

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 31, 1978

Senate called to Order by the President.
Prayer by Father Valmont R. Gilbert, St. Augustine's Church, Augusta,

FATHER GILBERT: Let us pray: Eternal Father, Creator of Heaven and Earth we know that no people on earth have more cause to be thankful than ours in this country. With gratitude to You, Giver of all these good which we enjoy in the State of Maine, the Members of this Senate aware of their responsibilities to the people of our State come to you this morning asking for guidance and wisdom. Bring down Your blessings upon all who are here present. Help our Senators by their decisions to perpetuate the principles of free government, insure justice to all, promote the interest and happiness of all citizens. May what they accomplish in their deliberations transmit to posterity the enjoyment of liberty.

Grateful for the civil, political and religious liberties we enjoy, we invoke Your blessing on all the work of the Senate. This we ask in the name of Jesus, Our Lord. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

An Expression of Legislative Sentiment recognizing that: The Acadian Village — Heritage Vivant, which was organized by the Heritage Vivant and which is the only reconstructed village in Maine, has been placed on the National Register of Historic Places, (H. P. 2052)

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

Communications

**DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES**

To: Edwin H. Pert, Clerk of the House
May M. Ross, Secretary of the Senate
From: H. Sawin Millett, Jr., Commissioner
Re: Report of Citizens Committee on Basic Skills

Pursuant to the provisions of C. 78 of the Private and Special Laws of 1977, I am pleased to transmit to you the report of the Citizens Committee on Basic Skills.

This Committee was charged with the responsibility of overseeing an assessment of basic skills for all eleventh grade students in Maine high schools and was further required to obtain a broad consensus of the views of Maine citizens in regard to the need for such an assessment. The report which I am transmitting to Governor Longley and to the membership of the 108th Legislature summarizes the findings of the assessment and opinion-gathering activities and includes recommendations for future policy action at the State level.

Which was Read and with accompanying Papers, Ordered Placed on File.

Senate Paper

Mr. Conley of Cumberland presented, Bill, An Act Concerning the Number of Persons Required to be Covered by an Existing Group Health Insurance Policy for its Renewal or Replacement. (S. P. 689)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 25.)

Which was referred to the Committee on Business Legislation and Ordered Printed.
Sent down for concurrence.

Orders

An Expression of Legislative Sentiment recognizing that: James M. Pierce, widely acclaimed sportsman of Houlton, is celebrating the 90th anniversary of his birth, (S. P. 688) is presented by Senator Carpenter of Aroostook
Cosponsor: Representative Peltier of Houlton
Which was Read.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, just briefly, I know that there are many Members of this Body, especially if you have been here for a few years or if you ever travelled in the great Maine north woods to know Jim Pierce, who celebrated his 90th birthday last Tuesday. I hope to have him here in the Chamber later during the Session. He is probably one of the most widely known hunters, sportsman and environmentalist in the State of Maine. As well as without question one of the most well know businessmen in the State of Maine, and I think that Mr. Pierce's ability to do the sorts of things that he has done with his life is a real asset to the State of Maine and I am in hopes that, as I said, later on in the Session we can have him here and recognize him.

Which was Passed.

Sent down for concurrence.

(Off Record Remarks)

**Committee Reports
House**

Ought to Pass — As Amended

The Committee on State Government on, 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)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-982).

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

Which Report was Read.

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

Mr. COLLINS: Mr. President, the Legislation before you today is a result of a considerable amount of work by the Committee on State Government. It originated originally as a result of a task force on governmental reorganization, and it has been around since the 107th.

Essentially it attempts to improve communications between some two hundred boards and commissions and instead of these boards and commissions continuing to report to the Governor, they are now aligned with various departments. There is no attempt in the Bill to take away any of the powers or duties of any of these boards or commissions. It is rather an attempt for reorganization to make better lines of communication and to make these boards and commissions work through a department. Incidentally, I think you will be pleased to know that it provides that the budgets which are submitted to various departments may not be altered in anyway before they are submitted to the Governor. So essentially it improves communications, it makes an umbrella, if you will, for the boards that are currently unaffiliated with any department in State Government.

The PRESIDENT: It is now the pleasure of the Senate to accept the Ought to Pass, as amended, report of the committee. It is a vote.

