was a board member.

But I would point out to this Senate that this is not a Bill for the Cosmetologists Board. This is not a Bill for the Barbers Board. It is a Bill for the barbers and for the cosmetologists, and they support it. I do not know how well many of you know the barbers and cosmetologist in your area, but I have certainly found out that a great many of them fear the power that both of these Boards have, and often they are afraid to speak out against the Boards for fear of recriminations.

There are several provisions in this Bill which I think you should be aware of. One of the reasons the Barber Board does not like it is it provides for three consecutive three year terms. That means that someone, and this particular person has served about 15 years, could only serve nine years consecutively, then could come back on at a later date, nine years. Too bad, they cannot control it forever and ever.

It also provides for the biennial license which barbers want very much. Instead of having to be licensed every year, they can be licensed biennially.

It also lets them choose the Chairman of their Board, rather than just choosing by seniority. The one person who is in power for ever and ever is not necessarily always there.

And, finally, and most importantly of all, I think, and one of the main reasons that some people on the Barber's Board do not want this is that before they can change the rules and regulations of the Barbers Board, they have got to do the unthinkable. They have got to notify their members and let them know. The barbers want this, and the Board does not want to do it.

It also eliminates a needless coloring license which barbers presently have to buy, and if you ask your barber why they have to buy one, they will say we do not know, but somehow the State has decreed that we have to buy a coloring license, so this gets rid of that.

This has been a Bill which we have had good support from, I think, the cosmetologists and the barbers on, and we run into a great deal of flak from working with certain members of the Boards. But I would like to emphasize that other certain members have worked very closely with us each step of the way.

It is a Bill which was lobbied by a couple of people down here very heavily, and had I been in the other Body I think I would have been a little more fearful than I am in this Body, and that is why I put the memo out to you, because I would hope that in this Body when we get a call saying I am just against this Bill, we would like to go a little bit further and say why. What are the specifics? And I put that notice out to each and every one of you. I got back one request for a specific change. That is an Amendment which I would like to offer to the Bill, if we defeat the pending Motion. Other than that I had no specifics.

I would hope that a Bill in this Senate cannot be defeated by a couple of people who call their

barbers, and say just be against this. Just be against it on that basis. No good reason. Just call your Senators and tell them you are against it. I hope that tactics like that do not go in this Body, and I would be glad to hear from any Members of this Body the specifics, especially from Members who have read the Bill before they just became negative about it.

To correct the Senator from Aroostook, Senator Carpenter, I understand that there is one Member of the Business Legislation Committee, Senator Farley, who indicated that he was not in concurrence with the Bill, so it would have been a 12 to 1 Report. The Bill was held in Committee for well over a week, was available to Members, and finally was put out. I would be happy to hear any other specific recommendations, or any other comments on the Bill that anyone might care to make.

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

Mr. FARLEY: Mr. President and Members of the Senate, I would hope that we would support the Motion of the good Senator from Aroostook, Senator Carpenter, to indefinitely postpone this piece of Legislation.

You have heard some background from the good Senator from Kennebec, Senator Pierce. I would also like to share some background with you people on this specific piece of Legislation.

The day of the initial hearing, the sponsor of the Bill was not there. We had a two and one-half hour hearing with an over-loaded hearing room of barbers and hairdressers. With the exception of just a few small pieces of the original Bill, they were all opposed to the Legislation.

The first workshop we had, of course, the sponsor of the Bill had been through campaigning then, was back in the Legislature. We had another three hour session with the barbers and the hairdressers. Again, they were opposed to this piece of Legislation or the original Legislation.

The next hearing they had scheduled, and I want you to hear this, for barbers and hairdressers, was on Good Friday when no one could make it and put some input. After that I do not know what happened to the Legislation. I know the work sessions we had, I voiced my opinion then, that they should have two jackets on this. I had no intention on signing this Bill out Ought to Pass in any form, shape or manner.

Now some more history on the Legislation. The original piece of Legislation was put in last year, and it derived from the Maine Management Cost Survey. It said to put the two Boards together and made other changes. The Legislature at that time, 106th, could not hear all these Bills, if we all remember correctly. What we did was to put them out to study.

Now just because we put something to study does not mean we have to come out with a piece of Legislation. But obviously to the Member of the other Body, the sponsor of this, she is so obsessed that we ought to have Legislation with regard to this area, and I am sure in some areas she may be correct. However, this Bill here does not do it.

