

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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Senate Confirmation Session

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APPENDIX

SENATE

February 28, 1978

Senate called to Order by the President.
Prayer by the Honorable Theodore S. Curtis, Jr. of Orono.

Honorable Mr. CURTIS: Let us pray. Dear Lord on this beautiful day may we have an appreciation for the wonders of Your world. From the sea, fields, and the forest, and their produce that provides our substance to the people in Your imagine who inhabit Your earth and try to do Your work. Amen

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Revise the Salaries of Certain County Officers." (H. P. 1942) (L. D. 2108)

In the Senate, February 23, 1978 Passed to be Engrossed as amended by Committee Amendment "A" (H-1030) as amended by Senate Amendment "A" (S-472) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" and House Amendments "B" (H-1094) and "C" (H-1095) thereto, in non-concurrence.

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

(Off Record Remarks)

Communications

Committee on Performance Audit

The Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine 04330

Dear President Sewall:

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

Total Bills Received	1
Unanimous Reports	1
Leave to Withdraw	0
Ought Not to Pass	0
Ought to Pass	0
Ought to Pass in New Draft	1
Ought to Pass as Amended	0
Divided Reports	0
Total Number of Amendments	0
Total Number of Redrafts	0

Respectfully,

Signed:

RICHARD MORRELL
Senate Chairman

Which was Read and Ordered Placed on file.

Orders

Expressions of Legislative Sentiment recognizing that:

Honorable Earl Wing, of Kingfield, a former member of the Legislature, a former Franklin County Attorney and Municipal and Probate Judge, has celebrated the 90th anniversary of his birth. (S. P. 713) is presented by Senator Redmond from Penobscot Cosponsored by Representative Dexter from Kingfield.

The Katahdin High School Basketball Team has won the Eastern Maine Class C Championship for 1978. (S. P. 714) is presented by Senator Pray from Penobscot Cosponsored by Representative Birt from East Millinocket and Representative Lougee from Island Falls

The Mexico High School Pintos are the Western Maine Boys Basketball Class B Champions for 1978. (S. P. 715) is presented by Senator O'Leary from Oxford Cosponsored by Representative Brown from Mexico

The Dixfield High School Cougarettes are the Girls Basketball Class C Western Maine Champions, for 1978. (S. P. 716) is presented by Sen-

ator O'Leary from Oxford Cosponsored by Representative Rollins from Dixfield

The Jay High School Tigers are the Western Maine Class C Boys Basketball Champions for 1978. (S. P. 717) is presented by Senator O'Leary from Oxford Cosponsored by Representative Maxwell from Jay

Which were Read and Passed.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Health and Institutional Services on, Bill, "An Act to Clarify the Rights and Responsibilities of Institutions to Provide Medical Care." (H. P. 1992) (L. D. 2067)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Natural Resources on, Bill, "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program." (H. P. 1959) (L. D. 2041)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1070).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-1093).

Which Report was Read.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, pending Acceptance of the Committee Report.

Ought to Pass in New Draft

The Committee on Transportation on, Bill, "An Act Relating to the Maine Turnpike Authority." (H. P. 2062) (L. D. 2125)

Reported that the same Ought to Pass in New Draft under new title, "An Act to Revise the Administration and Toll System of the Maine Turnpike." (H. P. 2132) (L. D. 2157)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "F" (H-1096).

Which Report was Read and Accepted in concurrence and the Bill, in New Draft, Read Once.

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

Mr. DANTON: Mr. President and Members of the Senate: On this Bill L. D. 2125. Maybe I should ask unanimous consent to address the Senate or may I speak to the Bill?

The PRESIDENT: The Senator may speak in reference to the Bill.

Mr. DANTON: I would like to take this opportunity to commend the Committee on Transportation for the fine Bill that they worked on all summer long. And finally have reported to the Legislature to give us an opportunity to vote on.

This Bill, as many of you can remember, was debated at length last winter, and many of you perhaps can remember that I said that when the Maine Turnpike Authority 30 years ago was first authorized there was not one word of debate, and I would like today just for the record to say that with the State taking over the Turnpike that will eventually allow for the citizens and the taxpayers of Maine to be able to use the Turnpike with the three barrier system that will be placed in the next Legislature and ultimately it will serve the purpose that we all debated and hoped for last winter. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscooggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: It certainly gives me a

great deal of pleasure to have Senator Danton and the York County Delegation in full concurrence. As you may recall last year we were on different ends of the spectrum with respect to this particular Legislation. I too would like to commend Senator Greeley for the outstanding job that he has done in bringing all these people together. Go through many different public hearings, weighing and analyzing many different alternatives. In the interests of the people of the State of Maine and it certainly gives me a great deal of pleasure to go along with Senator Danton in the acceptance of this particular Committee Report this morning.

House Amendment "F" Read, and Adopted in concurrence.

This Bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

RESOLVE, Remimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (Emergency) (H. P. 2014) (L. D. 2089)

Which was Read a Second Time.

On Motion of Mr. Huber of Cumberland, tabled for One Legislative Day, pending Passage to be Engrossed.

RESOLVE, To Establish a Commission to Study the Continuation of Coverage under Certain Group Health Insurance Policies. (H. P. 2131) (L. D. 2156)

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

Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association. (Emergency) (H. P. 2138) (L. D. 2165)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence, without reference to Committee.

Sent down for concurrence.

House — As Amended

Bill, "An Act Relating to Tuition Computation Charged by Private Schools under the Education of Exceptional Children Law." (H. P. 2028) (L. D. 2096).

Bill, "An Act to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program." (Emergency) (H. P. 1915) (L. D. 1976)

Bill, "An Act to Amend the Child Welfare Laws." (Emergency) (H. P. 1990) (L. D. 2065)

Bill, "An Act to Allow Nursing Homes to Provide Physical and Occupational Therapy to Residents in Need of that Care." (Emergency) (H. P. 1913) (L. D. 1974)

Bill, "An Act to Clarify Procedures for Emergency Admission to Hospitals for Mentally Ill." (H. P. 1997) (L. D. 2078)

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

Bill, "An Act to Provide Municipalities with the Authority to Establish Standards for the Installation of Wood Stoves." (H. P. 2037) (L. D. 2101)

Which was Read a Second Time.

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

Mr. MERRILL: In regard to L. D. 2101, I wonder if someone could just provide an explanation on the record to the Senate as to why this Bill is necessary and why the Home Rule Statutes of this State do not make it possible for the municipalities to take this step without special legislation.

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

Mr. TROTZKY: Mr. President and Members of the Senate: What the Bill does, the Committee Amendment does is to take first the office of the State Fire Marshall shall propose standards for the installation of wood stoves and this after, I believe, a public hearing shall be

held to come up with these standards. Then the office of Energy Resources shall make these standards available to the municipalities in the State. Then the Home Rule provision comes in that the municipalities may adopt these standards or may not adopt these standards. So basically the answer to Senator Merrill's question, the municipalities do have the right to adopt standards for the installation of wood stoves voluntarily, however, the Bill, goes beyond that and it authorizes the State Fire Marshall at the public hearing to come up with some model standards. They do not have to adopt those model standards they can go beyond it or lessen those standards.

(Off Record Remarks)

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I am not sure that the Senator from Penobscot answered the question of the Senator from Cumberland and I would pose a question again. Is there anything presently in the statutes of the State of Maine that presently prevents municipalities from saying, hey, we ought to have some standards there are a lot of wood stoves in the Town of Houlton, we ought to have some standards, is there anything presently in the statutes that prevents them from having this? I think that I am a little bit in a quandary somewhat to the Senator from Cumberland. I am not sure that I like the idea of a state wide standard even being available to our municipalities. I think that in many, many cases we see municipalities doing things that severely hamper the lives and living conditions of the individual citizens. With that Mr. President, I would move the indefinite postponement of this bill and all of its accompanying papers.

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

Mr. HUBER: Mr. President and Members of the Senate: I think that this bill does address a real problem. It is not an interest bill obviously. It simply allows the preparation of comprehensible information concerning the installation of wood stoves. It is in no way a mandate from the State toward the municipalities. It simply allows the State Fire Marshall and others after public hearing to get some comprehensible information prepared from the welter of information and misinformation concerning the installation of wood stoves.

The Town of Falmouth has adopted standards similar to those that I would presume to be prepared by the State Fire Marshall, there has been no problem. I think that problems have been avoided in the Town of Falmouth. I think that the information available is copious and some of it is good and some is poor. I think that if towns have some perhaps digested proper information before them. I think that they can on their own decision adopt this or not adopt this as they see fit. I think that there is simply a need to municipalities and I think certainly it does not infringe on the Home Rule provision of our law, and I will hope that you will oppose the indefinite postponement motion.

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

Mr. TROTZKY: Mr. President, the filing number of this amendment is H-1079. We do have today in New England proliferation use of wood stoves because of the cost of oil.

