

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

February 15, 1978

Senate called to Order by the President.

Prayer by Reverend Timothy Morrison, High Street Congregational Church, Auburn.

Reverend MORRISON: Let us pray; Almighty God You are the author of universal law and justice, raise up men and women we pray who will fashion and shape laws that will not only check brutality but will also encourage all of human kind to live in peace.

Be with our legislators that they might foster legislation that provides government with strength and power tempered by justice. Inspire them with the wisdom to write and to enact laws that will guarantee safety, protection, and integrity.

Guide them in their deliberations. Fill them with the power of your presence that their actions may be done with care and concern, knowledge and understanding not only for each other but also for the people whom they represent. This we pray through Christ our Lord. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis." (H. P. 1909) (L. D. 1970)

In the Senate, February 9, 1978, Majority 'Ought Not to Pass' Report Read and Accepted in non-concurrence.

Comes from the House, Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended, by House Amendment "A" (H-1035) in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from York, Senator Lovell.

Mr. LOVELL: I move that we Recede and Concur and speak briefly to the Motion.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate Recede and Concur with the House.

The Senator has the floor.

Mr. LOVELL: Mr. President and my good friends in the Senate, with this amendment on the Bill, L. D. 1970, it makes it not only optional but it makes it by the Commissioner has the authority on a trial basis to have five school administrative districts to work as this Bill has suggested that we debated last week. It is not mandatory at all. No town has to take it on unless they so wish. No school administrative district; and it is absolutely permissive and it seems to me that it would be very helpful to give more Home Rule to the various towns and some administrative districts, now if the administrative district does not want it, they do not have to have it. But if ten percent of the town in an administrative district votes, ten percent of our gubernatorial, as voted in the last gubernatorial election if they so vote; then they will have the privilege, if the Commissioner approves, it is not mandatory, simply permissive legislature and Home Rule; and if you believe in Home Rule, I would appreciate your voting for this Bill.

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

Mr. KATZ: Mr. President, there is no more powerful argument in this Senate than Home Rule. But a School Administrative District is a legal entity. It is a unit that raises money as a unit, it spends money as a unit, and the towns, I think involve a basic weakening of a School Administrative District. It has been my experience in the State of Maine that some towns just do not get along well together. And if you split up an S.A.D. will be jeopardized. I have a deep concern that that is going to be the approximate cause of going to local town voting. My second problem I mentioned before.

The supporters of this Legislation say that you can go into a town by town by town basis,

have informational meetings by the members of the School Board, the elected School Board, explaining a big fat budget to your neighbors knowing that if you make any mistakes you are going to be misleading people. The School Budget Meeting in a district works well because if the information is sound it is delivered by knowledgeable people. The weakness is that not enough people turn out. If a school unit, if a town wishes to transport its citizens to the Budget Meeting it may do so, I think that this Bill, even in its present form is divisive and ill considered and I ask for a Division and urge you to vote against the Motion.

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

Mr. LOVELL: Just a brief answer to the good Senator from Kennebec, Senator Katz.

This is not mandatory. This gives the town a real change for Home Rule. And the town does not have to have it, unless the Commissioner approves it and the towns approve it. So I cannot see how this is going to do any harm. It is going to give the town, if you go to a town meeting now and you vote if you are in an S.A.D. district and you vote and you think you voted the budget through for the town and bang the S.A.D. District comes out with X number of thousands of dollars and up goes the taxes again. Now this is not mandatory, this is just something to try out. Please lets try it out this time.

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

Mr. O'LEARY: Mr. President and Members of the Senate: I disagree with the reasoning of the good Senator from Kennebec, Senator Katz. I would remind the Senate that we have Vocational Education Regions that encompass a number of School Administrative Districts within that. In region 9 we have three School Administrative Districts plus the municipality of Rumford. And the way the budget is prepared and the questions asked at meetings within the towns we would appropriate X number of dollars for vocational education.

In the Town of Rumford and School Administrative District 43 when it came to the Vocational Education portion of our budget they were defeated. This saved the towns somewhere in the neighborhood of a million dollars. Now the way the vocational education part of the budget works is; each town is assigned so many votes by population. The municipality of Rumford, I believe, is given six votes, Mexico three votes, Dixfield and its School Administrative District a number of votes and the Bethel School Administrative District a number of votes. Now two out of the four schools have voted down the vocational education portion of it. So this meant then that there are three School Administrative Districts plus Rumford had to have what they call a Regional Meeting on the budget and it was done. And this Bill calls for the same concept as I see it and I am in favor of it whole heartedly. It is a local control. It saved just over a million dollars in our area and we provide vocational education now just as good as anywhere else in the state. It does work and it will work.

And I hope you will go along with the Motion to Recede and Concur.

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

Mr. CONLEY: Mr. President, I would like to pose a question through the Chair to the Chairman of the Education Committee, Senator Katz, of Kennebec.

I would ask that hypothetically, say there were ten towns in a school district and six of those towns voted against a proposed budget. What would happen to the school budget within that S.A.D.?

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question through the Chair to the Senator from Kennebec, Senator Katz.

The Chair recognizes the Senator from Ken-

nebec, Senator Katz.

Mr. KATZ: Mr. President, I wish that the Senator from Cumberland, Senator Usher were with us this morning I notice his absence he could answer the question better than I.

The vote is a total vote of the districts. A total district wide vote, and consequently, it is very possible for one town to vote five others.

The PRESIDENT: Is the Senate ready for the Question.

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

Mr. O'LEARY: Mr. President, I think the question here is local control and in some of our larger cities, the schools are controlled by a Finance Board or the council or such as it may be. They have local control and I wish they would grant it to us who are in School Administrative Districts the same opportunity.

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

Mr. LOVELL: May we have a Roll Call vote.

