

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

SENATE

January 4, 1978

Pursuant to the provisions of the Constitution and the laws of the State of Maine, the Senators convened in the Senate Chamber at 11 o'clock in the morning and are called to Order by the President.

Prayer by Dr. Richard Cleaves, Chaplain, Augusta Mental Health Institute, Augusta.

Dr. Richard Cleaves:

May we pray. Eternal God at the start of this year and at the start of this new Session we ask your strength and your help upon those who represent the people of this State. That their deliberations may be wise, and their decisions supportive of the needs of all of the people. Grant your blessing upon each one and hear their prayers as they seek your guidance. In the name of our Lord we pray. Amen.

Roll Call of the Senate

The roll being called the following Senators responded to their names:

YEAS—Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Sewall

ABSENT—Hewes, Morrell, Wyman

30 Senators having answered to the Roll Call the President declared that a quorum was present

The PRESIDENT: The Chair recognizes the Majority Floor Leader of the House of Representatives, the Gentleman from Burnham, Mr. Tierney.

Mr. TIERNEY: Mr. President, I am pleased to inform the Members of this Honorable Body that a quorum exists in the Hall of the House and awaits such business as might come before it.

The PRESIDENT: The Chair hears the message, and thanks the messenger.

Out of Order and Under

Suspension of the Rules:

On motion by Mr. Conley of Cumberland, ORDERED, that a message be sent to His Excellency, the Governor, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed the Senator from Cumberland, Mr. Conley to convey the message.

Subsequently Mr. Conley reported that he had delivered the message with which he was charged.

Out of Order and Under

Suspension of the Rules:

On motion by Mr. Pierce of Kennebec, ORDERED, that a message be conveyed to the House of Representatives informing that body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Mr. Pierce, to convey the message. Subsequently Mr. Pierce reported that he had delivered the message with which he was charged.

Out of Order and Under

Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at eleven-thirty o'clock for the purpose of extending to His Excellency, Governor JAMES B. LONGLEY, an invitation to attend the Conven-

tion and make such communication as pleases him.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Mr. Speers, to convey the message.

Subsequently Mr. Speers reported that he had delivered the message with which he was charged.

**Communications
COMMITTEE ON LABOR**

September 19, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04330
Dear President Sewall:

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

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

YEAS

Senators:

ANDREW REDMOND, Somerset

Representatives:

GAIL TARR, Bridgton

JOYCE LEWIS, Auburn

NAYS

Senators:

CECIL H. McNALLY, Hancock

Representatives:

DAVID W. BUSTIN, Augusta

JAMES FLANAGAN, Portland

EDITH BEAULIEU, Portland

EDWARD McHENRY, Madawaska

JAMES ELIAS, Madison

LUCIEN DUTREMBLE, Biddeford

ABSENT

Senator:

CHARLES PRAY, Penobscot

Representatives:

FRANK PELTIER, Houlton

STANLEY LAFFIN, Westbrook

Three members of the Committee having voted in the affirmative and seven in the negative, it was the vote of the Committee that the nomination of Clifton Wood to the position of member of the state Employees Appeals Board be denied.

Sincerely,

CECIL H. McNALLY

Senate Chairman

DAVID W. BUSTIN

House Chairman

Which was Read and Ordered Placed on File.

OFFICE OF THE GOVERNOR

September 20, 1977

Honorable Joseph Sewall
President of the Senate

and

Honorable John Martin
Speaker of the House

Dear Joe & John:

This is to officially notify you I am today withdrawing the nomination of Clifton E. Wood of Brewer, posted August 30, 1977, to the position of member, State Employee's Appeal Board.

As a result of yesterday's vote by the Joint Standing Committee on Labor, I am withdrawing the nomination as a service to the Legislature to avoid the unnecessary spending of tax dollars. However, we reserve the right to repost Mr. Wood at a later date when the Senate will be meeting to consider other nominations. Thank you for your assistance in the area of appointments.

Very truly yours,
JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333**

November 29, 1977

Honorable Joseph Sewall
President of the Senate
Honorable John L. Martin
Speaker of the House
Dear Joe & John:

This is to officially notify you I have today nominated Robert W. Donovan of Portland to the Maine District Court

Mr. Donovan, if confirmed will be replacing Stephen L. Perkins who was appointed to the Superior Court earlier this fall.

In accordance with M.R.S.A. Title 4, Sec. 151, this nomination requires confirmation by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you.

Very truly yours,

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

**THE SENATE OF MAINE
AUGUSTA**

November 29, 1977

The Honorable Samuel W. Collins, Jr.