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

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Exempt Special Mobile Equipment from the Motor Vehicle Title Statutes. (H. P. 1901) (L. D. 1962)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-980).

Signed:

Senators:

GREELEY of Waldo

MINKOWSKY of Androscoggin

Representatives:

McKEAN of Limestone
CARROLL of Limerick
LUNT of Presque Isle
ELIAS of Madison
BROWN of Mexico
LITTLEFIELD of Hermon
HUTCHINGS of Lincolnville
JENSEN of Portland
JACQUES of Lewiston

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

Signed:

Senator:

McNALLY of Hancock

Representative:

STROUT of Corinth

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-983) thereto.

Which Reports were Read.

The Majority Report Accepted in concurrence.

The Bill Read Once. Committee Amendment "A" Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted. Committee Amendment "A", as amended, Adopted. The Bill, as amended, Tomorrow assigned for Second Reading.

Divided Reports

The Majority of the Committee on Veterans and Retirement on, RESOLVE, Authorizing a Partial Disability Pension under the Maine State Retirement System to William T. Bachelder of Baldwin. (H. P. 1970) (L. D. 2050)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox

LOVELL of York

O'LEARY of Oxford

Representatives:

CLARK of Freeport

HICKEY of Augusta

NELSON of Roque Bluffs

LOUGEE of Island Falls

BUNKER of Gouldsboro

AUSTIN of Bingham

THERIAULT of Rumford

PLOURDE of Fort Kent

MacEACHERN of Lincoln

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

Signed:

Representative:

Laffin of Westbrook

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

Which Reports were Read.

The Majority Report Accepted in concurrence.

Second Readers

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

House

Bill, "An Act Relating to Assessment for Public Services Tax on Unorganized Townships. (Emergency) (H. P. 1922) (L. D. 1983)

Which was Read a Second Time.

On Motion of Mr. Pray of Penobscot, Tabled until later Today's Session, Pending Passage to be Engrossed.

House — As Amended

Bill, "An Act to Provide a Lower Registration Fee under the Transportation of Christmas Tree Statutes. (H. P. 1894) (L. D. 1951)

Bill, "An Act Concerning Brake Requirements on Agricultural Vehicles. (H. P. 1857) (L. D. 1924)

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

Orders of the Day

The President laid before the Senate: HOUSE REPORTS — from the Committee on Business Legislation — Bill, "An Act to Increase the Amount which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts. (Emergency) (H. P. 1862) (L. D. 1920) Majority Report — Ought to Pass; Minority Report — Ought not to Pass

Tabled — January 27, 1978 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

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

Mr. PIERCE: Mr. President, I move that the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Kennebec Senator Pierce, now moves that the Senate accept the Minority Ought not to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President I would request a Division on the Motion, and request to speak briefly on it.

The PRESIDENT: The Senator has the floor.

Mr. FARLEY: Mr. President and Members of the Senate: the present law exempts all financial institutions with assets under \$250,000. This Bill is requesting that it be upped to \$500,000.

Two years ago there were three such institutions and since that time, two have been absorbed by larger banking institutions. The one remaining institution requesting exemption is the Mechanic Falls Savings and Loan. Their assets presently are some where in the area of \$180,000. Now recently many of the Board Members have been replaced by younger more aggressive members and I am convinced that the same consider spending habits are going to be followed by this board also. For example; the present board at a meeting salaries \$4 a meeting which is not unreal, which is rather unreal in today's business society. Until assets in this institution are nearer to \$500,000 it would not be financially feasible that the deposits they carry be insured. Presently if the firm would be forced to liquidate its assets to its depositors, would receive a \$1.20 for every dollar invested. If the other financial institutions of the State were to have to be forced to liquidate their return would probably about 66 cents on every dollar.

The money taken by this institution is not kept right there, obviously, but is deposited in a local branch of The Depositors Trust Company. It may appear to many of you that as a member on the side of the aisle that is currently most of the time supporting the larger role of government in business but I believe that good sound business practice is appreciated by Members of both sides of the aisle. I think that is the case here in the Mechanic Falls Savings and Loan.

I would hope that this Body would agree with me today and support my motion to defeat the motion presently on the floor and accept the Majority Report. Thank you very much.