The concern I think here the Committee had was the concern for the safety of the people throughout the State. We did have a Fire Chief, a fireman from the City of Portland testify in favor of this Bill. Nothing is mandatory here. The answer to the Senator from Aroostook, Senator Carpenter's question, nothing is mandatory on the municipalities. All this Bill will do is order the State Fire Marshall to come up with some standards, some guidelines that might help those municipalities that wanted to

adopt standards.

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

Mr. MERRILL: Mr. President and Members of the Senate: Sometimes as I sit here, I am overcome by the ambition of this Body. The ambition that we are going to be able to protect all those who go into the woods in groups of eight, and that the Maine Legislature and State Government can teach Maine people how to burn wood. Well, I hope that we can I have to admit from time to time I wonder if the people that heated their homes with wood before they had a State Government or a National Government really needed the help of the State. But I am not going to vote against this Bill, but it just seems to me that there is nothing that this Bill calls for that could not be done without a law being passed. The State Fire Marshall I am sure could promulgate these standards without a law being passed. The towns have the power already, to implement these standards without a law being passed and I do not know if this Legislation raises the level of emergency that we contemplated when we called this Session together.

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

Mr. CONLEY: Mr. President and Members of the Senate, I would have to agree with what my colleague from Portland the good Senator, Senator Merrill. I think that on occasions that we do perhaps overstep what could be concerned as other peoples boundaries but it is my understanding that in dealing with this particular matter, there has a great deal of inflex on wood burning stoves that have been put into peoples homes.

It is my understanding that the State of Massachusetts underwent a rash of fires in a very, like I say, a highly number of fires alot of homes lost alot of peoples lives have been lost.

I think that what this primarily is is a precautionary matter where the State Fire Marshall will draft up standards of regulations again not mandating but having available for the communities to adopt within their local ordinances if they so desire. It seems to me that it is at least a step in the direction of trying to preserve property and human life.

Also my understanding is that, and I recall a short time ago riding up to Augusta one evening and I was listening to WBZ Radio Station and there was a gentlemen on there discussing the importance of having wood stoves when they are installed that there are so many things that to be considered. And I do not know anything about a wood stove and I was shocked at some of the questions that were raised. It just seems to me that many people are getting into this area today that they should be at least informed well-informed as to the possibility of what may or might happen.

I think that it has only been a couple of weeks ago that the Senate Chamber here incurred the wrath of the good Senator from Penobscot, Senator Sewall, who took it upon himself to sort of warm the Chamber in his office and he obviously an outdoor sportsman, with great knowledge on how to catch salmon and how to burn woods and how to have a nice fireplace going, because of his lack of knowledge of particular flues in the State House we were almost asphyxiated in driven from his office to the speaker's office. So perhaps we ought to adopt another law that would restrict Presidents and any other Chamber within the building that has a fireplace some technical information that may be afforded to that individual as to whether and to how one should light a fire.

So it would be my hope that to go along with this particular Bill today and at least allow the State Fire Marshall to try and put some sort of standards together to offer the municipalities to adopt.

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

Mr. MERRILL: Mr. President and Members

of the Senate: I have to take a minor exception to the remarks of the Minority Leader. The President of this Chamber is of a much accomplished firemaker and sportsman and that is well known. Unfortunately he did not have the experience of the strange climatic conditions that you find in the State House which are as we know typified by a strong wind currents and abnormal amount of hot air.

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

Mr. MORRELL: I take issue with the Senator from Cumberland, he obviously does not know what makes a chimney work and that is the hot air inside going out.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I hesitate to bring the Senate back on the subject.

The closer I look at this Bill, the more I look at this Bill the more I am concerned that at least indirectly, we are mandating to the municipalities or urging them to follow the wisdom of the Almighty Fire Marshall. I think that the good Senator from Cumberland, Senator Huber, perhaps made my point better than I can. He mentioned that the Town of Falmouth has already promulgated rules and regulations and an ordinance to handle the installation of wood burning stoves in that particular municipality and again the question that I asked and the Senator from Cumberland, Senator Merrill, asked has not been answered at least directly, but I think the answer is that no there is nothing on the law books today that says that a municipality cannot do this. So why don't we go allow them to do this.

I do not think that we should be reacting to a situation in the State of Massachusetts or a situation as noted over WBZ Radio at all. I think that there are a great number of people getting involved in the wood burning business in the State of Maine as was mentioned earlier, but as I read this Bill it says, "A hearing shall be held," which I assume would probably be Augusta or Portland, "Rules will be drawn up." It will be so much easier for municipality which figures that they ought to have something in the ordinance book to accept what the State has said is right and good and just, rather than draw up their own regulations for their own particular or peculiar circumstances. I would rather make the town officials earn their pay checks, small as they may be and do some work in this area themselves and not have to have a document.

I guess that I would have another question for the Senator from Penobscot. If this Bill passes and a municipality the Town of Houlton decides to draw its ordinance, would they still be allowed to do so, or if they are going to adopt standards for the installation of wood stoves in any form would they have to accept what is in this Bill?

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

Mr. MANGAN: Mr. President and Members of the Senate, I almost am tempted to see that a document of this type is properly amended to include that the Cities of Lewiston and Auburn, their fire inspectors could probably also throw in some proposed suggested standards so that other people can use them, because I know that they have done a fairly good job in the area of wood stoves.

The Bill bothers me in a couple of ways because I know of several people that burn exclusively with a wood stove but they do not have the stoves that are designed exclusively to burn wood. Any individual who lives on a farm, knows fair well that generally when you are out in the farm country, when you are out in the rural area, the City, the Town does not really come by and pick up much trash and any papers are usually thrown into the wood stove and anything else Kleenex or what have you. So that there are really very few stoves that are

designed exclusively to burn wood so, that would probably provide a loophole some place along the line.

Secondly, I think that this may provide the State Fire Marshall with an additional job another layer of bureaucracy, but I think that in the long run what this breaks down to is just another law that five years down the road some Legislator may come up and say that it really is not necessary lets throw it out and the newspapers will say, isn't that great we have eliminated a lot of junk from our Statutes. And this is basically what I think this is and I urge you to indefinitely postpone.

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

Mr. TROTZKY: Mr. President, I would like to answer the question, posed by the Senator from Aroostook, Senator Carpenter.

First of all, Houlton can adopt any standards that it wants for the installation of wood stoves. This is not telling them what standards it should adopt. What this Bill is doing is saying that we have a State Fire Marshall. We also have an Office of Energy Resources. Lets put them to work and go through a public hearing to come up with some sound standards which is a service to the communities. Then the amendment says very specifically those communities which desire to regulate the installation of wood stoves can get those standards from the Office of Energy Resources. So it is not mandatory on any community.

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

Paper from the House Joint Order

An Expression of Legislative Sentiment recognizing that: for 1978, Debra Perkins of East Corinth has been selected the Farm Bureau Queen; Libby Smith of Presque Isle, the Maine Potato Queen; Allison Davis of Cutler, the Maine Blueberry Queen; Jane Wilson of Fairfield, Miss Rodeo Queen; Laurie King of Palmyra, Maine Egg Princess; Pamela Gray of Addison, Maine Broiler Queen; Diane Barnes of Hiram, the Maine Apple Queen; and Cindy Michaud of Houlton, the State of Maine Dairy Princess, (H. P. 2155)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

(Off Record Remarks)

The PRESIDENT: The pending question before the Senate is the motion from the Senator from Aroostook, Senator Carpenter, that (L. D. 2101) be Indefinitely Postponed.

The Chair will order a Division.

Will all those Senators in favor of Indefinite Postponement please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

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

Senate

Bill, "An Act to Encourage the Formation of Small Business Investment Companies." (S. P. 675) (L. D. 2083)

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

Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Authorize the Supreme Judicial Court to Establish by Rule a Committee on Judicial Responsibility and Disability." (H. P. 1900) (L. D. 1957)

Tabled — February 24, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
Which was Passed to be Engrossed in concurrence.

The President laid before the Senate:

RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office. (H. P. 1886) (L. D. 1943)

Tabled — February 24, 1978 by Senator Speers of Kennebec

Pending — Motion of Senator Conley of Cumberland to Reconsider Passage to be Engrossed

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

Mr. COLLINS: Mr. President, following our brief debate last week on this Constitutional Amendment concerning the power to remove judges, someone asked me why if there has been only one removal by impeachment in the course of 157 years, do we need to have any additional method of removal? A legitimate question.

At the present time we are not aware of any problem Judge in Maine who has behaved in such a fashion as to demand the drastic step of removal. We are aware that this is a time in our history when public confidence in government is at fairly low tide. Better then five years ago, but not as healthy as we might wish. To our credit, the institutions of government are undertaking critical self-analysis in all branches. The Senators from Cumberland, Senator Conley, and Senator Merrill, have been leaders in support of a Legislative Ethics Commission. Appointed by leaders of the Legislature. We have disciplined ourselves and those who lobby us, to file disclosure statements recording relevant financial data.