The Honorable Richard A. Spencer

Chairmen, Judiciary Committee

108th Maine Legislature

Please be advised that Governor James B. Longley nominated today Robert W. Donovan of Portland to the Maine District Court.

Pursuant to 4 M.R.S.A., section 1, as amended, this nomination is subject to review by the Committee on Judiciary.

Sincerely,

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

COMMITTEE ON JUDICIARY

December 19, 1977

The Honorable Joseph Sewall
President of the Senate of Maine

State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Robert W. Donovan to the Position of Judge of the Maine District Court.

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

YEAS:

Senators 3

Representatives 8

NAYS:

Senators 0

Representatives 0

ABSENT:

(2) Representatives Hobbins and Tarbell

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert W. Donovan to the position of Judge of the Maine District Court be confirmed.

Sincerely,

SAMUEL W. COLLINS, JR.

Senate Chairman

RICHARD A. SPENCER

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that nomination of Robert W. Donovan be confirmed.

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

A vote of yes will be in favor of overriding the recommendation of the Committee.

A vote of no will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The PRESIDENT: The Chair recognizes the Assistant Majority Floor Leader of the House.

Mr. QUINN: Mr. President, I bring greetings from the House. I would just like to advise the Senate that the House is in session, and does extend an invitation to the Senate to join with us in a joint meeting.

The PRESIDENT: The Chair hears the message and thanks the messenger Mr. Quinn.

The Secretary will call the Roll

ROLL CALL

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Danton, Farley, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT—Conley, Hewes, Morrell.

No Senators having voted in the affirmative and 30 Senators in the negative with 3 Senators being absent and none being less than two-thirds of the Membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Robert W. Donovan is confirmed.

OFFICE OF THE GOVERNOR

December 8, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John L. Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you that I have today renominated James P. Archibald to the position of Associate Justice, Supreme Judicial Court.

In accordance with Maine Revised Statutes Annotated, Title 4, Section 1, this nomination will require confirmation by the Joint Standing Committee on the Judiciary and confirmation by the Legislature.

Your assistance is appreciated.

Sincerely,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

THE SENATE OF MAINE

December 9, 1977

The Honorable Samuel W. Collins, Jr.
The Honorable Richard A. Spencer
Chairmen, Judiciary Committee
108th Maine Legislature

Please be advised that Governor James B. Longley yesterday renominated James P. Archibald of Houlton to the position of Associate Justice, Supreme Judicial Court.

Pursuant to 4 M.R.S.A., section 1, as amended, this nomination is subject to review by the Committee on Judiciary.

Sincerely,
MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

COMMITTEE ON JUDICIARY

December 19, 1977

the Honorable Joseph Sewall

President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall;

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of James P. Archibald to the position of Associate Justice of the Maine Supreme Judicial Court.

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

YEAS:

Senators 3
Representatives 8

NAYS:

Senators 0
Representatives 0

ABSENT:

(2) Representatives Hobbins and Tarbell.

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of James P. Archibald to the position of Associate Justice of the Maine Supreme Judicial Court be confirmed.

Sincerely

SAMUEL W. COLLINS, JR.

Senate Chairman

RICHARD A. SPENCER

House Chairman

Which was Read and Ordered Placed on File.

Mr. PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of James P. Archibald be confirmed.

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

Mr. CARPENTER: Just a brief moment if I might, to mention my long standing relationship and friendship with the gentleman presently under consideration.

I am very pleased to see that Governor Longley saw fit to renominate the Honorable James P. Archibald of Houlton to the Maine Supreme Court. I consider Judge Archibald to be one of the most dedicated and honorable members of the judiciary that I have seen in my life time and I am certainly very pleased to have him as a friend and a constituent, and I hope that the Senate will give him unanimous recommendation for renomination.

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

A vote of yes will be in favor of overriding the recommendation of the Committee.

A vote of no will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Secretary will call the roll.

ROLL CALL

NAYS—Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Danton, Farley, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT—Conley, Hewes, Morrell.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of James P. Archibald is confirmed.

Senate Papers

Mr. Hichens of York, Presented, Bill, "An Act to Enable the Purchase and Administering of Barbiturates for the Euthanasia of Pets and Animals." (S. P. 617) (L. D. 1905)

Which was referred to the Committee on Agriculture and Ordered Printed.

Sent down forthwith for concurrence.

Mrs. Snowe of Androscoggin presented, Bill, "An Act Relating to the Organization and Operation of Mutual Financial Institution Holding Companies." (S. P. 633) (L. D. 1992)

Mr. Farley of York presented, Bill, "An Act to Exempt an Electrician, who Fails to Renew his License, from Reexamination for a Period of 5 Years.