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 pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senate Recede and Concur with the House.

ROLL CALL

YEAS: Carpenter, Chapman, Cummings, Danton, Farley, Hichens, Levine, Lovell, McNally, Merrill, Minkowsky, O'Leary, Pray, Redmond

NAYS: Collins, D.; Collins, S.; Conley, Curtis, Greeley, Hewes, Huber, Katz, Martin, Morrell, Pierce, Snowe, Speers, Trotzky, Usher, Wyman

ABSENT: Jackson, Mangan

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

Mr. CONLEY: I wish to change my vote from yea to nay.

The PRESIDENT: The Senator from Cumberland, Senator Conley, changes his vote from yea to nay.

The Chair recongizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: I would like to change my vote from yea to nay.

The PRESIDENT: The Senator from Cumberland, Senator Morrell changes his vote from yea to nay.

14 Senators having voted in the affirmative, and 16 Senators in the negative, with 2 Senators absent, the Motion to Recede and Concur does not prevail.

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

Mr. CONLEY: I move that the Senate table this Bill for Two Legislative Days.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this item be tabled for Two Legislative Days pending further consideration. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Would a motion for a closer tabling be in order?

The PRESIDENT: The Chair would answer in the affirmative.

On Motion of Mr. Katz of Kennebec, Tabled for One Legislative Day, pending further consideration.

(Off Record Remarks)

Joint Resolution
State of Maine
In the Year of Our Lord One Thousand Nine
Hundred and Seventy-Eight
Joint Resolution

Commemorating the Birth
Of Abraham Lincoln

WHEREAS, February 12, 1978, marked the 169th anniversary of the birth of Abraham Lincoln, the 16th President of the United States; and

WHEREAS, the American people have set aside Lincoln's birthday as an occasion to contemplate our appreciation of a towering statesman who devoted his life to the preservation of the sacred principles of the Declaration of Independence for the eternal benefit of all members of the human family; now, therefore, be it

RESOLVED: That we, the Members of the House of Representatives and Senate of the 108th Legislature of the State of Maine, as representatives of our generation momentarily entrusted with the well-being of the American Republic, faithfully execute our solemn duty to maintain and perpetuate the goodness of this nation, conceived in liberty and dedicated to the proposition that all men and women are created equal, so that the government of the people, by the people and for the people shall not perish from the earth.

(H. P. 2104)

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

Communications
State Planning Office

The Honorable Joseph Sewall
President and Members
Maine State Senate

I am today submitting to each member a copy of the Capitol Planning Commission Report of February 10, 1978.

This Report is being made to the Second Session of the 108th Legislature to satisfy the requirements set forth in a Joint Resolution by the First Session of the 108th Legislature. The response to each of the legislative requirements if documented in the Report.

The Capitol Planning Commission, thanks the 108th Legislature for its adoption of the basic concepts of the November, 1976 Plan to guide public investment and other developments in the Capitol Complex area.

Sincerely,

ALLAN G. PEASE, Chairman
Capitol Planning Commission

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

Committee on Legal Affairs

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333

Dear President Sewall:

The Committee on Legal Affairs is pleased to report that it has completed all business placed before it by the second regular session of the 108th Maine Legislature.

Total Number of Bills Received in Committee	6
Recommitted Bills	0
Unanimous Reports	4
Ought to Pass	1
Ought to Pass as Amended	2
Ought Not to Pass	1
Divided Reports	2

Sincerely yours,

RICHARD D. HEWES
Senate Chairperson

Which was Read and Ordered Placed on File.

Office of the Governor

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

I am returning on this date without my signature and approval H. P. 1880, L. D. 1934, An Act to Increase the Bonding Limit of the Maine State Housing Authority.

First, let me assure you that my opposition to this particular bill should in no way be con-

strued as an objection to the overall goals of the Maine State Housing Authority.

However, I must express my concern regarding a number of issues that have arisen in conjunction with this bill. Originally, the bill was submitted for inclusion in the Governor's Call. Since the amount of funding sought would increase the bonding capacity of the Authority by an amount substantially above that which would be needed to maintain current operations on a short term, "actual needs" basis, the Housing Authority was advised to seek a reduced level of funding on the grounds that this session was limited to strictly emergency matters. I am convinced that despite the position and rushed nature of this bill and after discussion by me with the Housing Authority Board this is not considered an emergency measure by the entire board based on my visit with them and that future study of either in the January, 1979 session would be more prudent as well as measureable and proper.

During the course of the discussion between my legislative Review Committee and the Maine State Housing Authority, the bill appeared on the list of bills being sponsored by individual legislators.

While I recognize that during the course of legislative proceedings the increase in authorization has been reduced from the original \$150 million to \$75 million, I believe that this increase is still too large to be justified without further study and evaluation of the many questions involved with legislation of this importance. An issue which concerns me deeply is the effect the bonding authorization may have on the State's credit rating. Statistics recently released from R.E.D. Chase and Partners indicate that since 1966, Maine has moved from 11th to 33rd in terms of per capita tax and debt to per capita income. Although there is no precise formula which rating agencies use to establish the quality of a state's debt, we can be assured that every financial aspect is taken into consideration. Consequently, we must take every precaution to protect the integrity of the State's debt rating.

A study of the historical and proposed housing activity of the Maine State Housing Authority indicates that from 1972 to 1977, 4,742 housing units were financed. Under the schedule recently developed, the Authority intends to finance 5,162 units over the next 2 1/2 years. Clearly this is an extremely large increase in the rate of activity, and one which warrants sufficient time to scrutinize all the related housing and financial issues. For example, I am advised that the City Council of Augusta has recently rejected a housing project presented to it. Among the objections raised were the total cost of the project, as well as the continued use of Federal tax dollars for subsidy purposes. While I am not familiar with this particular project, we do have an obligation to study our housing goals and objectives to insure that we are treating all our taxpayers fairly. We have received numerous letters concerning the M.S.H.A. Recently a citizen wrote and stated "I do not object to the project since more tax dollars will be spent in my community. However, as a citizen of this state, and a taxpayer, I do object to the cost of the project." I feel that this comment represents one of the many aspects which deserve further study.