Judges have adopted a code of Judicial conduct. Nearly forty of the States have established a Committee Council Commission or similar body to have jurisdiction over the discipline and removal of judges.

The first answer to my friends question then is, that we see this as a means of maintaining public confidence in the judiciary behavior on the part of the judges themselves. We believe that judicial discipline thus imposed will protect the public and preserve the integrity of the Judicial Process.

The Second answer is found in the immediate past experience which was related to you last week by the Senator from Penobscot, Senator Curtis. The Judge of our Administrative Court lay in deep coma for about ten months before his death. In the opinion of our best lawyers, the only Constitutional method of removing him would have been by impeachment. An involuntary retirement statute is probably not constitutional. Illness not admitted by the judge in question, senility, acute alcoholism these are possibilities which could become a problem.

Last year the Legislature charged the Committee on Judiciary and the Judicial Council with making the study which is reflected in the two measures now before this Body. (L. D. 1957), which we just moved along the way, "An Act to Authorize the Supreme Judicial Court to Establish by Rule a Committee on Judicial Responsibility and Disability and (L. D. 1943), this Resolution Proposing an Amendment to the Constitution to Grant the Supreme Judicial Court the power to remove a Judicial Officer from Office."

The Judicial Council subcommittee was Chaired by Justice Charles Pomeroy included: Dean Bert Prunty of the University of Maine Law School, Edith Harry, Law Librarian; Mrs. Sally Rand, Justice David Roberts for part of the time and Justice Ian McInnis for the remainder of the time. The present Joint Standing Committee on Judiciary includes six lawyers and seven non-lawyers. The report of the Committee was unanimous.

On each desk today you will find a letter from

Chief Justice McKusick outlining the composition of the Committee which would be appointed under Rule of Court if this Legislation is enacted. you will note that five of the seven members would be named from recommendations supplied by the Governor. While two judges would be selected by the Supreme Judicial Court. Three of the seven members would be neither lawyers nor judges, while two would be lawyers nominated by the Governor.

We recognize that 22 votes in this Body are required to send a Constitutional Amendment out to a referendum of the people. I do not intend to offer the amendment which I had drawn up in my first thinking about Senator Merrill's objections last week. I am asking the Senate to make this vote today, a serious pass vote so that we will not waste the Legislature's time, if there is not strong support for this measure. If you do not feel that this additional method of removing judges is appropriate, please express that opinion, and we shall return to the drawing board.

This Amendment reflects the draft of the standards relating to judicial discipline and disability which the Joint Committee on Professional Discipline of the Appellate Judges Conference of the United States and the Committee on Professional Discipline of the American Bar Association will present to the House of Delegates of the American Bar Association this summer. This is a current topic of debate all over the country in many quarters of the profession. I might say that there is also pending before the Congress of the United States and has been for some years measures in this same area. I would urge the Senate today to vote no on the pending motion for reconsideration and I request a Division.

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

Mr. MERRILL: Mr. President and Members of the Senate: The Chairman of the Judiciary Committee has spoken eloquently to the needs of this new procedure with which I have no disagreement. However, in my opinion, he has failed to address at all why it would not be more prudent to leave with the Legislature the power to delegate or not delegate this rule making power. Now I think that this language is rather extraordinary. It creates the possibility of a conflict, and I think that when you are writing a constitution in a system of checks and balances, you ought to recognize the possibilities for conflicts are always there. And we are talking about in the extraordinary power, the power to remove a Judicial Officer, and I think that it behooves us to write the Constitution in a way as to make it clear where the final responsibility lies. As I stated, I have no objection whatsoever to Legislation which delegates to the Court the power to make these rules, but I do have objection to putting it into the Constitution.

Now I urge the Senate today to vote to reconsider. Then if it is still the Senator from Knox, Senator Collins, decided not to offer the Amendment that he has had drafted, I would hope that we could table it for a day so that I could have an amendment draft that could be identical to the one filed under (S-482) and offer it. I think that it is more prudent. I think that it is more traditional, and I think that when you write an Constitution, that you ought to contemplate the possibility of conflict and write it that it takes care of that problem. I might say that I am only one vote in thirty-three but unless this is amended I will do all that I can to see that this Constitutional Amendment is not put on our books. Not because I object to the philosophy stated by the Senator from Knox, Senator Collins, but because I think we owe an obligation to write a Constitutional Amendment in a way that is not to invite a conflict and this one certainly does. It gives the power to two bodies. It does not state which one takes precedence over the other, and invites problems that are unneces-

sary and I have heard no reasons stated why we should do it.

So I would hope that we would vote to reconsider today and then we can amend this and I think that if we do that, we will probably receive a unanimous vote on this final enactment.

(Off Record Remarks)

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

Mr. CONLEY: Mr. President and Members of the Senate: I too would urge the Senate to vote for reconsideration on the engrossment of this particular resolution. I have strong feelings about the Constitution and I do not think that it was written by our forefathers for the Supreme Judicial Court nor the Joint Standing Committee on Judiciary. And I appreciate the fact that the labor that has been undertaken over the past year but with respect to the present drafting of this amendment my feelings are very strong in as expressed by the good Senator from Cumberland, Senator Merrill. I too intend to vote against the adoption of this resolution, if it is not changed.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

Division has been requested.

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

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

9 Senators having voted in the affirmative and 18 Senators in the negative, the Motion to Reconsider does not prevail.

The President laid before the Senate:

HOUSE REPORT — From the Committee on Natural Resources — Bill, "An Act to Clarify Certain Definitions under the Subdivision Law and to Set Out the Intent of the Legislature in Enacting that Law. (H. P. 1935) (L. D. 2006) Ought to Pass as Amended by Committee Amendment "A" (H-1032)

Tabled — February 27, 1978 by Senator Trotzky of Penobscot

Pending — Acceptance of Report

Which Report was Accepted in concurrence. The Bill Read Once. Committee Amendment "A" Read.

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

Mr. TROTZKY: Is it in order to present Senate Amendment to Committee Amendment "A" at this time?

The PRESIDENT: This would be the proper time to do that.

Mr. TROTZKY: Mr. President, I present Senate Amendment "B" to Committee Amendment "A" (S-492) and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption.

Senate Amendment "B" (S 492) Read.

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

Mr. COLLINS: Mr. President, I would ask the good Senator from Penobscot if he would tell us what this Amendment would do to the law that is not already available under existing law?

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate, this is probably the most important Bill that the Natural Resource Committee has been working on this Session and we had a great deal of difficulty with this Bill and it has

gone through many drafts. And I would like first to explain what the Bill does.

Years ago I guess it must have been back in the early 1970's a Subdivision Law was passed in the State of Maine which said that, "A subdivision is a division of a tract or parcel of land into three or more lots in any five year period." And then it goes on to say "Whether accomplished by sale, lease, development, or building."

On June of 1972 the Maine Municipal Association asked the Attorney General's Office for an informal interpretation of that law. The Attorney General's Office favored a broad functional interpretation of the word subdivision. Stating that the law clearly provides division for development which could occur without the sale of lots. Further on in the memorandum it states that development in that law could be considered subdivision. They stated that, it is our opinion that cluster housing, shopping centers, mobile home parks, apartments, condominium or cooperative housing with multiple building units may be deemed subdivision. Now the interpretation was based on impact. In other words, when we passed the subdivision law, we said that if there are three or more lots a subdivision is a three or more lots, that the municipalities shall review that subdivision but if you have a three unit apartment building or a mobile home park with three units, you can have the same impact on the environment as you can by a subdivision into three lots with three separate houses. So that is where the Attorney General's interpretation. It was the functional interpretation of the word subdivision.

Now since 1972, let me go back a second, there are 194 or 200 towns mostly in rural communities which have no ordinances and since have no ordinances or zoning related to subdivisions and since 1972 they have been relying on the Attorney General's interpretation of that law to review things like mobile home parks, they may review mobile home parks, motel, campground and so on. The problem came in this past year 1977 where a court case, the Town of Arundel versus Swain a Superior Court Judgement said that a camp-ground was not within the statutory definition of subdivision into lots, and, therefore, the town had no jurisdiction under the State Subdivision Law. Which was in contradiction to the Attorney General's opinion.

So right now it stands that these 200 or so towns which have been relying on the Subdivision Law for a municipal sight review have nothing to fall back on and many of the people in these towns are against zoning and against well, zoning and against sight review and planning boards are very difficult to keep filled with membership. Anyway so this is a problem.