The PRESIDENT: The Chair recognizes the Senator from Androskoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate, I too oppose the acceptance of the Minority Ought Not to Pass Report. Currently, the superintendent of Banking has the power to waive the requirement of insurance for financial institution with assets of less than \$250,000. If such an institution can demonstrate to the Superintendent that it is satisfying a particular community need, which cannot be sufficiently met by other financial institutions, and that it has adequate security for its deposits and accounts. This Bill would increase that exemption up to \$5,000,000, and it would only effect one bank in Mechanic Falls which is the Mechanic Falls Loan and Building Association. Which is really a small family bank with a total assets of \$185,000. This Small Loan and Building Association has the highest deposit reserve ratio of any bank in Maine and the average in

Maine is 20.1 percent and the average in Maine is 6.3 percent. In order for this Association to financially afford insurance of deposit accounts with the Federal Savings and Loan Insurance Corporation, they would need to have about \$500,000 in assets to comply with the requirements of the Federal Insurance. Which are providing security alarms, devises, cameras, vaults, and burglar alarms, full-time employee, an independent office, and they would also have to limit their interest on demand deposits to 5¼ percent currently they are giving about 6 percent on their demand deposits. With the current exemption of \$250,000 they are unable to actively encourage small deposits. I think the history of this bank is fascinating. They have been in business for over ninety years with no problems whatsoever. The Superintendent of Banking approves this Bill, he says that he feels confident that these people are public spirited citizens who are trying to continue a service in that community, and they should be allowed the opportunity to expand its exemption to \$500,000. Any changes in the bylaws of the bank has to be approved by the Superintendent of Banking so there cannot be any undue liberal policies applied by the Bank at all. I hope that you would oppose the motion to accept the Minority Ought not to Pass Report.

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

Mr. PIERCE: Mr. President and Members of the Senate, it is always with great trepidation that I on occasion rise to oppose the good Senator from Androskoggin, Senator Snowe. However, I do feel in all good conscience as Chairman of the Committee that I do have to oppose this Bill and would like to tell you why.

Two years ago there was a Bill before the Committee on Business Legislation when I served on that Committee in the House, which asked for the initial exemption of \$4000,000. This was after the law mandated that all banks in the State would have to have insurance. This would have effected three banks. The Committee amended that Bill, and made the exemption \$250,000 which then effected only one bank, the Mechanics Loan and Building Company. I was opposed to that measure at that time on the principle of allowing one institution not to do something that we required everybody else in the state to get away with. Twelve out of thirteen Members on the Committee opposed me on that and so you know what happened, they got the exemption.

One year ago there was a Bill in to take away the exemption, and again I was on the short end of a twelve to one report, because I did feel there should not be this exemption for one institution. But it is a nice little bank and there is a lot of emotion and nobody wanted to take away their exemption. And I certainly could not fight that to hard, and at that time I remember Senator Snowe made an excellent presentation to enable the Mechanics Falls Loan and Building to continue. Now they are back for the third time and although I guess I am still on the Minority Report, I am gaining some, it is now an eight to five report. And now they are looking for not only \$250,000 exemption but they now want to double that up to \$500,000.

I do have to oppose this because I think it is wrong that every single bank, every single credit union, no matter how big, how small in the State is required to have insurance on their deposits, to protect the people. Now the odds against anything happening to this bank are long, it is a good sound little bank, I would suggest that if we leave the exemption the way it is now it would remain a good sound little bank, which is what most of the people argued they wanted in that area. This bank now has some designs on becoming a large bank. You cannot blame them for that. They got rid of some of the people on the board who were older members and they have got a very young group of new directors and they are, I would say, in their twenty's and thirty's and very nice people

who appeared at the hearing. They want to change the name of the bank to the Mechanic Falls Savings and Loan Association. They want to attract and they say they have in the wings waiting for the passage of this Bill new depositors waiting to put money in so that they can get their assets up rather remarkably in a short period of time, and they are in the process of having new bylaws. I would suggest that perhaps this bank is now coming into the real world, and in fact, if they do want to come into the real world of banking and they do not want to be that nice, small friendly little bank any more, that they are going to have to learn to compete with the other institutions that are larger and they are going to have to live by the same rules, because obviously when they get to the \$500,000 mark they are going to come back and ask for a million dollar exemption and I do not blame them as long as we keep exempting this one institution, I certainly do not blame them for trying it is saving them a lot of money by doing this. Certainly nobody wanted to put them out of business and that was clear in the actions of the Legislature the last two years, this Bill, if not passed, would nearly mean that they would stay in their present position and would not allow them to double their size.