In summary, it is because of the importance of housing Maine people that I cannot support this bill. To do so would be inconsistent with the necessity to have open and thorough debate and I believe that the next regular session would be a more appropriate time to consider a proposal of this magnitude, which clearly is devoted to a future, long-term funding policy question. Meanwhile I feel a more thorough, independent study of this bureaucracy is in order, as well as a measurement of the real vis a vis the intended beneficiaries of this project. I am concerned that perhaps the elderly and

low income citizens and taxpayers of this state are not benefiting as much as other unintended beneficiaries of this loan authority under the present structure, purpose and direction. By the same token I believe the present Director, Mrs. Gelder, has made significant and outstanding progress in restructuring and minimizing previous political and bureaucratic disadvantages in the operation of this agency. Nonetheless, I feel more progress, objectivity and refinement is needed before implementation of a substantially increased loan authority is acted upon particularly when January, 1979 is fast approaching. With more time for study and reflection as well as improvement and documentation we would all be better prepared to act upon a long range plan.

For the reasons stated above, I respectfully request that this Legislature sustain my veto.

Sincerely,
JAMES B. LONGLEY
Governor
(H. P. 2108)

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

Which was Read.

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

Mr. COLLINS: Mr. President and Members of the Senate: adequate housing has been a goal for all Americans for a long time. So it is no surprise when the State of Maine decided to contribute toward the achievement of that goal, by establishing in 1969, the Maine State Housing Authority.

You may recall from our previous discussions that the Authority participates in the housing process by purchasing mortgages on single family housing units and by also financing multi-family units. I think I have pointed out that there have not been any losses in the multi-family program. And I should also like to report that all single family mortgages are insured, and the authority has never experienced any loss of principal due to default.

The Bill which has been vetoed and which I ask you to override today provides the Authority with the ability to issue an additional \$75 million beyond the present statutory limit. The Bill entered Committee requesting an increase of \$150 million and was finally passed after my Senate Amendment had reduced that figure to \$75 million.

The authorities present bonding limitation will be completely used up by the issue planned for next month. And the increase that is proposed in this Legislation is indeed a modest amount. A compromise that will have to be reevaluated by the next Legislature. I am advised by the Authority that if this increase is granted, they will rework their housing plans so that no less than 32 million will be reserved for the 1979 Spring Bond Issue.

For those of you that are concerned about the States credit rating, I can only report to you the last rating of the Authority prior to the August 1977 Bond Issue was A-1, and that the narrative from Moody's Investors Service indicated a generally favorable operation. When we finally passed the Bill, there was only one negative vote in this Senate. I hope that you will all join me today in voting to override the veto.

Which was Ordered placed on File, in concurrence.

The accompanying Bill, "An Act to Increase the Bonding Limit of the Maine State Housing Authority" (H. P. 1880) (L. D. 1934)

Comes from the House, with the following endorsement:

In the House, February 14, 1978, this Bill, having been returned by the Governor together with his 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?'

117 voted in favor and 23 against, and accord-

ingly, 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

The PRESIDENT: The pending question before the Senate is, shall this Bill become a law notwithstanding the objections of the Governor?

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of YES will be in favor of the Bill.

A vote of NO will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Greely, Wyman.

ABSENT: Mangan.

30 Senators having voted in the affirmative, and 2 Senators in the negative, with 1 Senator being absent, and 30 being more than two-thirds of the membership present, it is the vote of the Senate that this Bill become a Law notwithstanding the objections of the Governor.

The Secretary will present the Bill to the Secretary of State.

Department of Finance and Administration
To: Edwin H. Pert, Clerk of the House
May M. Ross, Secretary of the Senate
From: Otto W. Siebert, State Budget Officer
Re: Recommendation for Education Funding

Pursuant to the provisions of 20 MRSA, section 3746, as State Budget Officer, I am required to certify prior to February 15, the recommendation of the Governor for the funding levels for the education subsidy program for 1978-79. I am hereby transmitting the Governor's recommendation in accordance with the provisions of the School Finance Act of 1976, notwithstanding the fact that this Act has to be changed during this session because of the decisions of the voters to repeal the Uniform Property Tax.

We are, therefore, transmitting a certification in accordance with present law that would allow the State to assume the burden of the loss of "pay-in" revenues and which can be funded by a \$168,652,370 general fund appropriation and local share established by a subsidy index of 10 mills.

The Governor is of the opinion that the level of general fund appropriation for education subsidies as approved in the first regular session in the amount of \$168,652,370 for 1978-79 will be sufficient to finance L. D. 2022 as it was submitted to the Legislature.

It should be emphasized again that the certification we are transmitting at this time is based upon present law which provides for 90% reimbursement of one-year-old spending estimates in three categorical programs — special education, vocational education, and transportation. In L. D. 2022, these programs would be subsidized on the basis of two-year-old known costs. It is, therefore, the Governor's position that, since this past reliance upon estimates has historically produced subsidy balances, L. D. 2022 as well as the certification under present law can each be adequately funded without additional general fund appropriations.