What the Bill tried to do was to try to clarify, clarify the Subdivision Law and what the Committee Amendment eventually came up with it stated that in addition to the foregoing municipal reviewing authority and then the word is "may" in there, they may review according to certain subsections all recreational, residential, commercial, and industrial development this by the way is filing number H 1032. Municipal reviewing authority may review apartments, condominiums, mobile home parks, nursing and boarding homes, hospitals, hotels, etc.

What I have done with Senate Amendment "A" which I presented here, is I have taken out the word municipal reviewing authority because that is an appointed position. Municipal reviewing authority and I have changed it to, wait a second I have the wrong, I have changed it so say that the municipalities may provide by ordinance. In other words, the elected officials of these municipalities may provide by an ordinance to review all of these things under this law. So essentially what we are trying to do, is just to clarify the law, because the Swain versus Arundel Case puts this whole law into

question. And to give these 194 or so municipalities which have no other law, no other laws on their books a chance at sight review of these development which have impact. Now they have to go, in reviewing these they have to go by certain guidelines. They have certain criteria. They cannot be arbitrary and some of these criteria are all spelled out in law here and they relate to the effect of subdivisions on water, in other words, a motel has an effect on water, a campground has an effect on water supply, air quality, water supply, soil, drainage patterns, sewerage, solid waste disposal, traffic, safety, scenic and natural beauty. In other words, they have guidelines to go by. So although this Bill does not effect Portland, does not effect my city of Bangor, or many of the cities in the State which do have zoning, and all kinds of ordinances it does give a chance to many of those small rural towns, to review a development which should would be built in those towns.

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

Mr. MANGAN: I would like to pose a question through the Chair to anybody who may wish to answer it. The question basically relates that if these 200 municipalities do not want zoning, and if they do not want anything to do with this comprehensive planning, doesn't this Bill really shove it down their throats, and force them to review anybody who wants to put up a four apartment building or put in a small trailer park?

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: It says under this Amendment it says one municipalities may provide by ordinance; It does not say that they have to. It says that they may provide by ordinance for the review of these recreational, residential, and commercial development. So I do not believe and I discussed this with the Committee's Assistant who is an attorney, that I do not believe this mandates in any way that they do review these but at least they have the option and without this law, if a development starts in that community and they do not have any ordinances they cannot review it once it is started.

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

Mr. DANTON: Mr. President and Members of the Senate, L. D. 2006 this Session has caused me more problems than any other L. D. that we have had. I have had meetings with the home builders, I have had meetings with campground owners, I have had meetings with planning board members, zoning board members, are all confused with this (L. D. 2006, and the more amendments we put on this Bill the more confusing it gets.

I think that if this Bill should go back to Committee, maybe there should be an order presented and have the Natural Resources Committee and study this during the summer and report to the next Legislature. I move that this Bill and all of its accompanying papers be indefinitely postponed.

The PRESIDENT: The Chair would advise the Senator that his motion at the present time is out of order as the amendment takes precedence over the pending question.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: I would like to speak very briefly, and indicate that at the time when the previous motion that was out of order is in order that I hope it is made and I would certainly support it. And my concern comes from a difficulty of understanding whether or not this change in the Law would create any real serious problems in the transfer of land, particularly the marketability of title. And I have some correspondence from title attorneys in

the Bangor area who are very knowledgeable and whom I respect and I am very concerned about one more change by the Maine Legislature.

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

Mr. O'LEARY: Mr. President, I was originally opposed to this Bill in Committee and I am still in a difficult position with it. I find it very difficult now to look at this Amendment and in just a few moments have to make a decision as to whether it is going to help or hinder the present Bill which is 1032, the A Committee Amendment.

I think that the Senator from Penobscot, Senator Curtis, is correct in his assessment and I hope that we would dispose of this Amendment and then perhaps dispose of the Bill.

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

Mr. LOVELL: Mr. President and Members of the Senate: In my area of York County, one town which takes in East Lebanon, South Lebanon, West Lebanon and Lebanon Center has 17 camping areas. And I also had correspondence from Wells Senator Hichens area, and other camping grounds.

No if this Bill inhibits these camping grounds from expanding, they tell me at the present time that they are just barely getting by and if they have to pay extra amount of money to the State to get extra privilege to get the privilege to extend their camping grounds, they are not just going to be able to afford it and they will have to go out of business and it means a lot to York County. I would move Indefinite Postponement of this Amendment at least.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I feel that I have an obligation to make committee defense of this Bill and try and put it in the best order possible even though the odds are appearing against me.

What the Amendment does first of all, and that is the first issue that we are addressing here, is it is changing the Committee Amendment and stating that it has to be the elected municipal officials in that town who have to make the decision whether the towns will review these developments. I think what I am doing is tightening up the Committee Bill so that it makes it more responsive to the people to the elected officials not to the planning boards, the planning boards are appointed. And I am doing this amendment like I think it is more toward local control, towards elected officials. So I would hope that you would adopt the Amendment at least then the issue if you want to indefinitely postpone the Bill I think might be a valid issue.

But I will say that to some of you, I will say that first of all, the issue of the Bill itself is really one thing, should municipalities which do not have ordinances have this is basically sight review Legislation for those municipalities which do not have any ordinances.

Second in answer to Senator Lovell's remarks, yes this Bill may inhibit the expansion of camping grounds but it will only inhibit the expansion of camping grounds if those campgrounds have an adverse effect on the water supply in the area, on traffic in the area, drainage patterns, sewerage in the area, so essentially what this does is it protects those communities. I mean I am not first concerned with the campgrounds, my first concern is to the community as a whole, and to the people who live there.

Consequently, I myself and I think many of the Members of the Committee felt that this Bill is very valid in what it is trying to do. It is trying to clarify the law so that the towns can operate the way they have operated during the last six or seven years. They operated under the Subdivision Law for the last seven years according to the, it is not seven years, they have operated under the Subdivision Law for the last

five years according to the Attorney General's opinion and I do not believe that there have been that many problems, but right now if we do not pass this law we are taking away possibly that power of these communities to review a campground that is expanding, a motel that is expanding, and I think that the main concern here should be the impact on the water supplies, on the soils, and on the environment. And for many of these communities in rural areas they have no other law to rely on.

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

Mr. HICHENS: Mr. President and Members of the Senate: I too would go along with the indefinite postponement of this Amendment.

As former chairman of the Health and Institutional Services Committee we had several meetings with the campground officials and the Human Services Department as to the regulations they had to abide by and they are strictly enforced and they are strict regulations. And I do not think that we have to get the municipalities involved in it because they have to meet these guidelines and even on expansion they have to meet water requirements, they have to meet land environment requirements. So I do not think that this amendment is necessary at all.

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

Mr. MARTIN: Mr. President, Ladies and Gentlemen of the Senate: I certainly do not want to prolong this Bill and I will also support any motion to kill the Bill. However, I do have one question through the Chair, Mr. President, for the Senator from Penobscot, Senator Trotzky. Is this an import from the State of New York?

The PRESIDENT: The Senator from Aroostook, Senator Martin, has posed a question through the Chair to the Senator from Penobscot, Senator Trotzky, who may answer if he so desires.

The Chair recognizes the Senator.

Mr. TROTZKY: Mr. President and Members of the Senate: The Attorney General's interpretation of the Law passed by the Legislature was not an import from the State of New York.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senate Indefinitely Postpone Senate Amendment "B".

The Chair will order a Division.

Will all those Senators in favor of Indefinite Postponement of Senate Amendment "B" please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 14 Senators in the negative, the motion to Indefinitely Postpone Senate Amendment "B" does not prevail.

Senate Amendment "B" Adopted.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: I move that this Bill and all of its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Chair would advise the Senator from York, Senator Danton, that there is still an Amendment pending before the Body, i. e. House Amendment "A". After that amendment has been disposed of, then his Motion would be in order.

House Amendment "A" (H-1053) to Committee Amendment "A" Read, and Adopted. Committee Amendment "A", as amended Adopted.

The PRESIDENT: The Chair understands that the Senator from York, Senator Danton, now moves that this Bill and all of its accompanying papers be Indefinitely Postponed.

The Chair will order a Division.

Will all those Senators in favor of Indefinite Postponement please rise in their places to be counted.

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

21 Senators having voted in the affirmative and 6 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, having voted on the prevailing side, I now move reconsideration and hope that the Senate votes against me.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate reconsider its action whereby it Indefinitely Postponed (L. D. 2006).

Will all those Senators in favor of reconsideration please say yes.

Will all those Senators opposed please say no.

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

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Extend the School Budget Adoption Date." (Emergency) (H. P. 2125) (L. D. 2151)

Tabled — February 27, 1978 by Senator Katz of Kennebec

Pending — Passage to be Engrossed

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

Mr. KATZ: Mr. President this Bill may or may not be necessary depending upon the rapidity of the Enactment of School Funding and I would suggest that the Majority Leader might care to table it unassigned until we get a clearer picture.

On Motion of Mr. Speers of Kennebec, Retabled.