Mr. Chapman of Sagadahoc presented, Bill, "An Act to Restore Notice to Policyholders of Right to a Hearing upon Nonrenewal of their Automobile Insurance Policy." (S. P. 613) (L.D. 1901)

Mr. Pierce of Kennebec presented, Bill, "An Act Relating to Malpractice Insurance Companies." (S. P. 638) (L. D. 1997)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down forthwith for concurrence.

Mrs. Snowe of Androscoggin presented, Bill, "An Act Authorizing Mid-State Business School, Inc., to Confer Associate in Applied Science Degrees." (S. P. 636) (L. D. 1995)

Mr. Pierce of Kennebec presented, Bill, "An Act Authorizing Municipalities to Provide Textbooks and Other Nonsecular Services to Elementary and Secondary Pupils Attending Private Schools." (S. P. 619) (L. D. 1907)

Mr. Speers of Kennebec presented, Bill, "An Act Appropriating Funds to the Grant-loan Scholarship Fund for Positions at the New England College of Osteopathic Medicine." (S. P. 634) (L. D. 1993)

Mr. Katz of Kennebec presented, Bill, "An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine." (S. P. 626) (L. D. 1950)

The same Senator presented, Bill, "An Act Providing that Student Scholarships Under the Maine Student Incentive Scholarship Program Shall Not be Lowered from one School Year to the next and Appropriating Funds to Carry Out That Intent." (Emergency) (S. P. 627) (L. D. 1959)

Which were referred to the Committee on Education and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Pierce of Kennebec (Cosponsors: Mr. Redmond of Somerset and Mrs. Cummings of Penobscot) present, Bill, "An Act to Clarify the Definition of Residence for Purposes of the Inland Fisheries and Wildlife Laws." (Emergency) (S. P. 620) (L. D. 1908)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down forthwith for concurrence.

Mrs. Snowe of Androscoggin presented, Bill, "An Act to Provide for Continued Accreditation of Bangor Mental Health Institute." (Emergency) (S. P. 632) (L. D. 1991)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Hichens of York presented, Bill, "An Act to Provide Interpreter Service for the Hearing Impaired." (S. P. 616) (L. D. 1904)

Which was referred to the Committee on Human Resources and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Collins of Knox presented, Bill, "An Act to Correct Certain Oversights in the Nonprofit Corporation Act." (Emergency) (S. P. 625) (L. D. 1942)

The same Senator presented, Bill, "An Act to Revise the Statute on Operating a Motor Vehicle While under the Influence of Intoxicating Liquor or Drugs." (Emergency) (S. P. 614) (L. D. 1902)

The same Senator presented, Bill, "An Act to Increase the Penalty for Possession of Heroin." (S. P. 615) (L. D. 1903)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down forthwith for concurrence.

Mr. McNally of Hancock presented, Bill, "An Act to Amend the Appeal Procedures in the Employment Security Law." (Governor's Bill). (S. P. 628) (L. D. 1960)

Which was referred to the Committee on Labor and Ordered Printed.

Sent down forthwith for concurrence.

Mr. O'Leary of Oxford presented, Bill, "An Act to Ensure the Safety of Minors Taking Canoe Trips while Attending Summer Camp." (Emergency) (S. P. 630) (L. D. 1989)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Trotzky of Penobscot presented, Bill, "An Act Relating to Licensing of Sewage Treatment Plant Operators." (S. P. 623) (L. D. 1940)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Morrell of Cumberland presented, Bill, "An Act to Increase the Limits of Authorized Indebtedness of the Brunswick Sewer District." (S. P. 618) (L. D. 1906)

Mrs. Cummings of Penobscot presented, Bill, "An Act Relating to the Responsibilities of the Chairman of the Public Utilities Commission." (S. P. 640) (L. D. 2007) (Governor's Bill)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Pierce of Kennebec presented, Bill, "An Act Relating to the Maine State Employees Accident and Sickness or Health Insurance Plan." (Governor's Bill). (S. P. 637) (L. D. 1996)

Mr. Trotzky of Penobscot presented, RESOLVE, To Transfer a Land Parcel from the Bangor Mental Health Institute to the Region 4 Vocational District." (S. P. 631) (L. D. 1990)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down forthwith for concurrence.

Bill, "An Act to Establish a Retirement Income Tax Credit that is Equal to 20% of the Federal Credit." (S. P. 622) (L. D. 1910).