CERTIFICATION OF TOTAL EDUCATION COSTS

PART A	Allocation
1. Elementary and Secondary Operating Costs	\$234,578,633
2. Special Education for Programs	

Operated by the Administrative Units	10,119,446
3. Special Education tuition & board excluding Medical Costs	
a. For pupils placed by administrative units	3,539,120
b. Adjustments under Section 3748 subsection 3, paragraph H	200,000
4. Vocational Education Costs	7,505,340
5. Transportation Costs	
a. Operating	17,359,106
b. Purchase of Buses	2,999,461
6. Debt Service Costs	
a. Principal & Interest	26,500,000
b. Insured Value Factor	322,227
c. Approved leases	464,525

Sub-Total — Part A \$303,587,858
Less PL 874 Funds (1,900,000,)

TOTAL — PART A \$301,687,858

PART B	
7. Cost of Unusual Enrollment Adjustments	650,000
8. Cost of Geographic Isolation Adjustments	267,642
9. Cost of Adjustment for Small Administrative Units	85,000
10. Special Education tuition & board excluding Medical Costs for State wards and other pupils placed directly by the State	175,000
11. Cost of reimbursement for Private School Transportation	277,931
12. Audit Adjustments	50,000
13. Optional Local Appropriations with State Participation Maximum State Obligation	5,800,439

TOTAL — PART B \$7,306,012
TOTAL PARTS A & B \$308,993,870
Local Share \$140,341,500
General Fund Share 168,652,370

GRAND TOTAL \$308,993,870
Which was Read and Ordered Placed on File.

Senator Katz of Kennebec was granted unanimous consent to address the Senate on the Record.

Mr. KATZ: Mr. President, the Senate may have overlooked the fact that under the existing law, the Governor is required to make this report to us this morning.

As I glance through the figures, and I haven't seen them before and had no notion what they were going to be from first hand information, I noticed that the Governor identifies the State Funding, General Funding at \$168 plus million. Now this figure has a familiar ring to me and I believe that is the figure that for planning purposes only the Appropriations Committee used because there was a general agreement in the legislature that this could turn out to be a little low. On the calendar at the end of this week will be the Education committee's contribution to the School Funding, the School Finance Act. We are going to call it the School Finance Act of 1978-79. So everybody will recognize the fact that the School Funding Act lasts for about a year here. It will essentially pick up the same figure identified by the Governor and I thought you might be interested to know that it will add on about \$4.1 million in additional leeway funds and if you add the two figures together, you will get an approximate cost of the Bill that will be before you probably sometime next week.

Senate Papers

Mr. Collins of Knox presented, Bill, "An Act to Revise the State Criminal Extradition and Criminal Codes" (S. P. 697)

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

Joint Resolution

Mr. Trotzky of Penobscot presented the fol-

lowing Joint Resolution and moved its Adoption:

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-eight

Joint Resolution Urging the Department of Agriculture to Provide for an Additional 30-day Grace Period Under the

Nonreturnable Beverage Container Statute WHEREAS, the Department of Agriculture, which is the enforcement agent for the recently effective returnable beverage container statute, has permitted retailers of certain beverages packaged in returnable flip-top containers a 30-day grace period in which to sell those beverages; and

WHEREAS, during this 30-day grace period, the State of Maine experienced several disastrous storms, which severely hampered the daily lives of Maine's citizens; and

WHEREAS, many small business retailers were thus unable to sell all of their stock of beverages in returnable flip-top containers before the grace period ran out; and

WHEREAS, immediate enforcement of the returnable beverage container statute will cause extensive financial hardship on these small retailers; now, therefore, be it

RESOLVED, that we, the members of the 108th Legislature assembled in second regular session, urge and respectfully request that the Department of Agriculture grant an additional 30-day grace period to retailers to allow them an opportunity to sell their remaining inventories of returnable flip-top beverage containers and thus avoid serious financial harm which would result from immediate enforcement of the statute; and be it further

RESOLVED, that upon passage in concurrence, the Secretary of the Senate shall make suitable copies of this resolution available to the public.

(S. P. 698)

Which was Read.

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

Mr. TROTZKY: Mr. President and Members of the Senate: as everybody knows I was and still am a strong supporter of the Returnable Beverage Container Statute. However, there are many small retailers in the State of Maine who have cases of returnable beverage containers which have the band, flip top opener on them and what this resolution would be doing, would be asking the Department of Agriculture to grant them a 30 day grace period to allow them to sell their remaining inventories of the returnable flip top beverage containers. I would hope that the Senate would pass this so as to minimize the economic impact on some of the smaller retailers in our state.

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

Mr. HICHENS: Mr. President, I make a motion that this Joint Resolution be indefinitely postponed.

The good Senator from Penobscot, Senator Trotzky, says that there is a difficulty or problems with the small distributor; but talking with a gentleman the other day who had asked me to put in such a Resolution, he said that it was their warehouses that were taking them back from some of one small distributor so that the small businessman could comply with the law. So it is not the small distributor that we are considering this morning, it is the bigger warehouses.

I talked with the Department of Agriculture, three different people over there, one Mr. Davis who has authority on this Bottle Law, and they said that the 31 day grace period that was granted to these people in January was not according to the Law, but the Department took it upon themselves to grant them the 31 day grace period. They did not feel that they could

go along with another 29 or 30 day grace period so that these people could get out from under so to speak. He said they knew that this was coming for a whole year. They could have planned on it. They were granted that 31 day grace period and in the Department's opinion, there was no need to grant them another grace period.

I would ask for Indefinite postponement.

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

Mr. JACKSON: I rise to oppose the motion to indefinitely postpone the Bill. For the following reasons: I think everybody is aware of the severity of the winter that we have had thus far and I do not know if the good Senator from York has ever been in the retail business or the wholesale business, but you know gentlemen there is a problem with communications amongst the wholesaler and the distributor and the storeowners and even the suppliers. I can sympathize with a few of these distributors who have received shipments of these illegal so-called beverage cans that have been delivered into the State after what they considered probably the distributor or the warehouse considered after a deadlock. The product, if you have got to sell something, you have got to have the product. So we will say that the brewer or the manufacturer, the soda manufacturer might have taken the liberty of sending these cans in and they might not have been noticed until after they had been delivered to the warehouse. Once it has drop shipped, they will not take them back. In the case of malt beverages, excise tax paid on it, by the distributors, the manufacturer will not take it back, the State is not out any dollars but the distributor is out a few dollars. In a considerable amount of money.