The President laid before the Senate:

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

Tabled — February 27, 1978 by Senator Speers of Kennebec

Pending — Enactment

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: After this Bill has had considerable work by the Utilities and the Public Utilities Commission we have discovered that we have perhaps made a small error in leaving out some of the smaller utilities and I have an amendment that will take care of that. A very noncontroversial little amendment that is agreed to by everyone. So with that in mind, I would move that the Senate suspend its rules for the purpose of reconsideration.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate suspend its rules. Is it the pleasure of the Senate? It is a vote.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate reconsider its action whereby L. D. 2137 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. CARPENTER: Mr. President, I now present Senate Amendment "A" (S 484) to L. D. 2137.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now offers Senate Amendment "A" to L. D. 2137 and moves its adoption.

Senate Amendment "A" (S 484) Read.

The Chair recognizes the same Senator.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: The Bill to reconstruct the Fuel Adjustment Clause, considerably and it has had considerable work and I believe is now in a posture where both the Utilities and the Public Utilities Commission is in agreement. However, the Bill when it was drafted and when it was reported out of Committee, includes, I believe, only the three largest Utilities in the State and in order to allow the Public Utilities Commission to deal with the Fuel Adjustment Clause on Smaller Utilities, this amendment was drafted and is here-

with presented. To deal with those having assets of, I believe, less than \$40,000,000. I would hope that the Bill would be amended, and then passed to be engrossed. Thank you.

Senate Amendment "A" Adopted.

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

Sent down for concurrence.

The President laid before the Senate:

RESOLVE, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After Their Mandatory Retirement Age, Years of Service Requirement or Age and Years of Service Requirement. (H. P. 2101) (L. D. 2140)

Tabled — February 27, 1978 by Senator Speers of Kennebec

Pending — Motion of Senator O'Leary of Oxford to Adhere

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

Mr. O'LEARY: At this time, I would like to be granted leave to withdraw my Motion to Adhere, and yield to the Senator from York, Senator Lovell.

The PRESIDENT: The Senator from Oxford, Senator O'Leary now requests leave of the Senate to withdraw his Motion to Adhere. Is it the pleasure of the Senate to grant this leave? Is it a vote.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Members of the Senate: After going over this Bill considerably, I would now move that we insist and join in a Committee of Conference with the other Body.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate Insist and Join in a Committee of Conference with the House. Is it the pleasure of the Senate? It is a vote.

The President laid before the Senate:

Bill, "An Act to Permit Persons Other Than Arborists to Take Down Trees by Topping or Sections." (H. P. 1858) (L. D. 1925)

Tabled — February 27, 1978 by Senator Chapman of Sagadahoc

Pending — Enactment

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

Mr. CHAPMAN: Mr. President and Members of the Senate: This Bill in its present form removes some very important public protection for the citizens of the State. I have watched, as I am sure that many of you have, large trees, particularly elm trees, being cut down by topping and sections. This is dangerous tricky work even for those who are experienced. This kind of work is generally done in close proximity to buildings or to roads or power lines, because of the hazards involved. This Bill does not address the felling of trees other than just by topping or by sections.

The present Law requires that anyone putting themselves out for hire to take down trees by topping or by section, must be a licensed arborist. In other words, they must have been certified first of all to have the know how and the equipment to do the job — responsibly, and secondly, that they have proper and sufficient insurance to indemnify the public for any injuries to persons or damage to property that may result from their work.

I feel that these are important protections for the public. This Bill would allow the municipal officers of a municipality to issue permits to a landowner to have an unlicensed person remove trees for him by topping and by section.

Supposedly, the local officers will only issue such a permit if they are satisfied that the person doing the cutting down by topping or by section is competent to do so. This is quite a lot to ask of local elected officials. On what basis are they going to determine this competence?

Will local officials of all towns be able to really effectively determine this? My guess is that as sincerely as they will try to do so, they will not in many cases. Furthermore, this local permit process even where it does assure competence does not assure financial responsibility for injuries or damage that might occur.

I do not feel that this Bill in its present form is a responsible piece of Legislation, therefore, I move that L. D. 1925 be Indefinitely Postponed.

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

Mr. O'LEARY: Mr. President, I would ask for a Division on the Motion and speak very briefly to it.

I suppose under the present Law, that I am a lawbreaker, because I had seven trees removed and I think that if I had been aware of the Law, and under what the good Senator from Somerset, Senator Redmond is proposing which is a Bill now, is good and I would have more been aware of it. I worked over the weekend and there was a newspaper article written by another Member of the legislature dealing with the same thing and it was surprising how pleased the people were that we were actually doing something in this area. So I would request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I hesitate to speak on this. Being an arborist, I am sort of like Joyce Kilmer, I like trees, and I certainly have a great deal of concern who is going to top or fell these trees and I share the sentiments of the good Senator from Sagadahoc, Senator Chapman. And it does not bother me a bit, to be in the minority. I have been one all my life and I am sitting here today, with the Minority Party.

However, I do think that, the issue will not be raised, that this is a Portland Bill nothing could be more ludicrous. The fact that the City of Portland has most of the larger municipalities in this State are generally pretty well protected.

But the Bill before us today, does absolutely nothing to guarantee the individual who may, like Senator O'Leary of Oxford has done, invite someone over to fall a tree, does nothing to protect Senator O'Leary from any liability. This guy tops a tree onto his house, Senator O'Leary has no insurance under his Homeowners Policy to cover such damage. And I think that it would be well if we left the law alone and perhaps somebody could, it is such a big important issue, have some sort of a study made to look into the whole thing. Mr. President, being like Joyce Kilmer, I request a Roll Call when the vote is taken.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Being a little dull and seeing through things and seeing that the good Senator from Oxford, Senator O'Leary, had seven trees down, does this law mean that that fellow that he hired, when he got \$250 worth of work done that he had to stop work and he hired somebody else to do \$250 more because I understand that some of these trees cost that much, just one tree. Would somebody please answer that?

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

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

Mr. O'LEARY: Mr. President, even under the terms of this Bill I am afraid that I have broken the Law.

I had a total of seven trees taken down and I paid the sum of \$350. However, if I had had an arborist there, I imagine that it would have

been \$3,500. One of these trees was about seven feet at the butt, over eighty feet high. I live in a congested part of the Town of Mexico and this man topped one of these trees with a limb as big around as my waist that went clear across the road and he did not touch the wires, he never scraped my aluminum siding, he was an expert, he cuts wood for a living and I think that this is what anyone else would do under this Bill, would hire someone who does know what they were doing, they would not want me. I do not think that they would want Senator Wyman of Washington to be up there cutting and topping trees. They would look for someone that had the capabilities of doing it and doing it right.

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

Mr. HICHENS: Mr. President and Members of the Senate: When this Bill was heard before the Committee I was assured that insurance companies protected such endeavors through their Homeowners Insurance Policies. I went along with the unanimous report, then I found out that my own insurance company does not cover it and there are several others that do not cover it. Then I talked with Senator Redmond. He explained about the municipality excepting someone to do this. I discussed it again with another Senator last night and he thought that in this amendment it said that the municipality officers had to be assured that it was covered by insurance. But I would like to read this exemption to licensing requirements. It says that, "Municipal officers or municipalities or their designees may issue to any person residing in that municipality a permit in a form designated by the Commissioner of Business Regulation allowing the applicant or a person designated by him to remove trees from land owned by the applicant without a license as an arborist as required by Section 2051. No such permits should be issued unless the applicant should furnish to the municipal officers or their designees satisfactory evidence that the person who will remove the trees is competent to do so. The permits will state the name of the applicant, and the name of the person who will remove the trees and the number of trees to be removed the date or dates on which the trees shall be removed, and another restriction which the municipal officer or they designee deems necessary to insure the safe and efficient removal of the trees."

There is nothing in there regarding, how they are going to qualify a person as to how competent he is, as to what insurance policy he is covered by, or anything else. I think that this is a very dangerous Bill and I will go along with the indefinite postponement.

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

Mr. REDMOND: Personally, in answer to Senator McNally, the \$250. Item is out of this amendment. There is no question about \$250 there.

Then Ladies and Gentlemen of this Senate, the issue here is not whether it is dangerous to take trees down or do anything with trees whether you take them down by felling them or by topping. The question is one of people's rights.