Which were referred to the Committee on Taxation and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Hewes of Cumberland presented, Bill, "An Act to Repeal Certain Laws Relating to the Registration of Commercial Vehicles Engaged in Interstate Commerce." (S. P. 629) (L. D. 1961)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Speers of Kennebec presented, Bill, "An Act to Remove the 6-month Provision in Applying Cost-of-Living Adjustments to Retirement Allowances of Retirees." (S. P. 621) (L. D. 1909)

Which was referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Speers of Kennebec presented, Bill, "An Act Exempting Electricity from Taxation under the Sales and Use Tax Law." (S. P. 635) (L. D. 1994)

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

Mr. KATZ: Mr. President, prior to reference 3-24, might I ask the sponsor what the implications of L. D. 1994 are?

The PRESIDENT: The Senator from Kennebec, Mr. Katz, has posed a question through the Chair. Any Senator may answer if he so desires.

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down forthwith for concurrence.

The Senate retired to the Hall of the House of Representatives, where a Joint Convention was formed.

(The proceedings of the Joint Convention are in the House Record.)

After Joint Convention

The Senate called to order by the President.

Study Report - Judiciary

Mr. Collins for the Committee on Judiciary to which was referred the study relative to the Maine Tort Claims, pursuant to Chapter 2 of the Public Laws of 1977, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Amend the Maine Tort Claims Act" (S. P. 624) L. D. 1941) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 17.

Which Report was Read and Accepted and the Bill referred to the Committee on Judiciary.

Sent down forthwith for concurrence.

Study Report- Joint Select Committee on Workmen's Compensation

Mr. Redmond for the Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Change the Name of the Industrial Accident Commission to Workers' Compensation Commission" (S. P. 641) (L. D. 2008) be referred to the Committee on Labor for Public Hearing and printed pursuant to Joint Rule 17.

Study Report — Joint Select Committee on Workmen's Compensation

Mr. Redmond for the Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require Compensation of State Agencies in Compiling Labor and Industrial Statistics for the Bureau of Labor" (S. P. 642) (L. D. 2009) be referred to the Committee on Labor for public hearing and printed pursuant to Joint Rule 17.

Study Report — Joint Select Committee on Workmen's Compensation

Mr. Redmond for the Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration and ask leave to submit its findings and to report that the accompanying bill, "An Act to Facilitate the Making of Decrees by the Industrial Accident Commission" (S. P. 643) (L. D. 2010) be referred to the Committee on Labor for public hearing and printed pursuant to Joint Rule 17.

Study Report — Joint Select Committee on Workmen's Compensation

Mr. Redmond for the Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Exempt the Industrial Accident Commission From the Administrative Procedure Act" (S. P. 644) (L. D. 2011) be referred to the Committee on Labor for Public Hearing and printed pursuant to Joint Rule 17.

Study Report — Joint Select Committee on Workmen's Compensation

Mr. Redmond for the Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident

Commission have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Simplify Notice Procedure Required in Workmen's Compensation Cases" (S. P. 645) (L. D. 2012) be referred to the Committee on Labor for public hearing and printed pursuant to Joint Rule 17.

Which Reports were Read and Accepted and the Bills referred to the Committee on Labor. Sent down forthwith for concurrence.

Study Report — Joint Select Committee on Workmen's Compensation

Mr. Redmond for the Joint Select Committee on Workmen's Compensation to which was referred the study relative to Workmen's Compensation Act and the Industrial Accident Commission have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Improve the Administration of the Industrial Accident Commission" (S. P. 655) (L. D. 2015) be referred to the Committee on Labor for public hearing and printed pursuant to Joint Rule 17.

Which Report was Read.

On Motion of Mr. Speers of Kennebec, referred to the Committee on Appropriations and Financial Affairs.

Sent down forthwith for concurrence.

Orders

On motion by Mr. Carpenter of Aroostook, ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish each morning to each member of the Senate and the House, a copy of a newspaper published in the State of Maine, chosen by the member during the Second Regular Session of the Legislature.

(S. P. 646)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Mr. Trotzky of Penobscot, ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish to the Superintendent of Public Printing, postage on all correspondence relative to advertising committee hearings, same to be charged to legislative expense.

(S. P. 647)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Mr. Collins of Aroostook, ORDERED, the House concurring, that there be paid to the members of the Senate and House as advances on account of compensation established by statute, the amount of Two Hundred and Fifty Dollars (\$250) a week, payable bi-weekly, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

(S. P. 648)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Mr. Speers of Kennebec, ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

(S. P. 649)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Mr. Conley of Cumberland, ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for the session of 1978 be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research.