I tell you what this Bill does. First of all, it repeals most of the major national model laws that we have in regard to barbers and cosmetologists here in the State of Maine. It wipes out the barber booth licenses. It wipes out the residency law, allows for an examination and licensing of both barbers and cosmetologists with no consideration of differences, and there may be plenty of differences in their training. It allows double licensing of barbers and cosmetologists, allows barbers and cosmetologists, carpetbaggers who could operate from house to house, and provide exemption from health and sanitation laws that are mandatory of the carefully licensed barber shops. It restricts the Member of the Board from three terms, with no possibility of serving unless we amend it to do otherwise. I have

seven or eight Amendments before we engross this Bill today, so to try to clean it up a little bit. Now, I have a feeling that the Amendments probably would not survive the other Body, and we would probably be in the position again to do exactly what I requested to do today.

I would ask all of you to support the indefinite postponement of this Bill and all its accompanying papers.

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

Mr. PIERCE: Mr. President and Members of the Senate, the debate you just heard was exactly the type of debate which I cannot believe that this Senate is going to accept today. The good Senator took L. D. 1838 and never even looked at it before he was negative about it. And obviously he does not know what is in it today, and he makes the arguments that a couple of those barbers make to try to kill this Bill; about the booth licenses, when he knows full well that House Amendment "C" (H-528) is on that Bill and those booth licenses are included; the house to house bit, when he can see right in Senate Amendment "A" (S-226) to put that in it; the residence requirement, the residency requirements in this Bill are not touched one bit from the present laws. This is the type of an argument that I just cannot believe that this Senate will accept.

If there are things wrong with this Bill, let us be specific and say so, but it is a good Bill for the barbers. It is a good Bill for the cosmetologists. It might not be a good Bill for a couple of very specially interested people.

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

Mr. COLLINS: Mr. President, I have one question for the Senator from Kennebec, Senator Pierce. When I had my hair cut Saturday, I asked my barber, and he said he thought it was a pretty good Bill, but he was disturbed about the idea that too many transients would come in the summertime and take away business. I have read the Bill, but not the previous law, and the Senator has spoken of the residency requirements, and I wonder if you could explain to one not very much acquainted with this just what about these transients.

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

Mr. PIERCE: Mr. President and Members of the Senate, I, too, had my hair cut this weekend. I guess maybe quite a few of us did to discuss this Bill.

One of the things I checked with Legislative research this morning, and to double check the statutes myself, was whether or not under present laws it actually says you must be a resident of the State of Maine to have a license, and if it did, and this Bill does not, I was more than happy to put that in it. This Bill does not change the residency requirements one iota. It does not address that subject so that there is no change in the law in that regard.

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

Mr. HICHENS: Mr. President and Members of the Senate, I should have had my hair cut last Saturday, but I did not, but my barber did call me and express his opinions on on this Bill.

I have no special interest in the Bill, neither for or against, but it amazed me last week when Members of the Board of Cosmetologists and Barbers came to me and asked me to vote against the Bill. This is the first time in my recollection as being a Member of the Senate and Chairman of the Health and Institutional Services Committee which heard several Bills presented by the barbers and cosmetologists in the past, and they never could agree, and they came to me and they both agreed, both Boards, that they did not want this Bill. I was not satisfied because I, too, have reservations about Boards, like the good Senator from Kennebec has expressed, and so I sent a copy of the

revision of the Bill to every cosmetologist and every barber in my District, spending some of the money which was referred to in the Maine Sunday Telegram yesterday. I did not get too much response, but the response that I have had is all against passage of this Bill.

So representing those people who are interested enough to let me know how they felt, I would go along with the present Motion.

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

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

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

Mr. PIERCE: Mr. President, I pose a question through the Chair to the good Senator from York, and ask him simply why?

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

Mr. CURTIS: Mr. President, I would like to pose a question, and that is in response to an inquiry that I, too, received over the weekend. It has to do with that provision of this Bill which provides for the number of hours of schooling necessary in order to be eligible to take the examination to obtain a license. The provision is found on page 2 of the Bill, in Section 303 (2) (a), which provides for 1500 hours, that is my understanding anyway, in order to obtain a barbering license of schooling. My question is this: How did the Committee arrive at that number? Was there a previous number in the statutes? Finally, I was a little surprised to find the number of hours required to obtain a license written into the piece of Legislation, and wondered if there was a particular reason for that rather than to leave that to usual method of rules and regulations.

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

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

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

Mr. PIERCE: Mr. President and Members of the Senate; in response to the question of the good Senator from Penobscot, under present law cosmetologists must attend school, and there are several of them throughout the State, for a minimum of 1500 hours to obtain their license. Up until last Session, barbers, and there is one barber school in the State of Maine, also had to attend a minimum of 1500 hours.

Well last Session they came in and they wanted that upped to 2000, and this was just in the beginning about scratching the surface on what was going on among some of these schools and the barbers and cosmetologists in the State of Maine, and our Committee said okay, we will up it to 2000. And, as we considered this Bill, we asked ourselves a question. Why does a barber have to go 500 more hours minimum than a cosmetologist? We could not come up with a logical reason, so that we just put it back to the original law, the way it has been for years, and that is a minimum of 1500 hours is required for cosmetologists within the State, and a minimum of 1500 hours is required for barbers within the State. I think those, for the sake of consistency, are both logical.