It was stated before in this Body that Homeowners can now cut down their trees and no one bothers them. However, the way the Law is now, and I will quote the letter from the person who administers the Arborist Law and states that, "The illegal part of the question is the person doing the work, not the person doing the hiring or doing the paying, of money." So the person that the homeowner hires is subject to having committed a crime if he goes and works taking trees down. Now the municipal officers, Ladies and Gentlemen of the Senate, perhaps it has been suggested in this Body that they are not competent to decide whether a person is able of taking trees down by topping or otherwise. I think that they are quite competent be-

cause the State of Maine is pretty woody. Some 90 percent of it is covered with trees and I think that cutting trees is one of our major industries here. And I would like to quote a few of the Manpower Department's qualifications for our lumberjacks. I think that this is an insult to Paul Bunyon here that stands so proudly in Bangor. Being told that the municipal officers are not well qualified to decide who can take trees down in the Manpower specifications and qualifications here have under

TREE SURGEON

"Prunes and treats ornamental and shade trees and shrubs in yards and parks to improve their appearance, health, and value: Cuts out dead and undesirable limbs and trims trees to enhance beauty and growth. Scrapes decayed matter from cavities in trees, and fills holes with cement to promote healing and prevent further deterioration. Sprays and dusts pesticides on shrubs and trees to control pests and disease or sprays foliar fertilizers to increase plant growth, using hand or machine dusters and sprayers. Tops trees to control growth characteristics and to prevent interference with utility wires. May apply herbicides to kill brush and weeds. May fell and remove trees and bushes. May plant trees and shrubs."

Now Ladies and Gentlemen of the Senate, here is a definition of

LOGG AND RELATED OCCUPATIONS

"This group includes occupations concerned with felling trees and cutting into logs or products such as cordwood, shakes, firewood, and posts, using chainsaws, axes, wedges, and related tools. Occupations in cutting Christmas trees are included in Group 451. Occupations in yarding and loading logs by machine are included in Division 92.

FALLER (logger) I chopper.

Fells timber trees, applying knowledge of tree characteristics and cutting techniques to control direction of fall and minimize tree damage: Appraises tree for characteristics, such as twists, rot, and heavy limb growth, and gages amount and direction of lean, using ax as plumb bob. Determines position, direction, and depth of cuts to be made and placement of wedges or jacks. Clears brush and debris from work area and escape route, and cuts saplings and other trees from falling path, using ax and chainsaw. Scores cutting lines with ax, saws undercut along scored lines with chain saw, and knocks slabs from cuts with ax. Saws backcuts, leaving sufficient sound wood to control direction of fall. Inserts jack or drives wedges behind saw to prevent binding of saw and start tree falling. Stops saw engine as tree tips."

There are many other specifications that is a Bucker, which is described Bucker logging.

Saws felled trees into lengths. Places supporting limbs or poles under felled trees to avoid splitting underside and to prevent the log from rolling. Cut previously marked tree into logs, using power chainsaw and axes. Drives wedges into cut behind saw blade.

Faller logging II. Stumper-feller. Fells trees, applying specified cutting procedures.

Logger All-Round. Harvests timber trees performing a combination of the following tasks. Fells trees in specified direction, removes limbs and top. Measures and cuts tree into log lengths, using chainsaw wedges and ax. Secures cables to log and drives tractor or horses to skid logs to landing.

There is also a Tree Cutter, agric logging.

Fells trees of specified size and specific, trims limbs from trees and tree into lengths for firewood, fence posts or pulpwood and it goes on and on.

I think ladies and gentlemen of the Senate that all this amendment is doing is giving to the lumberjack his rights under the Constitution of the State of Maine, and I hope that you will vote for this.

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

Mr. CHAPMAN: Mr. President and Mem-

bers of the Senate: This Bill addresses only the topping and taking down trees by section. It does not address straight felling which is what I think most of the lumberjacks are doing, in the woods. I do not know it, but I would dare say that Paul Bunyon never felled a tree by topping or by section. This present law has been in effect I think some thirty years and the issue here in my view is that of insuring adequate protection for the public against first of all, having and unnecessary injury or lose occur and secondly, were it does occur to make sure that there is financial responsibility on the part of the person doing this work.

As far as the difference in cost. I think that Senator O'Leary raised, yes I am sure that there is a difference in cost. Of necessity there would have to be, because it would cost a lot of money to insure this kind of activity. It is dangerous and loses do occur even to those who are experienced. And insurance is not readily available to just anyone who wants this unless they do have this kind of competence. So necessarily when hiring somebody to do felling by topping by section where insurance and proper equipment are necessary to insure safety there will be a higher cost than without it.

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

Mr. DANTON: Mr. President and Members of this Senate: I would not say that the law that we presently have is a good one but at least it is doing the job, and I am going to tell you a little story. I listened to the good Senator from Franklin that prompted me to get up and tell you this story.

A few years ago, my brother-in-law who has been known to be tight with a buck, decided to have some trees cut in his yard, and we had a very fine gentlemen in our area and I am sure that the Senator from Cumberland, Senator Hewes will know him, I will not mention his name on the floor but I will after the Session. Went around and he had an accident he was really Major League Baseball material from our area and due to an accident, I guess it effected him mentally to some degree and he decided that he wanted to be a tree surgeon. So as I said earlier my brother-in-law being tight with a buck, and wanting a couple of trees cut in his yard decided to hire this gentleman who I shall call Dan. So Dan use to go in for his coffee and donut in my brother-in-law's little luncheonette and he would have his card, tree surgeon, and my brother-in-law saw it one day and he says, Dan, how much do you want to cut a couple of trees? Well the price was fifteen or twenty dollars. Of course, when you are tight with a buck, that is a pretty good price. So he told him where he lived and off Dan went with his ax and that is about all he had.

Fortunately, I drove into the yard. Now these trees without any exaggeration were at least fifty or sixty feet high, and there he is chopping away at trees. Now I am not a woodsman, but being a Boy Scout once upon a time, by determining the wedge on the base of the tree you could tell in which direction that tree would fall. It would have cleaned out the house.

Now you know we just have to have some allowances here. To one degree or another, my brother-in-law being tight with the buck and I am sure that some of us in here are tight with the buck, are prompted sometimes to hire anything but the best people to do the job and that is the way we should leave the law. To allow the best people to do the job.

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

Mr. PRAY: Mr. President and Members of the Senate: To follow up on the comments made by the Senator from York, Senator Danton, if he had read the existing Law at this time, anybody that is cheap with a buck can buy and purchase the services of anybody to go in there and fall that tree in one whole piece as that individual was doing. At least by the amendment, the version that we have now that

was offered by the Senator from Somerset, Senator Redmond, we at least give the municipal official some responsibility to deem those regulations that would be necessary, as to the point that the other Senator from York, Senator Hichens brought forth. That if the town officials, municipal officials wanted to, under the section of the Law regulate insurance requirements so they could do so. It is spelled out in that Law. So lets stay down to earth on this issue a little bit.

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

Mr. CONLEY: Mr. President and Members of the Senate: I disagree with the good Senator from Penobscot, Senator Pray. It does not sight where the liability would lie with any individual that you invite on your property to cut down a tree. I point out this if you want to go the road that the good Senator from Franklin, Senator Redmond, has spoken about, the Constitutional rights of individuals, then I would suggest that you repeal the present law and then allow any loony tune that comes into town with an ax or a saw to do the job, let them do it if that is what you want. We have all kinds of regulations in the State perhaps they are obnoxious to some of the regulations. The fact of the matter is that here we are getting into an area that should be regulated, and as I have stated perhaps the present law is not the best law on the books but to allow, to perpetuate, what one might interpretate as a bad law to make it worse, is not the solution.

So I would hope that the Senate would vote to indefinitely postpone this Bill and perhaps between now and next January a group of interested Legislators might take a closer look at the existing Law.

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

Mr. HUBER: Mr. President and Members of the Senate: The present Arborist Licensing procedure has worked with little or no problems. This Bill as amended would completely undercut that procedure. There are certain requirements that arborists require of themselves in terms of competence and in terms of insurance which I think are beneficial to the utilizers of the services of Arborist. In as much as the current law works with little problem I hope that we do not undercut it.

I would hope that the Senate would go along with indefinite postponement.

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

Mr. PRAY: Mr. President and Members of the Senate: On many occasions I have gone into the Minority Leader's Office and received his guidance and council. And on some occasions I take that advice. One thing that he is always told me is the spirit of compromise it is very important in this Chamber. And I think the amendment that was sponsored by the Senator from Somerset, Senator Redmond, was done in that spirit.

In no way do we restrict the municipalities from not adopting those regulations or those statutes which we already have in existing Law. And I will read that sentence contrary to what the Senator from Portland says and I did not make the statement that there was anything written in the Bill that they would require insurance but the sentence does say,

"Any other restrictions which the municipal officer or their designee deems necessary to insure the safe and efficient removal of the trees." Under that I would take it that the municipal officers would have the right to adopt ordinances which would take care of the problem. Maine is a large and vast state and municipalities vary in size and the City of Portland down to Ellitsville, and a number of other places perhaps even smaller.

I think that this Bill now as it has come to us in the enactment stage with the language that it has would better serve all those municipalities in the existing statute. If there was not a

problem with it I do not think that it would be before us at that time. With that in mind, I would hope that we would defeat the pending motion. This Bill on its Legislative process has slowly lost a limb here and there. I would like to at least get the Bill through.