(S. P. 650)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Mr. Minkowsky of Androscoggin,

ORDERED, the House concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 13¢ postage stamps for each member of the House and Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

(S. P. 651)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that the Joint Rules be amended by repealing Joint Rule 28 and replacing it as follows:

28. Fiscal Notes. Every bill or resolve affecting revenue or appropriations which has a committee recommendation other than "Ought Not to Pass" shall include a fiscal impact statement. This statement shall be incorporated in the bill before it is reported out of committee. The Office of Legislative Finance shall have sole responsibility for preparing those fiscal notes.

(S. P. 654)

Which was Read.

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

Mr. HUBER: Mr. President, this order which may be new to many of you, delegates the specific responsibility for fiscal notes to the Legislative Finance Office, and in fact the Appropriation Committee has in the past relied on the Legislative Finance Office for this information. However, this order provides that prior to any positive report from Committee, the fiscal note be amended to the Bill before reporting out of Committee.

The purpose of the order is to provide access to the fiscal note in as timely manner as possible, which I think this order would accomplish. It also, I think, would work in conjunction with one of the rule changes we made in the last session in which each Committee when they finished all Bills with appropriations attached, rank these Bills in order of the Committees' priorities. This order would provide that the fiscal notes are available to the Committee at the time of the Committee Report and I think would be very helpful to the Committees in establishing priorities toward the end of this Session.

Which was Passed.

Sent down forthwith for concurrence.

Committee Reports Senate

Divided Report

The Majority of the Committee on Health & Institutional Services on, Bill, "An Act Relating to Certificate of Need." (S. P. 384) (L. D. 1358) reported pursuant to S. P. 559 that the same Ought to Pass in New Draft under Same Title. (S. P. 652) (L. D. 2013).

Signed:

Senators:

SNOWE of Androscoggin
GREELEY of Waldo

Representatives:

NELSON of Portland
TRAFTON of Auburn
TYNDALE of Kennebunkport
GILL of South Portland
KANE of Augusta

The Minority of the same Committee on the same subject matter reported pursuant to S. P. 559 that the same Ought to Pass in New Draft under same Title. (S. P. 653) (L. D. 2014)

Signed:

Representatives:

GOODWIN of South Berwick
BRENERMAN of Portland
KERRY of Old Orchard Beach
PRESCOTT of Hampden

Which Reports were Read.

On Motion of Mr. SPEERS of Kennebec, tabled for two Legislative Days, pending acceptance of either Committee Report.

(At Ease)

Senate called to Order by the President.

(Off Record Remarks)

On motion of Mr. Huber of Cumberland, Recessed until 3:00 o'clock in the afternoon.

(After Recess)

The Senate was called to order by the President.

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

Paper from the House House Papers

Bills received requiring reference to Committee were acted upon in concurrence.

Bill, "An Act to Permit Sale of Alcoholic Beverages for On-premise Consumption at 18 Years of Age. (H. P. 1887) (L. D. 1944)

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

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

Mr. O'LEARY: Mr. President, I would request that this Bill not be referred to committee. Is it proper, Mr. President, to move the indefinite postponement of this Bill and all of its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that L. D. 1944 Bill, "An Act to Permit Sale of Alcoholic Beverages for On-premise Consumption at 18 Years of Age and its accompanying papers be indefinitely postponed.

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

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

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

Mr. HICHENS: Mr. President and Members of the Senate. I rise to urge you to vote for indefinite postponement of L. D. 1944 to the Committee on Liquor Control, on the basis that this Bill was allowed to be presented to the 108th, 2nd Regular Session by the Majority of the Legislative Council, in disregard of Joint Rule 36 which prohibits introduction of legislation in a 2nd Regular Session which has been considered in the 1st Session, except by 2/3's vote of both Houses.

The argument was presented before the council that this specific measure allowing 18 year olds to purchase liquor on-premise and 20 year olds for off-premise consumption was not considered last year, but I would remind you that technically it was. The good Senator from Penobscot, Senator Pray attempted to have the rules suspended allowing the Bill to be brought back to the engrossing stage in order to present Senate Amendment B to the drinking Bill which provided for off-premise consumption at 20 and on-premise consumption at 18. His motion was defeated and his amendment could

not be presented. This action took place on March 16, 1977.

When L. D. 1944 was presented to the Council it was rejected and then later reconsidered and accepted. One Senate Member on the Council told me previously to debating the Bill that he would vote against the introduction of the Bill and then voted for it. Such actions certainly do not strengthen my faith in my fellow Senators. Two Senate members of the council abstained from voting on the measure.