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

Mr. CURTIS: Mr. President, I thank the gentleman from Kennebec, Senator Pierce, for answering my question. It certainly shed a good deal of light on this piece of Legislation.

I have not had enough time to really review this thoroughly or to talk with enough of my people who might be affected. I would like an opportunity to look at it in greater detail, and I have a suspicion that there is a lot in this piece

of Legislation that is necessary, and I would like to share a story with you that happened about two years ago. As part of the efforts of the State Government Committee, we held some hearings and did some review of laws regarding licensing agencies. During the course of discussions in this particular topic, we heard of a situation of a barber in a small rural town in western Penobscot County. Now this barber happens to be, so he indicated in his communication, the only Indian licensed barber in the State of Maine. He received his notice for reapplication for his barbering license, and it was on a type of card that said do not fold, spindle or mutilate. We are all familiar with that provision. Well he completed the application, and having a smaller rather than a larger envelope in which to mail it back to the State, he put his stamp on the smaller envelope which was available, folded the card so that it would fit into this particular envelope, mailed it back to the State Board of Barbering. He thereupon received by return mail a very, very nasty letter. I had a look at it. I do not have a copy of it here. I think you might be interested and I will try to obtain it if I can, but it was an insulting communication to him from the State Board of Licensing of Barbers, it came, I believe, from an administrator, and not from a member of the Board itself. But it was such that he was led to believe that if he did not have enough intelligence to be able to read the directions of do not fold, spindle or mutilate, then he ought not to be applying for reapplication of his license. He did something that turned out to be one of the wisest things he could have done. He sent that communication that he had received, along with his card which had been returned all folded, to the Governor. It is my understanding that the Governor thereupon had a dressing down of the people who were responsible for this particular incident. It later came to the attention of the State Government Committee, and during a public hearing I asked the question of some of the folks who were attending there, and by the way they apologized for this particular action, but I was concerned about this question of people staying in government positions where they have regulatory powers, no matter how small and limited it may be, for too many years, and I asked the question rhetorical though it may have been. Legislators are controlled at the ballot box, but who is to control the administrators?

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Carpenter, that this Bill, LD 1839, be indefinitely postponed.

The Chair will order a Division.

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

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

12 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to indefinitely postpone does not prevail.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: I do have some Amendments that are not printed yet. I wish somebody would table this for a day so they could all be prepared.

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

Mr. PIERCE: Mr. President, a parliamentary inquiry; the Bill now would be in Amendment stage?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would like to

offer Senate Amendment "A" (S-226), and move its passage.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" (S-226) and Moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" read.

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

Mr. PIERCE: Mr. President and Members of the Senate, I would like to just explain what this Amendment does. A couple of people have brought up the provision if you are a man, — I will just briefly explain. A cosmetologist, if they want, can go to someone's house and do their hair and get paid for it, and so forth, and under the present barbering law they could not do that, so in order to make it consistent we said, well, the barber could do it. Well, frankly, I do not see any great rush. I do not foresee any group of barbers going house to house, but this seems to be a big point that some of the barbers are making, so this just puts the law back the way it was for the barbers, and they can no longer go house to house, as if they were going to, and hopefully will satisfy that gripe.

If there are any other Amendments to be offered, I have no objection to the Bill being tabled, and I would hope that that would be the route we could take. A positive approach to it and offer the Amendments and discuss them, rather than just a blind indefinite postponement.

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, based upon the explanation, I think I would be opposed to that Amendment to delete Section G in the Bill, which says that a duly registered barber may practice his barbering upon a person in that person's residence when done for the usual fee. I was not sure if the issue at stake was the usual fees, or whether or not they could barber in a person's residence. But my question would be this, and my concern would be this. How is a person who is bedridden but would like to have his hair cut to obtain the services of a barber?

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

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I would hope that we would support the Amendment being offered by the Senator. This is an unusual case, and that is what this Amendment is. Other than that, there are provisions listed in the Bill. There is a need for this Amendment.

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

Mr. PIERCE: Mr. President and Members of the Senate: In order to do that, on page 2 you see under paragraph 2, Section D, that this does allow a barber to do this as an exception upon an invalid or handicapped person in that person's residence.

Senate Amendment "A" Adopted.

On Motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, Pending passage to be engrossed.

The President laid before the Senate: Bill, "An Act to Regulate Affiliated Interests of Public Utilities." (S. P. 539) (L. D. 1870)

Tabled — June 10, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

On Motion of Mr. Speers of Kennebec, Retabled until later in Today's Session.