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 risen, A Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from Sagadahoc, Senator Chapman, that this Bill, L. D. 1925, and all its accompanying papers be Indefinitely Postponed.

A yes vote will be in favor of an Indefinite Postponement

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA — Chapman, Conley, Cummings, Curtis, Danton, Farley, Hewes, Hichens, Huber, Katz, Lovell, Mangan, McNally, Minkowsky, Morrell, Pierce, Trotzky, Usher.

NAY — Carpenter, Collins, D.; Collins, S.; Greeley, Jackson, Martin, Merrill, O'Leary, Pray, Redmond, Speers, Wyman.

ABSENT — Levine, Snowe.

18 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators being absent, the Motion to Indefinitely Postpone does prevail.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move that the Senate reconsider its action.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby this Bill was indefinitely postponed.

Will all those Senators in favor of reconsideration please say yes.

Will all those opposed please say no.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Sent down for Concurrence.

The President laid before the Senate:

RESOLVE, For Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1978. (Emergency) (H. P. 2105) (L. D. 2142)

Tabled — February 27, 1978 by Senator Huber of Cumberland

Pending — Motion of Senator O'Leary of Oxford to Recede and Concur.

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

The President Laid before the Senate:

Bill, "An Act to Ensure the Safety of Minors Taking Canoe Trips While Attending Summer Camp. (Emergency) (S. P. 630) (L. D. 1989)

Tabled — February 27, 1978 by Senator Danton of York

Pending — Motion of Senator Curtis of Penobscot to Reconsider Indefinite Postponement.

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

Mr. O'LEARY: Mr. President, last evening when some remarks were made, and nerves fragile this morning with a single blow destroyed over a months work by the Fish and Game Committee, where the Senator from Somerset, Senator Redmond, in the front seat of the canoe paddling in one direction and the Senator from Penobscot, Senator Pray, in the back paddling in another direction, and myself in the middle trying to be the navigator. We hit one of those sunken logs placed in the middle of the Kennebec River by the Senator from Penobscot, Senator Trotzky and my canoe sunk.

This morning we seem to be in a lot better mood and I hope that you will go along with the good Senator from Somerset Senator Redmond and reconsider our action of yesterday and go along with him and the Majority Report of the Committee and then accept Report "A". I know that the Senator has another amendment that he will offer to it and I hope that you will vote to reconsider.

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

Mr. HEWES: Mr. President and Members of the Senate: I hope that will not reconsider. I felt that yesterday's motive was more a parliamentary matter to finally close this Bill, which as I remember the vote was something like twenty-one to three or some such vote. So I hope that we will not reconsider.

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

Mr. PRAY: Mr. President and Members of the Senate: Under existing Law, under Title 12, we have subsection 2054, which deals with title permits for camp Trip Leaders and I would like to read that to you so that you will be knowledgeable on what you are voting on. And I quote "Boys and girls summer camps located in Maine and duly licensed by the Department of Health and Welfare or located in another State and duly licensed in a similar manner if the laws of said state so requires having trips other than on waters adjacent to the location of the main camp shall provide two counselors at least 18 years of age or 10 or less campers and one additional counselor at least 18 years of age for each additional 10 campers and one counselor must be a holder of a Camp Trip Leader's Permit. Said Camp Trip Leader's Permit as approved and granted by the Commissioner shall be good only for the periods of June 15 through September 15 of the year issued. Shall be good only for a chosen camp sponsored trip and specifically shall not entitle the holder to be in charge of an other groups from said camp from said Boys or Girls Camps nor does it grant said holder any rights to hunt or fish. The Fee for such permit shall be \$5. for counselors of Maine Camps and \$10.00 counselors of camps from other States."

Now it is apparent an individual came up to me and I asked to what qualifications they had to take children out and the individual says well I hold a Trip Leaders Permit which is issued by the State, that qualifies me to take these individuals out. If a parent happened to just be a little leary in his responsibilities and said well that must mean something since the State by statute has required this Trip Leader's Permit and they must meet certain specifications and so forth and not to show my ignorance of not knowing what a Trip Leader's Permit is, I take it that this individual is qualified to provide the safety for my child that he will have during that summer camp trip. That is the existing statute. It says nothing and does nothing, except that it allows the Department of Fisheries and Wildlife to collect an additional \$5 or \$10 from somebody for a Permit which says nothing. That is the existing statute.

I have no amendments prepared and I find it rather discouraging to accept Report "A" as it is written or Report "A", as the Senator from Somerset, Senator Redmond, will attempt to amend it, because it does not get to the problem. The problem that we are facing in this State and the problem that not only we face in this State but in other states as well. I notice in the New York Times roughly a week ago there were 10 classified pages of ads dealing with summer camps. Ten pages. Almost each page or two pages per state, and one state which advertized across the page, Connecticut stated that they had the only Law, in New England which required certain safety requirements for counselors. Now I would take it that the individuals in the other States looked to where they are going to send their children to summer camp would be impressed by this ad. The only

State in New England that offers certain requirements of safety for individuals, Trip Leaders or counselors or what have you.

We heard testimony yesterday from the sponsor of the Bill that roughly 25,000 children attend summer camp per year in the State of Maine, and perhaps an additional 25,000 other they that which come in through other groups other than licensed summer camp groups. According to national statistics roughly 25,000 children are injured a year attending summer camps and according to a national survey which did this they also said that over 80 percent of the cases the injuries were do to negligence of the counselors.

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

Mr. CONLEY: Mr. President and Members of the Senate: It seems to me that a long period ago when this Bill first became before the Legislative Council and it was a Bill of very high importance. Not only with the sponsor of the Bill, the good Senator from Oxford, Senator O'Leary. But also the concern of the Legislative Council itself that this was certainly a very, very serious issue and I think that it would be a mistake for the Senate today not to vote for reconsideration. If reconsideration is adopted I would personally hope that we could at least get a Committee of Conference to try and sit down and work out a Bill which would be acceptable to the vast majority of both Houses. And I think that it would be indeed unfortunate for us just to give this Bill its demise today. So I would ask the Senate to support the reconsideration of this particular measure.

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

Mr. O'LEARY: Very briefly, Mr. President and Members of the Senate. You heard the words of the Senator from Penobscot, Senator Pray, talking about the advertizing in the New York papers for summer camps and I think that the Maine Camp Directors Association recognizes this and unless I am being lied to, they support Committee Report "A" and I would hope that you would vote to reconsider.

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

Mr. TROTZKY: Mr. President, I would urge the Senate to vote not to reconsider this Bill or Amendment.

First of all, as I stated yesterday, safety on canoe trips depends on Counselors who have maturity, who have good judgement, and have experience. And these people are chosen to lead canoe trips by the camp directors of these camps that are mentioned by Senator Pray. These camp directors have quite a bit of experience and they are concerned that those kids come back to camp the next year and if there is one accident, one drowning on any private camps, what takes place is that enrollment drops to half the next year. So camp directors are very concerned for the safety of those children going out on trips. I do not believe that the way this amendment addressed itself it says we pay \$5 or \$10 fee and then the department provides some kind of cost in canoe and water safety, included but not limited to lifesaving techniques. I know, of course, Red Cross Canoe Camps where they will teach people how to paddle all about canoe safety for over two weeks and they will get a certificate and I do not believe that those people many of them are safe, and that I would like to see my children going out on canoe trips with them.

When the camp that I work for, when we had a tough trip we would go into the area and try to hire a Maine Guide and some of the questions that we would ask that guide is, "Have you ever taken that specific trip before that we want our going on?" Other question were, "How does he deal with children?"

So I feel that you cannot teach a course to make a person capable of leading canoe trips safety through-out the Maine woods. It comes with experience and basically experience of

those people who have taken many trips and in many cases Maine Guides themselves. So I urge the Senate to vote against reconsideration.

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

Mr. SPEERS: Mr. President and Members of the Senate: This is not the first time that this issue has come before this body and there have been a number of hours, considerable number of hours placed in studying and attempting to come up with a suggestion that will address a very serious problem. There have been two suggestions placed before this Body, and I would hope that we could reconsider at this point so that we could get on with consideration of those two suggestions.

There may very well be some reaction adverse to what some might consider to a kind of intransigent with regards to this Bill. I would hope that we could act responsibly in taking a look at the reports and in listening to the comments of the Committee which studied this matter and make up our mind on those two reports. But in order to do that we are going to have to reconsider at the present time.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Curtis, that the Senate reconsider its action whereby it Indefinitely Postponed this Bill. The Chair will order a Division.

Will all those Senators in favor of reconsideration 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 13 Senators in the negative, the Motion to reconsider does prevail.

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

Mr. O'LEARY: I believe that at the time that this Bill was Indefinitely Postponed, that the Motion of the Senator from Somerset, Senator Redmond, was to accept the Committee Report "A".