I understand that a petition is being circulated to bring the issue before the people at the polls next November. Well and Good! Let the people of Maine decide, but let us not waste the time of this 108th Legislature and the money of the Maine taxpayers by having the Bill referred to Committee, and debated on the floor of both Legislative Bodies. It will save many people the expense of travelling all the way to Augusta tomorrow to be heard on this Bill.

I support the motion of the Senator from Rumford, and urge you to vote for his motion and request a Roll Call.

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

Mr. LOVELL: Mr. President and Members of the Senate. I feel that I should say a few words. This Bill was accepted by the Leadership, and I was contacted and it was stated that they wanted this Bill heard just as soon as possible. Just as soon as the Legislature opened and get it out of committee, just as soon as we could. So we set the hearing for tomorrow and got the Augusta Civic Center for it. Now is it fair to publicize a hearing which I expect 1,000 people at and I heard this same Bill a year ago and it lasted 6 hours and I am not anxious to hear this Bill again. I can assure you, but I want to do what is fair. I have always been fair and I believe in fair play. Now is it right to cancel this hearing after we have advertised it? And people have hired buses to come to the Civic Center and we have hired the Civic Center and got it set up. Now on the other hand it has come to my attention that this is possibly unconstitutional and it may not go through anyway, because allowing 18 and 19 year olds to drink in bars and cocktail lounges but not letting them go into liquor stores and buy beer and so forth is unconstitutional, and we are getting a ruling from the Attorney General's Office as soon as possible. But I ask you as you vote as the Roll Call has been asked for, I ask you as you vote and I am not for the Bill, but I want to do what is fair and I want everybody to think this thing over seriously and have them do what they think is fair in their own heart. Thank you!

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

Mr. PRAY: Mr. President and Members of the Senate I suppose the only thing that I could do at this point is echo the comments made by the good Senator from York Senator Lovell. As to the number of individuals that are going to be travelling a great distance and even if we decide today to postpone or to indefinitely postpone this Bill but without assigning it to committee there will be a certain amount of individuals who will not get the word and I am sure that individuals from as far north as Madawaska and the Northern part of the State and Aroostook County with the long trip that they have are probably coming down today. So these individuals are already spending the money to come down to view the democratic process.

I think that in reference to the remarks made by the Senator from York, Senator Hichens, to rule 36 only the President of the Senate can make a decision on these joint rules, but just to refresh some individuals memories perhaps not familiar with it is that in reference to measures rejected at the 1st Regular Session, because my motion to suspend the rules did not prevail that amendment was never before the Session thus never rejected. When I got here this morning I seemingly

always pick up one of these Women League of Voters pamphlets of how a Bill becomes law, and a number of you I am sure have passed them out in the school systems in the State of Maine to show the young people and I see a number of individuals—high schools and older people who come through the door usually picking these things up as they walk through and for an individual who reads it as to how Legislation becomes law, to see the process as to how a bill is introduced and then a public hearing is heard and as already been stated, this Bill has been scheduled for a hearing and a number of individuals are coming down I would think that at this time we would be circumventing the Legislative process—the democratic process if we rejected this Bill. I think the public hearing should be heard on it. The individuals who have impressed it on Leadership to allow the Bill to be in should have their day in the Legislative process.

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

Mr. O'LEARY: Mr. President, I have a few concerns and I would like to express one of them now and one is the readmission of this piece of Legislation although this Bill was perhaps in its amendment form when it was before this Body a year ago, it was my understanding, and I believe everyone else, that any piece of Legislation that was to come before this Body had to be of an emergency nature. I look at this Bill with a great deal of interest this L. D. 1944 and I don't see an emergency preamble on it. I limited myself to two Bills that I consider to be of an emergency nature. One of them had to do with the economic welfare of the entire Rangely Lake Region. It was denied by the council. I do not quarrel on that. Another I requested was for the safety and lives of minors on canoe trips because of some near disasters we had in our area, but this was admitted and I am thankful for that, but both of these measures that I introduced had emergency clause preambles on them, and it concerns me that this Bill does not carry an emergency clause. There are others along this same line that do not carry emergency clauses on them and I am disappointed in that way. I think that I try to live by the rules of the Senate. But to get into just a little bit of what we are going to be hearing a lot more of if we do not kill this Bill today is under the present law, anyone who is setting in one of these Dens of Iniquity and partaking of the Devils Brew and is visibly intoxicated, then it is the responsibility of management to not serve that person, however by the time that person has reached the point where he is inebriated or so and the bartender shuts him off, it is too late. That person goes out gets in his automobile and he heads for home. I am worried about the safety of these youngsters that are 18 to 20 years of age and that is why I made this motion to indefinitely postpone and I hope that the Senate will vote along with me.