The President laid before the Senate:

Bill, "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)

Tabled — June 10, 1977 by Senator Huber of Cumberland

Pending — Enactment

On Motion of Mr. Huber of Cumberland, Retabled One Legislative Day,

Bill, "An Act Creating the Maine Capital Corporation." (H. P. 1011) (L. D. 1250)

Tabled — June 10, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

The Bill

Passed to be engrossed in concurrence.

Senator Wyman of Washington was granted unanimous consent to address the Senate on the record.

Mr. WYMAN: Mr. President and Members of the Senate: Without doubt, the wild blueberry has grown in Maine, as well as New Brunswick, Nova Scotia and other areas of the north-eastern section of this continent for centuries. It is only recently though that it seems to have gained the appreciation which it so richly deserves.

Until a few years ago blueberries were, for the most part canned, — in small cans to sell off the grocery shelves, or in large cans for the bakers, and it is only now that the frozen blueberry has attained such a large part of the market, and the wild blueberry has finally received its proper recognition. Presently it is being distributed throughout the United States, Mostly in thirty pound packages, for the commercial trade, as well as being shipped abroad in great quantities to such countries as Sweden, Denmark, Finland, West Germany, France, Switzerland and Holland.

However, a new use was developed a few years ago. As a result, we process millions of three ounce cans to be used for blueberry muffins and pancakes. Betty Crocker and Duncan Hines have been very successful marketing a dry muffin mix which includes a three ounce can of cooked blueberries to be used in the muffins, while Pillsbury has developed a Bundt Cake mix with blueberries. Packages of these you will find in nearly all of the grocery stores and supermarkets.

Although small, it is another industry suitable for Maine, and an industry which provides a good many jobs during the warmer months.

My family has been involved in blueberries for over 100 years, and now, through the generosity of Duncan Hines, Betty Crocker and Pillsbury, I am privileged today to present to each Senator a box of these comparatively new and delectable products.

Thank you.

(Off Record Remarks)

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

Mr. CARPENTER: Mr. President, is the Chair in possession of Resolve — Authorizing Health Insurance Coverage for Fifteen Retired State Troopers. (S. P. 262) (L. D. 822) (Emergency)

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been recalled pursuant to Senate Paper 541.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I now Move the Senate suspend its rules and reconsider its action whereby the Leave to Withdraw Report was accepted.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now Moves that under the suspension of the rules the Senate reconsider its action whereby it accepted the Leave to Withdraw Report of the Committee. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Arrostook, Senator Carpentner.

Mr. CARPENTNER: Mr. President, I would now Move that we substitute the Resolve for the report.

The PRESIDENT: The Senator from Arrostook, Senator Carpenter now Moves the Senate substitute LD 822 for the Committee Report. Is this the pleasure of the Senate? It is a vote.

Resolve read once, and Tomorrow assigned for Second reading.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Recessed until 5:00 this afternoon.

(Recess)

After Recess

Senate called to order by the President.

Out of Order and under suspension of the Rules, the Senate voted to consider the following additional

Papers From The Huse
Joint Order

An Expression of Legislative Sentiment recognizing that:

Scott Richard Palmer, Donavon Joseph Pfeiffer, Jr., Kirk Lamar Robinson, Meade Christopher Swenson and Daniel Keith Whitten, of Boy Scout Troup 304 of Christ Church in Kennebunk, have been awarded the high personal honor and achievement of Eagle Scout, (H. P. 1708)

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

Joint Order

WHEREAS, the 107th and 108th sessions of the Legislature have received a number of bills and a significant amount of testimony regarding the problems caused by dogs and coyotes; and

WHEREAS, these 2 populations are reported to be commingling and producing a new breed of animal known as a "coydog;" and

WHEREAS, both the dog population and coyote population are growing at an alarming rate; and

WHEREAS, both dogs and coyotes do damage to the state's wildlife, especially the deer herds, and to domestic animals; now, therefore, be it ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife study and assess the problems and dangers posed by both the dog and coyote populations in Maine; and be it further

ORDERED, that upon finding that these coyotes and dogs pose a genuine and significant threat to domestic animals and wildlife, the committee shall study means by which these animals can be controlled; and be it further

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

ORDERED, upon passage in concurrence, that a suitable copy of of this Order shall be forwarded to members of the committee. (H.P. 1709)

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

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

Communication

OFFICE OF THE GOVERNOR

To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval H. P. 1085, L. D. 1309, An Act Relating to Time Limitation on Providing Written Reasons for Termination of Employment.

I believe that this is unnecessary legislation, to the extent that it can be enforced under existing law and with existing authority, and that it is unreasonable, to the extent that it establishes an inflexible ten day limit.