I was fortunate, I did cut back considerably earlier in the year. As a matter of fact, I started cutting back my inventory in October and I was fortunate to have only three cases left when the law came into effect February 1. But I can sympathize with other storeowners and the fact that you are saying that the Distributors are taking this product back, they are taking back just full cases gentlemen, they are not taking back part cases. I would think that in all fairness and all honesty the State of New Hampshire, Vermont, excuse me, gave a 90 day grace period and I do not think that an additional 30 days grace period in this State would be any loss.

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

Mr. MERRILL: Mr. President and Members of the Senate, I am sympathetic with the purposes of this order and with the statements of the previous speaker, but I would like to inquire of the sponsor of the order, as to whether or not the Department has the legal power to do this at the present time and isn't this a rather extraordinary means by which to go about delaying the effect of the Law? The Law which, of course, includes penalties for non-enforcement. Is this possibly a precedent setting matter to introduce an order, in effect to order the Department not to enforce the Law. Isn't there a more appropriate way that the Senator from Penobscot could have accomplished his purpose?

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

Mr. TROITZKY: The more appropriate way would be to introduce a Bill but I feared to introduce a Bill because I think there would be many opponents to the Returnable Beverage Container Law which would be an opening to amend it and possibly eliminate the Returnable Beverage Container.

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

Mr. SPEERS: Mr. President, the Senator from Cumberland has raised a point and I think a very valid point with regard to a more appropriate way to go about accomplishing the pur-

pose that the Senator from Penobscot wishes to accomplish. And I would use the word perhaps not appropriate way, but legal way to go about doing that.

It seems to me that what we are attempting to do is to order the Bureaucracy of this state to ignore the laws that we are enacting or have enacted. In this Body and in the other Body. We have a lot of complaints that we hear about everyday from our constituents with regard to the bureaucracy going beyond the intent of the Law. Of ignoring what we intended to do when we enact laws in this Chamber. And here we are turning around and attempting to direct by simple sense of this Body the bureaucracy not to enforce a law which was enacted by the constitutional means of this state. And I think this is an entirely inappropriate way to express the sense of this Body and I would hope that the good Senator if he were to feel that this was the sense of the Body would introduce a Bill to change the actual wording of the law. And I have talked with a number of individuals who are concerned about this and I am sympathetic with the problems that do exist. But my suggestion was we introduce a Bill to grant the grace period. To grant the Department the authority to give a grace period but that is not in the law at the present time, and it is very much inappropriate I think, for us to express an opinion on the floor of this Body specifically requesting the Department to ignore what the Law says.

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

Mr. DANTON: Mr. President and Members of the Senate: As I read this, it says here that we are requesting. We are not ordering. In fact a week ago I brought it up in Leadership after the Leadership Meeting we meet to the Governor, I brought it up with the Governor, asked him to do the very same thing, to request.

Now what we are talking about is the small retailer and we are not talking about just beer. We are talking about soft drinks. Some of the brands in these stores just do not move fast. Like the Sure-Fine product, Staff, IGA markets have their own soft drink product and then lets get into the beer. Carlings Black Label. How fast do you think that moves in a market? Shaffer, Smitz Beer, Ballentine Ale, and Rolling Rock. Now I do not think that we are ordering anyone, we are just requesting if they want to do it, if they want to give them 30 days fine. If they do not let them enforce it. But the only one that is going to hurt through this whole thing is the small retailer that has broken cases, maybe six or seven of them in their store it might be \$50 or \$60 but to a small retailer that is a lot of money. I know I am a small businessman. And I do not like to lose \$50, or \$60, or \$70.

So all we are doing is requesting. I do not think we need a Bill. I do not think anyone wants to debate the Returnable Bottle Bill again even though I never voted for it and thank God I did. Lets pass this Resolution and if the Department wants to do it fine. If they don't let them take them to court and make that small retailer pay a \$100 fine for every day that he has this product in his store. If that is what you want to do to the small businessman of the state, then I suggest you vote that way and I request a roll call.

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

Mr. JACKSON: Also I think that should be brought out in this Joint Order, we are not asking that we delay the implementation of the Returnable Container Law persay. We aren't asking that you take off the 5¢ deposit on these containers. All we are saying is let the retailer dispose of those flip top cans that do not conform with the present statute.

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

Mr. MARTIN: Mr. President I would like to pose a question through the Chair.

The PRESIDENT: The Senator may state

his question.

Mr. MARTIN: Mr. President, under what authority did the Department of Agriculture originally allow the 30 day grace period?

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would just like to state that it is my understanding that all of these returnables or nonreturnables as they were under the old law are presently stamped returnable but because of the way the law reads dealing with the flip top, the piece of metal that has to be torn off and cast away, those cans are not in compliance with the law as it reads. So I understand these have all been stamped returnable and again would be to allow the small businessman, one Ma and Pa store the opportunity of the sale of this particular merchandise and get rid of it because of the fact that there is some sort of a handicap to them being able to return them.

I agree with my colleague from Portland, Senator Merrill. I think perhaps this is an inept way of doing it. But I think the question of the good Senator from Aroostook, Senator Martin has posed to the Chair leaves good reason as to why the Department could not continue to exercise their judgement. It seems to me that nobody is trying to violate the law, no one is trying to bring in additional merchandise that is not in compliance with the law. We are talking about a product that is still on hand, and even though I think there was ample time for most distributors to send it back to the factories without moving it into the stores the unfortunate thing is that some of this merchandise has gotten there and I think that it would be appropriate for the Department of Agriculture as it has done in many of the other departments in the state to exercise some common sense and to give them the opportunity to unload this merchandise.