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. All those Senators in favor of a Roll Call please rise in their places, to be counted. Obviously more than one-fifth having arisen, a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate. When this Bill was considered by Leadership, I abstained on the basis that I am a minor stockholder in Sugarloaf Mountain Corporation and as of November am a director of that corporation. Since becoming a director, I have become aware of the interest in the skiing industry in this question and abstained on that basis. The Sugarloaf Mountain Corporation incidentally has to my knowledge never declared a dividend and has never paid its directors, so the financial prospects are not terribly bright. But anyway, the fact that the industry is inter-

ested has led me to abstain, on the leadership vote, however, this Bill has been advertised it is a polarized issue and I feel that in reference to committee, I will vote to forget it to Committee, and vote against the indefinite postponement motion and will abstain when this Bill finally comes up for enactment.

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

Mr. LEVINE: Mr. President and Members of the Senate. As a Member of the Committee, I would like today, to agree with the Chairman of that Committee, The Legislative Control Committee, Senator Lovell.

I heard what I consider to be far too much testimony in the last hearings that dealt with the changes in the drinking age in the State of Maine and regardless of my personal feelings as to whether I am in favor or find disfavor with the fact that Leadership did allow this Bill to be introduced I feel it has been introduced, it has been advertised, and just in the interest of fair play, I would like to see it go to committee and believe me when I say that I do not believe it will be a real picnic sitting on the committee and going through much of the testimony will be a repeat from last year, but I feel that it is my duty, as a Senator, to do this. This is my job and I have taken it on. I would hate to see us come down to Augusta and amongst ourselves start deciding which Bills shall and which Bills shall not be sent to public hearing. I think it is a poor precedent to set and I would not like to see that precedent set today. I think any Bill that is introduced here that is of interest to the constituents of any Member of this Senate or Member of the House should be heard and I think it should have full hearing.

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

Mr. JACKSON: I guess that this is confession day. I too like the good Senator from Cumberland, Senator Huber, I do hold interest in a Class One Liquor License and also an off-premise establishment.

I do not feel that today I will be voting in conflict of interest if I vote to send this Bill to public hearing, because I do not think it makes much difference as to whether I am going to gain or not by this.

I do think that the Bill has been advertised. It has been advertised for excess of two weeks. The people that are planning to attend both sides of this issue will be here. Some have probably already started as indicated earlier in the debate to journey to Augusta for this thing tomorrow. Again the good Senator from York, Senator Lovell, has indicated the Civic Center has been rented for this purpose and I think that if we don't give these people who feel that they have something to say in testimony tomorrow, the right to say it. I think we will be dealing a great injustice to the political system of this State.

The PRESIDENT: The pending question before the Senate is a motion by the Senator from Oxford, Senator O'Leary, that L. D. 1944 and its accompanying papers be indefinitely postponed.

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

The Secretary will call the Roll.

ROLL CALL

YEAS: Collins, D.; Greeley, Hichens, McNally, O'Leary, Redmond, Wyman.

NAYS: Carpenter, Chapman, Collins, S.; Cummings, Curtis, Danton, Farley, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, Merrill, Minkowsky, Morrell, Pierce, Pray, Snowe, Speers, Trotzky, Usher.

ABSENT: Conley, Hewes.

The PRESIDENT: 7 Senators having voted in the affirmative, and 23 Senators in the negative, with 2 Senators being absent the motion to indefinitely postpone does not prevail.

It is now the pleasure of the Senate that this Bill be referred to the Committee on Liquor Control and Ordered printed in concurrence.

It is a vote.

(At Ease)

The Senate called to order by the President.

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

Papers from the House House Papers

Bills received requiring reference to Committees were acted upon in concurrence except for the following:

Bill, "An Act to Prohibit Child Pornography. (H. P. 1937) (L. D. 2017) Committee on Judiciary suggested.

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

On Motion of Mr. Collins of Knox, referred to the Committee on Judiciary and Ordered Printed in nonconcurrence.

Sent down forthwith for concurrence.

Study Report — Business Legislation

The Committee on Business Legislation to which was referred the study to determine whether marriage counselors should be licensed or registered and whether the present social worker registration law should be amended and whether out-patient community mental health services should be covered in group health care policies and contracts have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Establish the Certification Marriage and Family Counselors (H. P. 1899) (L. D. 1956) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Business Legislation.

Which was Read and accepted and the Bill referred to the Committee on Business Legislation in concurrence.