First, this legislation strikes me as a graphic example of government and bureaucracy "passing the buck". I cannot believe that the Bureau of Labor does not already have the authority to enforce the existing law. Obviously, if the Legislature passed a law requiring that in the event an employee is terminated an explanation must be given, the Legislature did not intend that the law be annulled by allowing an unreasonable period of time to pass between termination and the receipt of the explanation for termination. The Bureau can and should enforce a reasonable period of time, and should do whatever is necessary to establish the reasonableness on a case by case basis, taking into account the unique and individual circumstances applicable to the employer and employee in each given situation.

Second, this bill would establish a totally inflexible system and procedure. It provides for a ten day period and a minimum \$100 fine. Circumstances could arise, due to vacations or illness or accidents, where the letter of this inflexible law could not be met. Technically, businesses and innocent businesspersons would be in violation of the law and could be subject to severe sanctions.

I feel this ten day period is totally unacceptable. I would be agreeable to a more flexible and reasonable period of time. However, ten days may not even allow for drafting and mailing time. The argument that the bureau really will not strictly enforce the ten day limit is the best evidence that it is unfair and unreasonable, and I do not feel that it should be enacted on the basis that it will be selectively applied or ignored.

Third, this law places the small businessperson in a very precarious situation. There are so many laws and rules and regulations which affect the small businessperson today, that it is virtually impossible for him or her to remain abreast of every one. This law would be another good example of such legislation in that the absence of knowledge of the existence of this law would be no defense; yet, the law would equally apply to the employer of one, two or three persons. In addition, the fine may be rather severe for a small businessperson who is just starting out or who has a small business that does not generate the kind of substantial income that would be necessary to absorb the potential fine. Also, the small businessperson does not have a professional lobbyist. Although we often hear lip service paid to the dilemma which government often places a small businessperson in, it seems that the fate of a small businessperson is often not thoroughly considered.

I appreciate the concern and objectives of the sponsors and supporters of this bill. However, I feel that the objective can be achieved and the concerns alleviated within existing law and authority. To legislate unnecessarily not only creates needless and inflexible laws, but also relieves the bureaucracy of a responsibility which it properly should accept and exercise.

In summary, I believe that this is unnecessary legislation which could have a severe impact, especially on the small business community, because of its inflexibility and potential unfairness. If the demand that the bureaucracy does its job, I believe we can have a fairer application of the law in conjunction with effective enforcement and protection for everyone. If legislation is desirable, it should be reasonable and flexible and not so restrictive as

to create potential unnecessary harshness and severity, especially on small businesses.

I respectfully request that you sustain my veto of this bill.

Very truly yours,

Signed:

JAMES B. LONGLEY
James B. Longley
Governor
(H. P. 1710)

Comes from the House, Read and Ordered Placed on File.

Which Report was Read and Ordered Placed on File.

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

Comes from the House with the following endorsement: In the House, June 13, 1977, This Bill, having been returned by the Governor, together with this objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?' 94 voted in favor and 43 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

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

Committee Reports
House

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 Insure Citizen Participation in the Adoption, Amendment, and Repeal of Agency Rules and to Provide Legislative Review of Agency Rules." (H. P. 1395) (L. D. 1663)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Require that Insurance Coverage for Outpatient Community Mental Health Services be Provided in Group Health Care Policies and Contracts." (H. P. 1464) (L. D. 1700)

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 Establishing Alternative Compliance Status for Itinerant Vendors." (H. P. 677) (L. D. 912)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Authorize the Issuance of 5-year Registration Plates for Certain Trailers." (H. P. 447) (L. D. 553)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act Concerning the Size of Squares on Election Ballots." (H. P. 814) (L. D. 987)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act

to Establish a Judicial Qualifications Commissions." (H. P. 1370) (L. D. 1680)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Establish a Commission on Judicial Tenure and Disabilities." (H. P. 1311) (L. D. 1584)

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 Concerning Trap Limits for Lobster Fishing in Hancock County and around Isle au Haut." (H. P. 1423) (L. D. 1633)

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 Health and Institutional Services on, Bill, "An Act to Approve the Expenditure of Funds from the Mental Health and Mental Retardation Program Improvement Fund for the Fiscal Year ending June 30, 1978." (H. P. 1142) (L. D. 1366)

Reported that the same Ought to Pass.

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

Which Report was Read and Accepted.

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

Ought to Pass-As Amended

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Mandate the Appropriation of Funds for State Employee and Teacher Retirement Costs. (H. P. 2) (L. D. 2)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-572).

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

Which Report was Read.

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

Mr. COLLINS: Mr. President, this is probably not the time to undertake lengthy discussion of this issue, but I want to call the Senate's attention to what this Constitutional Amendment would do.