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

Mr. HICHENS: Mr. President and Members of the Senate: I can not imagine why the good Senator from York thought that I was hitting the beer distributors. I was not thinking of them alone, I was thinking of the soft drink distributors also.

I think the good Senator from Cumberland has brought out a point. That these people kept bringing in these flip top cans right up until the end of December to small stores and the left them with the responsibility of getting rid of it. And what are we thinking about the man that complied with the law? That man that knew the Law was going into effect as of December 31 tried valiantly to get rid of his stock and then have that grace period and did so. We pass other laws we have deadlines on them, and people have to comply by them and I do not know why we should make any distinction in this case.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I originally intended to vote for the Resolution but I think now that I shall vote against it. I am a little bit concerned about establishing a precedent. What if I should submit an Order, Resolution tomorrow delaying the repeal of the Uniform Property Tax. I think that may be an exaggeration, but I think that you might be establishing a very dangerous precedent here when a law which was hotly debated in both Bodies takes effect and now we are in effect, urging the bureaucracy to ignore it. I for one think the Members of this Body that I have talked to support emergency Legislation to do the same thing as this Resolution calls for; but to urge the bureaucracy, and how many of us here have not campaigned on the issue that was

raised earlier that the bureaucracy very often does over step its bounds. How can we then justify passing an expression of legislative sentiment urging them to over step their bounds.

I would hope that perhaps the sponsors of this Resolution would consider one introduction of emergency legislation to give the Department of Agriculture the authority. Give them the leeway to use their discretion in this matter legally.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: What if this order required a 30 day delay in implementation of the Bottle Bill in small retail stores. The Senator from Aroostook, Senator Carpenter, makes a point of this setting a precedent. I think we set a precedent here about four years ago when we delayed the implementation of the Inventory Tax for three years for the small businessmen in Maine. I think that would answer his problem.

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

Mr. HEWES: Mr. President and Members of the Senate: I notice what a traumatic effect when the Bill went into effect in January. And I do not think that any appreciable harm would be done by delaying the actual implementation of the Returnable Container Law an extra 30 days.

I think that the people of Maine have mercy in their hearts and I hope that it will help to have gubernation of this Returnable Container Law and I hope that you would vote for the pending Resolution.

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 PRESIDENT: The pending Motion before the Senate is the Motion by the Senator from York, Senator Hichens, that this Joint Resolution be indefinitely postponed.

A yes vote will be in favor of indefinite postponement.

A nay vote will be opposed.

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

ROLL CALL

YEAS: Carpenter, Curtis, Greeley, Hichens, Huber, Katz, McNally, Pierce, Pray, Snowe, Speers.

NAYS: Chapman, Collins, D.; Conley, Cummings, Danton, Farley, Hewes, Jackson, Levine, Lovell, Martin, Merrill, Minkowsky, Morrell, O'Leary, Redmond, Trozky, Usher, Wyman.

ABSENT: Collins, S.; Mangan.

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

Mr. DANTON: Mr. President, I forgot to mention another beer, Billy's Beer. But I wish to change my vote from yea to nay.

The PRESIDENT: The Senator from York Senator Danton, changes his vote from yea to nay.

11 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators being absent, the Motion to indefinitely postpone does not prevail.

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

Mr. MERRILL: Mr. President and Members of the Senate: I had mixed emotions on voting for this order, and I envision now a flood of these orders, the next of which will probably be an order to ask the Department of Environmental Protection not to enforce the ban against cone burner.

Which was Adopted.

Sent down for concurrence.

Committee Reports

House

Ought to Pass

The Committee on Education on, Bill, "An Act to Appropriate Funds for the York County Community College." (H. P. 1978) (L. D. 2073)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-1031).

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

Ought to Pass — As Amended

The Committee on Natural Resources on, Bill, "An Act to Regulate Hazardous Materials and Wastes and to Provide for Uniform Response System to Hazardous Materials Emergencies." (H. P. 1958) (L. D. 2040)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1025)

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

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

The Committee on Local and County Government on, Bill, "An Act Clarifying the Statutes Relating to Municipalities." (Emergency) (H. P. 1921) (L. D. 1982)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1019).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-1026) and "B" (H-1027) thereto.

Which was Read and Accepted. The Bill Read Once. Committee Amendment "A" Read. House Amendment "A" Read.

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

Mr. HICHENS: Mr. President, I move that House Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate indefinitely postpone House Amendment "A".

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: This Bill was before the Senate in the last Session from the Liquor Control Committee. In corrections, the Bill was entered by a lady from the other Body and with the help of some 20 or 30 people, they made corrections in the liquor laws which they felt were proper.

And I have last years debate here, and I am not going to read the whole thing, because I do not think that I need to, but the actual, after we had satisfied the complaints of several persons, Senator Hichens got up and was against the Bill; because he felt that they should not have liquor on the days of elections, but he moved on this Bill to allow the towns to vote at their annual election and this was what he said, and I answered him, I said, Senator Hichens, if we have the possibility of referendums so the question is not whether they are going to vote on it two or three times in towns over a two year period, the one time at the local level, the thing that bothers me most, at the local level sometimes they only get 10, 15, or 20 percent of the vote out and when Mr. Hichens said back on a previous Bill, on election day, that was one of the first Bills to come out of the Liquor Control Committee, he was very much against serving liquor on election day. Now, and it was defeated, but now we cannot serve liquor, but we can

serve liquor on election day, but on municipal and town elections. Now in other words, if ten percent of the people in the town vote wet or for one of the wet questions or if they are wet, they want a ten percent sign petitions for dry questions, or so forth, why then it goes to referendum, whether to make it wet or to make it dry. It stays that way until it is changed. Now the question was, as Senator Hichens brought in the last time, and which was debated was that he did not want to see liquor served on election day, but now he wants to put liquor back with the way that it was before we voted a year ago. The way it was on the municipal election. So that when only 10 or 15 percent of the people get out and they all go and drink at the town meeting, they are going to pass wet laws. So I do not think that it is the right thing to pass these wet laws. The time to do it is the way we voted in the last session and that is on the state election, the primaries or referendum election when we are going to get 30 or 40 or 50 or 60 percent of the people out, and I certainly hope, and I will ask for a roll call.