So that I do have to oppose the measure in that I feel that it is unsound banking practice and the Banking Department came over and Les Hilton who has dealt with them for many years to quote him says, "I kind of favor this Legislation, and they are awful nice people," and they are and probably nothing would ever happen, but I think that if I were in banking would look pretty foolish if a lot of those new depositors went in there and put 20, or 30, or 40 thousand dollars as they might in community spirit and something did go wrong and the potential is there for it to go wrong. The odds that it will go wrong are very long, but I think it is wrong. I think it is an unsound banking practice and I am opposed to it on those grounds.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, I find myself also on the Minority Report along with the Senator from Kennebec, Senator Pierce.

My sympathies go out to the Mechanic Falls Loan and Building Association. The real question here is one of proper protection of the deposits in this bank. Should we continue to make an exception as this bank now is growing larger in assets and deposits by increasing the exemption from the current one quarter million to one-half million. The present management of this bank would certainly indicate that its depositors interests are being properly looked after. But what of the future? We all would like to hope that no problems would arise. But hope is not a very comforting excuse should the unplanned and unexpected lose occur. In my view sympathies for this well-run, smallest bank must be set aside in preference to more prudent recognition of human realities. Consequently, I just do not feel that we can, in good judgement, set aside this bank now at this higher level from the requirement to provide Federal Deposit Insurance Protection for its depositors.

The PRESIDENT: The Chair recognizes the Senator from Androskoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate, in response to remarks made by the Senator from Kennebec, Senator Pierce. First of all, the bylaws of the bank would prohibit any depositor from depositing \$20,000. The largest deposit that can be made with that bank is \$5,000. And I think really it is important to note that the bank does not keep much cash on hand, very little, perhaps at the most \$200. When the bank first proposed an exemption for their bank a few years ago here in the Legislature, their proposal was for \$500,000 because they recognized that they could not comply with requisite of the Federal Insurance if they

were to buy it. So they realized that and had originally requested \$500,000 of the Legislature did not grant it and only granted a \$250,000 exemption.

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

Mr. MERRILL: Mr. President I would like to request that the Secretary read the Committee reports.

Which Reports were read.

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

A Division has been requested.

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

14 Senators having voted in the affirmative and 14 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report does not prevail.

Is it now the pleasure of the Senate to accept the Ought To Pass Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought to Pass Report of the Committee please rise in their places to be counted.

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

15 Senators having voted in the affirmative and 14 Senators in the negative, the Majority Ought to Pass Report of the Committee was accepted.

The Bill Read Once.

Tomorrow assigned for Second Reading.

The President laid before the Senate:

Bill, "An Act to Amend the Crime of Assault on a Law Enforcement Officer." (S. P. 661) (L. D. 2032).

Tabled — January 27, 1978 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. CONLEY: Mr. President and Members of the Senate, I have been reading a lot in the newspapers, seen a great deal of discussion of this on the media relating to this particular Bill, and I have great concerns. Some of the laws that we pass in this Body, that sometimes I know that through the democratic process that we see some Bills become enacted, that certain individuals, certain individual Members of this Body do not agree with, some Bills are killed, and also again we have a situation where many of us are in disagreement.

This particular Bill, it bothers me in one way. It bothers me because I see a group of individuals, I believe they call themselves, referred to themselves as the Community Alliance, and I always get a little skeptical about individuals who ban together and try to change laws that make penalty a great deal more severe than the present statute.

A few years ago under the leadership of the distinguished Senator from Knox, Senator Collins, a study was undertaken dealing with the Maine Criminal Code. The study was done by the Judiciary Committee, as we all know it consumed a great deal of time and energy. In last Session, I believe, was a study done by the Legal Affairs Committee dealing with the subject matter before us, "An act to Amend the Crime of Assault on a Law Enforcement Officer." Mr. President, and Members of the Senate, I recognize that when we start discussing law enforcement, then we are talking about something like motherhood and apple pie and Old Glory, because I think that we find it is

a very sacred subject matter to most people in this country.