Those who espouse it have my complete sympathy as far as the responsibility of the Legislature to annually put into the Retirement Fund what the existing statutes say should be put in. This particular Constitutional Amendment would take away from the Legislature its power of appropriation of a very large chunk of money, and it would place the measurement of that money in the hands of one person, namely the actuary for the system. That is, the actuary would tell the State Retirement Board what to do.

Now the State Retirement Board at present consists of seven members, and five of those members are categorical members, which means that the Governor by appointment and the Legislature through its confirmation processes has input to only two members. Now this is giving up a rather important right and obligation which the Legislature now enjoys. It is, of course, a back-lash reaction to the performance of two years ago when the Governor recommended delaying appropriations, and the Legislature accepted that recommendation with some reluctance, and made the appropriation in the second year of the biennium, paying in some extra money as interest to make up for the later year factor.

I would today simply urge the Senate to give some thought to whether we really want to go this road of taking appropriation power away from the Legislature and giving it to a body over which the Legislature has no control really.

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.

Senate

Leave to Withdraw

Mr. REDMOND for the Committee on Labor on, Bill, "An Act to Provide Temporary Compensation to Incapacitated Persons Pending Application for State or Federal Aid." (S. P. 403) (L. D. 1386)

Reported that the same be granted Leave to Withdraw.

Mr. COLLINS for the Committee on State Government on, Bill, "An Act to Require State Agencies to Submit Proposed Rules and Regulated Information to the Legislature." (S. P. 414) (L. D. 1410)

Reported that the same be granted Leave to Withdraw.

Mr. COLLINS for the Committee on State Government on, Bill, "An Act to Provide for Legislative Oversight of Executive Programs and to Provide for Legislative Review of Administrative Rules." (S. P. 453) (L. D. 1645)

Reported that the same be granted Leave to Withdraw.

Mr. COLLINS for the Committee on State Government on, Bill, "An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements." (S.P. 427) (L. D. 1485)

Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on State Government on, Bill, "An Act Relating to Rules and Regulations Promulgated by State Agencies." (S. P. 282) (L. D. 895)

Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Permit the Legislature to Delegate to a Joint Standing Committee of the Legislature the Power to Stay Rules and Proposed Rules of State Executive Agencies Found not to be within the Intent of the Authorizing Legislation Until the Legislature has had an Opportunity to Act. (S. P. 461) (L. D. 1586)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

(Off Record Remarks)

Ought to Pass

Mr. Minkowsky for the Committee on Transportation on, Bill, "An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville." (Emergency) (S. P. 410) (L. D. 1418)

Reported that the same Ought to Pass.

Which Report was Read and Accepted.

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

Ought to Pass — As Amended

Mr. Collins for the Committee on Veterans and Retirement on, Bill, "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index." (S. P. 317) (L. D. 1075)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-236).

Which Report was Read.

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

the Report.

Enactors

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

"An Act to Repeal the Age Limit For Directors of Mutual Institutions." (H. P. 860) (L. D. 1049)

On Motion of Mr. Chapman of Sagadahoc, Tabled for One Legislative Day, Pending Enactment.

"An Act to Improve the Management of the Department of Conservation." (S. P. 525) (L. D. 1840)

"An Act to Prohibit State Officials From Appearing on Media Advertising Funded by the State." (H. P. 440) (L. D. 547)

"An Act to Clarify the Provision Relating to Late Payment of Insurance Claims." (H. P. 1023) (L. D. 1247)

"An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies." (H. P. 1393) (L. D. 1636)

"An Act Providing for Establishment of a State Tax Mix." (H. P. 1647) (L. D. 1848)

"An Act to Clarify the Investigatory Authority of the Commission on Governmental Ethics and Election Practices in Regard to Contested Elections." (H. P. 1649) (L. D. 1850)

"An Act to Enable Domestic Stock Insurance Companies to Acquire Minority Interests and to Insure That Minority Shareholders Receive Fair Value for Their Shares." (H. P. 902) (L. D. 1117)

"An Act to Increase Certain Fees under the Pharmacists Law." (H. P. 1110) (L. D. 1377)

"An Act Relating to the Regulation of Games of Chance." (S. P. 527) (L. D. 1846)

"An Act Pertaining to License Fees for the Regulation of Certain Amusements." (H. P. 577) (L. D. 701)

"An Act to Permit Trial Work Periods under the Workmen's Compensation Statutes." (S. P. 394) (L. D. 1353)

"An Act to Require the Maine Human Services Council to Hold Public Hearings on Maine's Title XX Plan of Social Services." (H. P. 1447) (L. D. 1673)

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 Remove Sales Tax from Residential Water." (H. P. 1400) (L. D. 1567)

"An Act to Encourage the Use of Solar Energy in Maine Through Tax Exemptions." (H. P. 1645) (L. D. 1845)

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

"An Act to Regulate Security Deposits on Residential Rental Units." (S. P. 519) (L. D. 1813)

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

Mr. COLLINS: Mr. President, this Bill was debated before, and I simply want to ask for a Division on the enactment, and would urge the Senate to vote against it.