I certainly hope that you will not go along with Senator Hichens on indefinitely postponing this that we passed last year and a vote on it that we pass it last year after Senator Conley spoke on it and a few others, the vote that we passed it on last year was 21 to 5. Thank you.

(Off Record Remarks)

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

Mr. HICHENS: Mr. President, I commend the good Senator from York on his homework. Looking back over the past record; but I do not know that the amendment that we have today has to do with drinking on election days. There is nothing in the amendment whatsoever about whether a person can drink or what they cannot drink on election days. This is to whether the towns by local option will vote on general and primary election days or whether they will vote at the municipal elections. There has been a lot of confusion in the past year by the towns as to two conflicting laws and the Local and County Government Committee were given a Bill by Maine Municipal Association this year correcting the situation by having it come under municipal elections with 15 percent of the people having to sign a petition in order to have it come under local option and we worked on that Bill, came out with a unanimous report on the Committee Amendment which includes municipal elections. We found later that someone had gone to the Judiciary Committee and asked to have the general election petition, local option Bill, taken up at the general and primary elections. Now we have this Bill before us this morning as amended by the Committee. I think that it deserves your vote, and I hope that you go along with it.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: The Statement of Fact on the Amendment, the Senator eludes to, the good Senator from York, said, "this amendment will provide that the voting for local option questions will be conducted at primary, special statewide or general elections. It is to be noted that this was the desire of the Legislature in June of 1977 when it enacted Chapter 292. The first section which failed to become law because of procedural problems." This is simply correcting an error in the omission of the last Session.

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

Mr. JACKSON: Mr. President and Members of the Senate: I think one good Senator from York, Senator Hichens has explained the Amendment quite aptly.

There was a mixup last year in the laws and it was very confusing to the municipalities.

They did not know exactly when and how and what and where. We did attempt, in the Committee, with the Committee Amendment to solve this problem and evidently that has run into a little trouble between here and there.

I have to support the good Senator from York this morning, Senator Hichens in the indefinite postponement of this Committee Amendment, because I think it is just going to add a little bit more confusion to the municipalities.

I would suggest that the possibility of an Amendment being prepared after this one is defeated if there are a majority of Members in the Senate that think that it should be held, in a general election, statewide general election, that somebody should prepare that Amendment, present that Amendment, specifically stating the general election, not a special or a primary or statewide or a general election. Either have it clear cut at the municipal meeting or at the general election.

We did make an attempt for a provision in here that once the question has been voted on, it cannot be brought up again for two years, and I think this an important part of the Bill, but again I would hope that we would follow the Motion of the good Senator from York this morning and indefinitely postpone this Amendment and follow suit and postpone, indefinitely postpone the following amendment and put it in its proper posture and amend it tomorrow to clarify the law when the municipalities will have a clear cut decision whether if we accept it, if they do it at the municipal elections or if we offer the Amendment, they do at the general elections.

The PRESIDENT: The Chair will interrupt the debate to ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Speers, to the Rostrum to assume the duties of President Pro Tem.

Thereupon, the Sergeant-at-Arms escorted Senator Speers of Kennebec to the rostrum where he assumed the duties of President Pro Tem, and President Sewall retired from the Senate Chamber.

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

Mr. MERRILL: Mr. President and Members of the Senate, I would like to pose an inquiry through the Chair to the Chairman of the Committee on State and Local Government if I may.

If I understand his suggestion is, that we indefinitely postpone the House Amendment "A" and then later indefinitely postpone House Amendment "B", and consider possibly some other Amendment at a later date, how would the other Amendment differ from House Amendment "A" and House Amendment "B" so that in fact we would not have already have taken an action that would preclude the consideration?

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: House Amendment "B". The only thing with House Amendment "B" is the language where it says, "21 days prior to holding any primary, special, statewide, or general election." This is the conflict presently with the law that we passed last year with the municipalities holding municipal elections.

What I suggest is, is the possibility of an Amendment specifically stating either your primary election or the statewide general election; not the combination of any three. And either that or accept the original Bill at the municipal election.

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

Mr. LOVELL: I am afraid I have to disagree with Senator Jackson. This simply states that there has got to be a statewide election.

Whether it be primaries or whether it be in referendum or whether it be the November election. It is a statewide election not a town election but statewide. It cannot come up but once every two years, and they have got to get 15 percent of the gubernatorial vote of voters in the last election to bring up the question or otherwise the town stays as is; wet or dry. So they have to have that 15 percent 21 days before the election. And then it goes on the Ballot. But if you have it at town meetings and people write it on a slip of paper or they raise their hands, I vote wet or I vote dry and so forth how are you going to do it at municipal elections? You cannot do it. But this amendment is a good amendment. I feel that we should pass this amendment; definitely!

The PRESIDENT Pro Tem: The Chair would remind the Senate that the motion before the Senate is the Motion by the Senator from York, Senator Hichens to indefinitely postpone House Amendment "A" 1026. A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I am glad you brought that to our attention because most of the debate has been on House Amendment "B", but I would advise the good Senator from York that this is by ballot at the town municipal elections, and not by raising the hand or debate on the floor of town meeting.