Study Report — Judiciary

The Committee on Judiciary to which was referred the study relative to procedure for selection of nominees for Judicial office, based on merit, and procedures for independent systematic review and discipline of Judicial officers have had the same under consideration and ask leave to submit its findings and to report that the accompanying RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from office (H. P. 1886) (L. D. 1943) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Study Report — Judiciary

The Committee on Judiciary to which was referred the study relative to procedure for selection of nominees for Judicial office, based on merit and procedures for independent systematic review and discipline of Judicial officers have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Authorize the Supreme Judicial Court to Establish by Rule a Committee on Judicial Responsibility and Disability" (H. P. 1900) (L. D. 1957) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Study Report — Judiciary

The Committee on Judiciary to which was referred the study relative to amending the Maine Juvenile Code have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Amend the Maine Juvenile Code" (H. P. 1917) (L. D. 1978) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Come from the House, the Reports Read and

Accepted and the Bills referred to the Committee on Judiciary.

Which was Read and accepted and the Bill referred to the Committee on Judiciary in concurrence.

Study Report — State Government

The Committee on State Government to which was referred the study relative to the reorganization of certain boards and commissions and to affiliate certain boards and commissions with departments of Maine State Government have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of Maine State Government" (H. P. 1907) (L. D. 1968) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on State Government.

Which was Read and accepted and the Bill referred to the Committee on State Government in 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 to Require the Department of Human Services to License and Make Direct Reimbursements to Free-standing Health Clinics." (H. P. 1471) (L. D. 1721) (Reported from the Committee pursuant to Joint Order S. P. 559).

The Committee on Health and Institutional Services, on Bill, "An Act Establishing a Maine Certificate of Need Program." (H. P. 724) (L. D. 1202) Reports that the same be granted Leave to Withdraw. (Reported from the Committee pursuant to Joint Order S. P. 559).

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted in Concurrence.

Ought to Pass

The Committee on State Government on, Bill "An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies." (H. P. 671) (L. D. 720)

Reports that the same Ought to Pass. (Reported from the Committee pursuant to Joint Order S. P. 559).

Comes from the House, the Bill and papers Recommended to the Committee on State Government.

Which Report was Read.

On Motion of Mr. Collins of Aroostook, the Bill and papers Recommended to the Committee on State Government in Concurrence.

The Committee on Marine Resources on, Bill, "An Act to Revise the Laws Concerning Marine Resources." (H. P. 1321) (L. D. 1640)

Reported that the same Ought to Pass. (Reported from the Committee pursuant to Joint Order S. P. 559).

Comes from the House, the Bill and accompanying papers Recommended to the Committee on Marine Resources.

Which Report was Read.

On Motion of Mr. Chapman of Sagadahoc, the Bill and papers Recommended to the Committee on Marine Resources in Concurrence.

Divided Report

The Majority of the Committee on Marine Resources on, Bill "An Act to Clarify and Limit the Authority of Municipalities to Estab-

lish Shellfish Conservation Programs and to License and Regulate Taking of Shellfish. (H. P. 715) (L. D. 851)

Reported that the same Ought to Pass as amended by Committee Amendment B (H-949).

Signed:

Senators:

CHAPMAN of Sagadahoc

LEVINE of Kennebec

HEWES of Cumberland

Representatives:

POST of Owls Head.

MILLS of Eastport

BLODGETT of Waldoboro

FOWLIE of Rockland

BUNKER of Gouldsboro

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

Signed:

Representatives:

GREENLAW of Stonington

NELSON of Roque Bluffs

CONNORS of Franklin

TYNDALE of Kennebunkport

JACKSON of Yarmouth

Comes from the House, the Bill and Papers Recommended to the Committee on Marine Resources. (Reported from the Committee pursuant to Joint Order, H. P. 1823).

Which Reports were Read.

On Motion of Mr. Chapman of Sagadahoc, the Bill and papers Recommended to the Committee on Marine Resources in Concurrence.

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

Papers from the House

Non-Concurrent Matter

Bill, "An Act to Ensure the Safety of Minors Taking Canoe Trips while Attending Summer Camp." (Emergency) (S. P. 630) (L. D. 1989) The Committee on Legal Affairs suggested. In the Senate January 4, 1978 Referred to the Committee on Legal Affairs.

Comes from the House, referred to the Committee on Fisheries and Wildlife in non-concurrence.

The Senate voted to Recede and Concur.

On Motion of Mr. Huber of Cumberland, Adjourned until 2:00 o'clock in the afternoon, on Friday, January 6, 1978.