The PRESIDENT: The pending question on L. D. 1813 is enactment.

A Division has been requested.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

Mr. TROTZKY: Mr. President and Members of the Senate; I urge the Senate to enact this Bill. What this Bill does is it forces the landlord to give the tenant an itemized statement of damages if he is to retain any part of a security deposit. I feel this is only fair.

Secondly, it provides that the landlord must return the security deposit within three weeks under certain conditions, and within 30 days under other conditions, and to many low income tenants in the State of Maine the wrongful retention of the security deposit can be a very strong burden.

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

Mr. MANGAN: Mr. President, there are some very serious problems with this Bill that I noticed when it went through the Committee.

Some of these problems include the fact that as soon as the tenant leaves, the landlord will have to provide a statement of all of the expenses and the reasons why he is holding the security deposit, and he has to mail this statement to the last known address of the tenant, which happens to be the place he just left, and really does not come to his attention in any way, shape, form or manner.

Secondly, what we are doing is actually forcing the landlords in this case to bow very severely to the tenants, and we are really restricting to a great deal the use of their own buildings.

I would move, if it is at all possible, that we indefinitely postpone this Bill and all of its accompanying papers.

On Motion of Mr. Conley of Cumberland, Tabled for One Legislative Day, Pending the Motion of the Senator from Androscoggin, Senator Mangan, that this Bill be indefinitely postponed.

"An Act Relating to the Jurisdiction of the Administrative Court." (S. P. 241) (L. D. 733) Comes from the House, Ruled in Violation of Joint Rule 28.

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

Mr. MERRILL: Mr. President, I move the Senate suspend its rules for the purposes of reconsidering its action whereby this Bill was passed to be engrossed.

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

On Motion of Mr. Merrill of Cumberland, Tabled for One Legislative Day,

Pending the Motion by the same Senator to reconsider passage to be engrossed.

Emergency

"An Act to Amend the Law Regulating Mass Gatherings." (H. P. 1603) (L. D. 1806)

Emergency

"An Act Relating to Special Education Tuition and Board." (H. P. 1638) (L. D. 1836)

Emergency

"An Act to Amend the Elderly Householders Tax and Rent Refund Act to Allow Access to State Tax Assessor's Records by the Department of Human Services." (H. P. 919) (L. D. 1115)

Emergency

"An Act Authorizing the Approval of New School Construction in the Town of Stockholm." (H. P. 1613) (L. D. 1821)

These being emergency measures, and having received the affirmative votes of 27 Members of the Senate, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, to Correct the Personal Services

Appropriation for the Sheriff of Washington County for the Year 1977. (H. P. 1615) (L. D. 1822)

Emergency

RESOLVE, to Provide for Regional Special Education Compacts. (H. P. 1643) (L. D. 1842)

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

Orders Of The Day

The President laid before the Senate:

House Reports — from the Committee on Fisheries and Wildlife — Bill, "an Act to Remove Weight Restrictions on Black Bass During a Sanctioned Bass Tournament." (H. P. 624) L. D. 765) Majority Report — Ought to Pass As Amended by Committee Amendment "A" (H-547); Minority Report — Ought Not To Pass. Tabled — Earlier in the Day by Senator Conley of Cumberland Pending — Motion of Senator Redmond of Somerset to Accept Majority Report.

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

Mr. PRAY: Mr. President and Members of the Senate; I am sure that the Legislative process will see the demise of this Bill eventually, but to cut the Legislative process short by a few moments, I move the indefinite postponement of this Bill and would like to speak to my Motion.

The Bill that you have before you is just a small Bill put in by the Department, which will give the Commissioner a little bit of authority and power over bass tournaments. The little bit of authority that I talked about goes to the great lengths of allowing the Commissioner to set the size of the purse which some of these clubs may set.

I just think that it is something that we do not want to get involved with, that we do not want the Legislative action and the Legislative process to give the Commissioner this power here.

Many individuals have stood on this floor before and talked about the great deal of power that the Commissioner has, and some of those powers are now questioned, and I think that we should perhaps stop at this point in time in giving any additional powers to the Commissioner.

Thank you.

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

Mr. REDMOND: Mr. President, I request a Roll Call and I would like to speak on this.

The PRESIDENT: The Senator has the floor.