We have a number of law enforcement officers throughout this State who perform their duties in a manner that we can all be proud. Because of them, I do not believe this Bill is necessary. The concern I have is for the minority of law enforcement officers who I feel are not psychologically fit to be acting in the position that they have been as a sworn officer, the jury, and the judge, and in many times, the executioner.

I think the subject matter before us is a very, very serious matter, and I think it is a subject matter that when the study was done on the Maine Criminal Code, that it was looked at very severely by the entire Judiciary Committee. And other then make any Motion that would table this Bill or indefinitely postpone this Bill, what I am going to do Mr. President, and Members of the Senate, I move that this Bill be referred to the Committee on Judiciary.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I would rise in opposition to the motion to refer to the Committee on Judiciary. I was not aware that this was going to take place this morning, this particular motion, and I have not conferred with the Chairman of the Committee, I do not know whether he even wants the Bill or not.

There was a lot of time and effort put into discussion and a survey of this problem over the summer, and while I understand fully well that this area was reviewed by not only Members of the Judiciary Committee, but many other people, when the Criminal Code was put together. I think that recent statistics showing a rise in the number of assaults on police officers in the State of Maine perhaps may dictate that we may have to take another closer look at the subject. As I mentioned, there was a considerable amount of time and effort put into the study of this Bill. The definitions were, in my opinion, very carefully worded by both the Chairman of the Committee, my seat mate, the Senator from South Portland, Cape Elizabeth, who is an attorney, and the attorneys working with the Bill. I think if you look at Committee Amendment "A" under filing S-444, you will see that we are very closely defining an assault on a police officer in that a person must intentionally, knowingly, or recklessly cause bodily injury, and I think with recent statistics showing us what they have shown, that Maine is the leader the Nation on assaults on police officers. We do have to take a very hard look at this area. I think it should be a very serious offense. I think the study has been done. I do know, as I am sure most of you understand that my colleague, Senator Conley from Cumberland, has some problems with the, perhaps the recruitment, the retention, the testing, or whatever of police officers in the State, but I do not think this particular Bill deals with that area. I think this deals with an area. A police officer is a sworn officer. We are not dealing with whether he is psychologically fit to hold his job or not, he is an officer, he is either in uniform or has made his position as an officer, a law enforcement officer know. The person committing the assault or the alleged assault must know and must intentionally do bodily harm to that person. I think this is an area that is very serious and I think that to recommend the Bill to the Judiciary Committee may be a way of killing the Bill. I certainly have no problems with the Chairman or the Members of the Judiciary Committee and their knowledge, and I am sure they have enough to do without sending this Bill back, and I would hope that you would vote against the motion of the good Senator from Cumberland, Senator Conley.

Thank you.

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

Mr. COLLINS: Mr. President, I was not

aware that the Senator from Cumberland, Senator Conley would suggest a reference to the Judiciary Committee, but I would say that I think the Committee would be glad to look at it if it would come to us.

The Committee noted that this was going along through another Committee. A copy of this Bill was sent to the Criminal Code Commission which motors the code. That Commission is meeting tomorrow, and this Bill on its agenda.

I have not made up my own mind yet about how to vote in the final word on this Bill. My observations have been that most of the problems in convicting those who assault police officers are problems of proof and perhaps in some instances problems of attitude on the part of prosecutors or judges in relation to their idea of what some particular police officer has demonstrated in the past as a tendency with respect to provoking these assaults. I agree that it is a serious crime. I am particularly concerned about assaults that take place in some of our correctional institutions. I think that perhaps this area is even more serious then some of the bar room brawl break-up situations which are really rather common. I think we are aware that police officers do not bring in the court, many cases they would be entitled to bring in if they really wanted to. They have been brushed or shoved, or interfered with in some minor way, but an experienced police officer frequently will over look that sort of thing if he feels that he can accomplish his main purpose in some other way.

I think that the Committee on Judiciary would be glad to look at this, and I do not mean that we could do better with it then the Committee on Legal Affairs. I think that perhaps there is only one concern as a technician that that I have, the language of the Amendment, Committee Amendment "A" introduces some words that we have tried to avoid in the Criminal Code as a whole, and perhaps that language could be improved if we were to look at it a little more carefully as technicians.

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

Mr. MANGAN: Mr. President and Members of the Senate: I have just a couple of concerns about the Bill. Not particularly about the Bill itself and I have really no opposition as far as raising the crime for Class B to Class C.