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

Mr. LEVINE: Mr. President, I am a little perplexed. Perhaps some members of this Senate underestimate the intelligence of some of the municipal officers but if a little country boy like me can understand this amendment and this Bill, I am certain municipal officers can also understand it. Am not at all sure what there is in this that is so totally confusing to them that they have no idea when those election should be held.

The PRESIDENT Pro Tem: A Roll Call has been requested. In order for the Chair to order a Roll Call it must be the expressed desire of one-fifth of those Senators present and voting.

Will all those Senators in favor of a Roll Call please rise in their places to be counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I pose a question through the Chair because of the confusion that has taken place up to date. Again the good Senator from York, Senator Lovell, seems to be discussing House Amendment "B" filing H-1027 when the motion before the Senate is the indefinite postponement of House Amendment "A" to filing of H 1026 and it just seems to me that everything is in total confusion here. Perhaps it is normal; but it seems to me that something should be clarified before the vote is taken.

The PRESIDENT Pro Tem: The Chair understands the Motion before the Body is the motion by the Senator from York, Senator Hichens to indefinitely postpone House Amendment "A" H 1026.

On Motion of Mr. Conley of Cumberland, Tabled for One Legislative Day pending the Motion of Senator Hichens of York to indefinitely postpone House Amendment "A".

Senate

Leave to Withdraw

Mr. Usher for the Committee on Education on, 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)

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. Usher for the Committee on Education on, Bill, "An Act Concerning Pilot Projects for more Effective and Efficient Delivery of Services to Preschool Handicapped Children." (Emergency) (S. P. 684) (L. D. 2106)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-465).

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

Second Readers

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

House

Bill, "An Act to Restructure the Fuel Adjustment Clause." (H. P. 2092) (L. D. 2137)

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

House — As Amended

Bill, "An Act to Amend Foreclosure Proceedings by Civil Action." (H. P. 1977) (L. D. 2062)

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

Senate — As Amended

Bill, "An Act to Provide for Specific Liability for Persons or Corporations Contributing to a Public Nuisance." (S. P. 658) (L. D. 2035)

Which was Read a Second Time.

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

Mr. CARPENTER: Mr. President, I present Senate Amendment "A" (S-467) and move its passage and would speak briefly to the Amendment.

The PRESIDENT Pro Tem: The Senator from Aroostook, Senator Carpenter, presents Senate Amendment "A".

The Secretary will read the Amendment.

Senate Amendment "A" (S-467) was Read.

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: You have before you an amended version of L. D. 2035. The Bill itself is Committee Amendment (S-464). This is the infamous Houlton Beetle Bill and I have been waiting all Session for this Bill to come along.

What has happened, I would first of all emphasize, is not unique to the particular community in which I happen to reside. Last summer, for whatever reason, we had numerous occasions of insect problems, infestations in various communities throughout the State. Turner, I believe Sidney, the Town of Houlton was overrun by the famous Houlton Beetles, and we are trying to make some attempt to correct the problem through legislation. What the original Bill did was rather severe and cumbersome and difficult to administer and control so we end up with the Judiciary Committee, Committee Amendment S-464. Basically what I hope to accomplish by this Bill, is if this problem occurs again at least the persons residing in the community where the problem is will have somebody to go to. The way the law is written presently I found no one would be willing to take hold of this matter, either prosecute or say yes there is a problem and you have got to do something about it Mr. So and So or Business So and So. Nobody wanted to take charge of this. Human Services would handle it if the particular insect were disease carrying, another department would handle them if they cause a different type of problem but my parti-

cular problem in Houlton was just plain old bugs and they did not cause any problem that a State Department was willing to take hold of. The Committee Amendment now puts the responsibility for this type of an infestation squarely in the hands of the State Entomologist and it says that he, the Committee Amendment says that he may refer all this information to the Attorney General. My Amendment which we are discussing at the moment would say, that he shall refer to the Attorney General plus the other important part of this Amendment is that it takes out a problem that the farming community had with the Bill. The farming community, particularly the poultry industry, presently is in agreement with the Amendment that I am offering here under filing of 467, I believe, the one that I just presented and they can live with this other than the rising from normal agricultural activity and this is going to have to be a definition of either the state Entomologist or the Attorney General. I would hope that we would pass this Bill to be engrossed, with the Amendment this morning. Thank you.

The PRESIDENT Pro Tem: The Chair understands the Senator from Aroostook, Senator Carpenter, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A." Is it the pleasure of the Senate? It is a vote.

Senate Amendment "A" to Committee Amendment "A" was Adopted. Committee Amendment "A", as amended Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down in concurrence.

Enactors

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

An Act to Increase the Authorized Indebtedness of the Kennebunk Sewer District and to Limit the Use of that Increase. (H. P. 2012) (L. D. 2087)

An Act Establishing Vision Test Requirements for Drivers License Renewals. (H. P. 1884) (L. D. 1938)

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

RESOLVE, to Appeal the Decision of the State Claims Board Regarding Property Loss Suffered by Henry E. Ripley of Liberty Because of Theft at the Augusta Mental Health Institute. (H. P. 2011) (L. D. 2086)

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

(Off Record Remarks)

The PRESIDENT laid before the Senate: Bill, "An Act to Facilitate the Making of Decrees by the Industrial Accident Commission." (S. P. 643) (L. D. 2010)

Tabled — February 13, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
On Motion of Mr. Huber of Cumberland, Retabled.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House House Paper

Bills requiring reference to Committee were acted upon in concurrence.

On Motion of Mr. Huber of Cumberland, Adjourned until 11:00 in the morning, Thursday, February 16, 1978.