Mr. REDMOND: Mr. President, L. D. 765 was a Department Bill, but it is supported by the Sportsmans Alliance of Maine, and ten members of the Committee signed the Ought to Pass Report, and what it does, it is an Act to remove weight restrictions on black bass during a sanctioned bass tournament. This is balanced by limiting the total amount which may be taken to five fish, and require that, if possible, all fish be kept alive and returned to the water, according to the Pine Tree Bass Master's Tournament Rules. In restricted waters, all State and Local laws and regulations will be adhered to, including the seven and one-half pounds limit. In unrestricted waters, the fish limits for members entered in all tournaments will total no more than five fish.

This is good promotion for the State of Maine, and it will bring more revenue to the Department, and I urge that the Members of the Senate vote favorably on this Bill.

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 Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I request permission to withdraw my Motion to indefinitely postpone this Bill, and ask for a Division on the pending motion.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now requests leave of the Senate to withdraw his Motion to indefinitely postpone this Bill. Is it the pleasure of the Senate to grant this leave? It is a vote.

The pending question before the Senate is the Motion of the Senator from Somerset, Senator Redmond, that the Senate accept the Majority Ought to Pass as amended Report of the Committee.

A Division has been requested.

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

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

21 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to accept the Majority Ought to Pass as amended Report does prevail.

The Bill Read Once. Committee Amendment "A" Read and Adopted Under suspension of the rules, and on Motion of Mr. Pray of Penobscot, the Bill Read a Second Time.

The Bill passed to be engrossed in non-concurrence. Sent down for concurrence.

The President laid before the Senate:

Senate Reports — from the Committee on Local And County Government — Resolve — to Evaluate Substate District in Maine. (S. P. 148) (L. D. 390) Majority Report — Ought to Pass with Committee Amendment "A" (S-224); Minority Report — Ought to Pass with Committee Amendment "B" (S-225)

Tabled — Earlier in the day by Senator Pierce of Kennebec

Pending — Motion of Senator Hichens of York to accept Majority Report

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

The President laid before the Senate:

Bill, "An Act to Provide Lifeline Electrical Services." (H. P. 1669) (L. D. 1867)

Tabled — Earlier in the day by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. CARPENTER: Mr. President, I now present Senate Amendment "A" (S-235), and move its adoption.

The PRESIDENT: The Senator from Aroostook; Senator Carpenter, now presents Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, all this Amendment does is clarify that the reimbursement to the municipalities for the low cost electricity will be from the General Fund. It is just a simple clarification to make sure there is no confusion.

Senate Amendment "A" Adopted.

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

Sent down for concurrence.

The President laid before the Senate:

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

Tabled — Earlier in the day by Senator

Speers of Kennebec Pending — Passage to be Engrossed.

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

Mr. PIERCE: Mr. President and Members of the Senate; I am sure many of you may remember we had a lively debate on this issue in here this morning, and I am pleased to report that as a result thereof, or shortly thereafter, all parties involved were able to sit down as reasonable people sometimes can do, and we will now not burden you with proposed Amendments "B", "C", "D", "E", "F", "G", and "H".

I am now going to offer Senate Amendment "I" (S-237), and perhaps merely enough to say that all parties involved, the cosmetologists, the barbers, the Barbers' Association, and everyone on all sides of the Bill now agree that with adoption of this Amendment everyone is happy, and the barbers and the cosmetologists will be better served by a better Bill, and I hope this is the last we will hear of it.

Thank you.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "I" and moves its adoption. The Secretary will read Senate Amendment "I".

Senate Amendment "I" Read.

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

Mr. CONLEY: Mr. President, I would just pose a question through the Chair to the Senator from Kennebec, Senator Katz, as to the number of hours required to get a pilot's license.

The PRESIDENT: The Senator from Cumberland, Senator Conley, poses a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, as a non-response to the good Senator, I was just sitting here thinking that I do not know if I have ever seen a Senate Amendment "I" before.

Senate Amendment "I": Adopted.

The bill, as amended, passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

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

Tabled — Earlier in the Day by Senator Speers of Kennebec Pending — Passage to be Engrossed.

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

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

Joint Resolution

A Joint Resolution In Memoriam:

Whereas, the Legislature has learned with deep regret of the death of Capt. Samuel Gerber, formerly of the Portland Fire Department, (S. P. 548)

Is presented by Senator CONLEY of Cumberland.

Which was Read and Adopted.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, is the Senate in possession of Bill, "An Act to Amend the Septic Tank and Cesspool Waste Act." (H. P. 365) (L. D. 456)

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been held.

Mr. SPEERS: Mr. President, 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 that the

Senate reconsider its action whereby L. D. 456 was passed to be enacted.

On Motion of Mr. Huber of Cumberland.

Tabled for One Legislative Day.

Pending the Motion of the Senator from Kennebec, Senator Speers, that the Senate reconsider its action whereby this Bill was passed to be enacted.

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