The thing that does concern me, however, is the Amendment. Even as a Criminal defense attorney, I do have some friends who are police officers, but I have had the two sides of the coin. In any kind of a criminal trial on assault on a police officer. There are some police officers who over react, and some that don't. And in a situation of this type of raising the charge from a Class B to a Class C, and a Class C mind you is five years in the big house. Five years in the state penitentiary, and under the Amendment, the State does not even have to prove medically that the police officer was injured so long that there is an assault, and an assault under the common law an assault under all the technicalities is simply the threat. It is not the actual striking. Battery is the striking. Under the actual threat, under the fear that is engendered thereby, if a police officer decides to bring an assault charge, and he is not actually injured, the individual could go to jail for five years and if you have a police officer that rely overreacts an awful lot, it could be a very stiff penalty for a young man who is 18, 19, 20 and who overreacts one day when he is drinking a little bit to much, and I think that because of this, we should really look at it a second time more carefully in the Judiciary Committee, and I would urge you to reconsider.

The PRESIDENT: Is it now the pleasure of the Senate to refer this Bill to the Committee on Judiciary? It is a vote.

Sent down for concurrence.

(Off Record Remarks)

The president laid before the Senate:

Bill, "An Act to Establish the Maine-Canadian Legislative Advisory Commission." (H. P. 1879) (L. D. 1933)

Tabled — January 27, 1978 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

The President laid before the Senate:

Bill, "An Act Relating to Certificate of Need." (S. P. 652) (L. D. 2013).

Tabled — January 30, 1978 by Senator Snow of Androscoggin

Pending — Enactment.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe

Mrs. SNOWE: Mr. President, I move under suspension of the rules we reconsider our action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, moves that the Senate suspend its rules and reconsider its actions whereby this Bill was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mrs. SNOWE: I now offer Senate Amendment "F" (S-448) to L. D. 2013 move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now offers Senate Amendment "F" to L. D. 2013 and moves its adoption.

Senate Amendment "F" (S-448) Read.

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

Mrs. SNOWE: Mr. President and Members of the Senate: this Senate Amendment is in compliance with the Federal Regulations on mandating Certificate of Need Legislation. This provision was omitted in the original draft so I am now just offering it to include it at this time.

Senate Amendment "F" Adopted.

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

Sent down for concurrence.

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

Senate Paper

Mr. Hichens of York presents, Bill, "An Act to Allow Blind Vending Stand Operators of Eye Care, to Participate in the Maine State Retirement System. (S. P. 690)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 25.)

Reference to the Committee on Veterans and Retirement is suggested, and Ordered Printed.

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

Papers from the House House Paper

Bills requiring reference to Committee were acted upon in concurrence.

Study Report — Energy

The Committee on Energy to which was referred the study relative to the State of Maine Energy Policy Statement have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Revise the Authority of the Oil Burner Men's Licensing Board to Inspect and Improve Most Fuel Burning Equipment." (H. P. 2056) (L. D. 2120) 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 Energy.

Which Report was Read and Accepted and

the Bill referred to the Committee on Energy in concurrence.

Study Report — State Government

The Committee on State Government to which was referred the study relative to the status of all intermittent employees employed by the State of Maine have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Clarify the Status of Intermittent State Employees" (H. P. 2064) (L. D. 2122) 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 Report was Read and Accepted and the Bill referred to the Committee on State Government in concurrence.

Study Report — Transportation

The Committee on Transportation to which was referred the study relative to conducting a thorough study of Maine's aeronautics laws and determine upon a modernization and revision of those laws, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Revise Maine's Aeronautics Laws" (H. P. 2055) (L. D. 2119) 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 Transportation.

Which Report was Read and Accepted, and the Bill referred to the Committee on Transportation in concurrence.

Orders of the Day

The President laid before the Senate:

Bill, An Act Relating to Assessment for Public Services Tax on Unorganized Townships. (Emergency) (H. P. 1922) (L. D. 1963)

Tabled — earlier in the day by Senator Pray of Penobscot

Pending — Passage to be Engrossed.

On motion of Mr. Jackson of Cumberland, Retabled for One Legislative Day.

On Motion of Mr. Huber of Cumberland, adjourned until 11:00 in the morning, February 1, 1978.