The PRESIDENT: The Chair would answer in the affirmative.

Mr. O'LEARY: I so move.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate accept the Majority Ought to Pass Report of the Committee. Is this the pleasure of the Senate? It is a vote.

The Bill Read once.

Committee Amendment "A" (S 489) Read and Adopted.

This Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate.

Bill, "An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission. (S. P. 703) (L. D. 2150)

Tabled — February 27, 1978 by Senator Huber of Cumberland

Pending — Adoption of Senate Amendment "A" (S-478)

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Since I outlined to you yesterday, the two encounters that the City of Lewiston had with the Human Rights Commission, I stand here again today, asking you to support my amendment which basically asks that this particular Commission obtain their authority from the Superior Court.

There are many municipalities and many private business firms in the State of Maine that are still very apprehensive about the present structure of the Maine Human Rights Commission. With the two encounters that we had in the City of Lewiston one now resolved and one pending, we are in that particular posture.

And I think that all my amendment really addresses is that there is reasonable necessity on the part of the Human Rights Commission to take the steps that they feel are necessary to impound records, for their own investigation. They are not a judicial body and the testimony that was presented to the Performance Audit Committee this will substantiate beyond a reasonable doubt, in my estimation, that they were over zealous. They have a lot of experience to gain but they cannot maintain a posture they have against municipalities in the State of Maine or against Maine business firms. And I think that this particular amendment which simply addresses that if the Maine Human Rights Commission wants subpoena rights, they will then go to Superior Court and obtain this authorization and that is all that I am asking for and I hope that the Senate adopts the amendment that I proposed yesterday.

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

Mr. KATZ: Mr. President, I move the Indefinite Postponement of Senate Amendment "A". The Senate will recall yesterday, we discussed this Bill at length the problems which are raised by the Senator of Androscoggin, Senator Minkowsky, are problems indeed, but they have absolutely nothing to do with singling out one State Agency and forcing that Agency of all agencies to go to the courts to get subpoena power. In the seven years of the history of this agency, with all the press that it has had, I cannot recall a single occasion when the power of subpoena was abused. Investigatory problems yes, public relations problems yes, problems of the subpoena no. At the present time investigatory agency of State Government work with the Attorney General for the securing of subpoenas and that is not a problem. And that is exactly the only issue that the Senator's Amendment deals with and I feel that it is inappropriate and I ask you to join with me in a Division to defeat this Amendment.

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

Mr. MORRELL: Mr. President, just briefly, to put things in perspective.

The basic Bill does rain in the Human Rights Commission to a degree. It does restrict the use of subpoena and it does require them to exhaust all other avenues before they can go to court in response to a complaint. The question here is whether you want to go further then the Bill in trying to rain in the agency. But I think that the Senator from Kennebec is correct, that this amendment does not deal with some of the things that still trouble us about the way in which the Human Rights Commission conducts its business, but hopefully down the road they will get the message.

I frankly feel that the effect of this Bill, will minimal and I am really not uptight about regardless of which ever way that it goes. But I do hope that today you will give some consideration to postponing this Amendment and passing the original Bill.

The PRESIDENT: The pending question before the Senate is the Indefinite Postponement of Senate Amendment "A". A Division has been requested.

Will all those Senators in favor of Indefinite Postponement please rise in their places to be counted.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I would request a Roll Call.

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

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

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

The Chair recognizes the Senator from Kennebec Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I am not aware of the specific complaints that may be lodged with regard to this particular Commission, with regards to the use of the subpoena power. But that use of the subpoena power is always in the background and I want you to make it clear that I am not speaking with regards to this one particular Commission but rather with regard to the power of the State and any investigatory commission that enjoys the power of the State behind it. That use of the subpoena power is always in the background and it can be alluded to it is alluded to, and those individuals who may be some what reluctant to voluntarily disclose or cooperate or whatever reason with a State agency, may be faced with that power is always in the background. Now what we are asking in this amendment is simply that the courts of this State be injected between the individual citizen and the power of the State of Maine and that is the purpose of the courts to protect the individual against the power of the State.

I would hope that we would defeat the Motion to Indefinitely Postpone this amendment and make sure that the courts stand between the individual citizen and our State Agencies.

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

Mr. KATZ: Mr. President, I call the Senate's attention to relevance of the debate of those, the irrelevance of the debate of those who are sponsoring this amendment. In the case of the Senator from Androscoggin, the Senator from Androscoggin pointed out some very real problems with the investigatory techniques of the Human Rights Commission. The Majority Leader expressed some philosophical thoughts about the use of subpoena power. But it seems to me that the majority Leaders points are applicable to the whole question of subpoenas and if he feels uneasy enough that the court should stand between the people and the subpoena power it seems to me that this is not the proper vehicle to change state laws, because this pertains only to the probably the smallest of our governmental investigatory agencies. So I ask the Senate to zero right in on the specifics of this Amendment and vote to Indefinitely Postpone.

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

Mr. MINKOWSKY: Mr. President, it may be the smallest of our state agencies but it is the most feared of our State Agencies at the present time. That is why I bring out the fact very clearly that in municipalities that I am involved in, the municipality of Lewiston particularly, that we have to provide I would say in the area of almost \$1,500. To address the allocations of this Commission has bestowed upon our municipality. This represents a lot of man hours, a lot of investigation, and yet they have no basis of law, and I am simply saying that before you get to that particular point, that I want to be sure that they can prove beyond a shadow of a doubt that we have discriminated against any persons.

In the first case that I brought out yesterday that they handled, they themselves all of a sudden made an award of \$6,000, and we refused to pay it and they finally dropped that particular action.

Now we have an other little dandy pending against our municipality and we are going through a lot of trials and tribulations to protect our own interests and we are not discriminating against any single person and people can arbitrarily do this and I am saying very simply that this particular subpoena power and I think that it was well stated by Senator Speers of Kennebec that can be abused and I think that this is one agency that flexes its muscles too much and may be it should be curtailed.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, yesterday this Bill was debated at great length I pointed out six areas that the Commission operates under.

One, I think that we should keep in mind, the five members that have to make the decision as to whether or not they would seek a subpoena. Secondly, that that subpoena must go before the Attorney General's Office itself to grant the subpoena, and I think that if we have enough protection under the present Law. I think that if the City of Lewiston, or the City of Portland or the City of Orono, or any community in this State is in violation to the statutes then they should be subpoenaed and I do not think that this is done wantonly. I think generally a good case is built. So I would urge the Senate to vote against the adoption of this Senate Amendment.

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

Mr. MERRILL: Mr. President and Members of the Senate, the debate has been very general and it leaves me somewhat confused as to the specific changes or additions that this amendment would make to the Bill itself. Before we have a Roll Call vote, would someone speak specifically to the Amendment and point out the changes it would make if adopted.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: I would withdraw my question Mr. President with all due respect as a ploy of some type because it is very, very clear in the amendment, section 4-B, that subpoenas approval, contestibility, subpoenas shall be issued only upon application and approval of Superior Court. The person upon whom the subpoena is served may contest the validity and a judicial review of the subpoena shall be permissible at any Superior Court. These people even got to the point of saying to the rank and file people of the State of Maine, we want you to come to Kennebec County, this will be the Maine Court. Where the subpoena power will be granted, and I think that Senator Morrell will agree with me that we as a committee objected to that. If a person who is on a disability or low income or has to work for a living who lives maybe in Aroostook County would be compelled to come down to Kennebec County to answer these people I think is thing to do and we actually have that. This is what the original proposal represented. But again Mr. President and Members of the Senate, I think that the statement of fact is very, very clear and the Maine Human Rights Commission to obtain subpoena only with the Superior Court in the County in which the action that they desire against an individual is pending and nothing more than that.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate Indefinitely Postpone Senate Amendment "A" to L. D. 2150.

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.

YEA — Carpenter, Chapman, Collins, D.; Conley, Cummings, Hewes, Jackson, Katz, Lovell, Merrill, Morrell, Pierce, Pray, Snowe, Trotzky.

NAY — Collins, S.; Curtis, Danton, Farley, Greeley, Mangan, Martin, McNally, Minkowsky, O'Leary, Redmond, Speers, Usher, Wyman, Sewall.

ABSENT — Hichens, Huber, Levine.

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

Mr. JACKSON: Mr. President, I wish to

change my vote from yea to nay.

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

14 Senators having voted in the affirmative and 16 Senators in the negative, with 3 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "A" to L. D. 2150?

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A" please rise in their places to be counted.

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

15 Senators having voted in the affirmative and 14 Senators in the negative, Senate Amendment "A" is Adopted.

This Bill, as amended, Passed to be Engrossed.

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

Mr. SPEERS: Mr. President, having voted on the prevailing side, I move for reconsideration and hope that the Senate vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

Will all those Senators in favor of reconsideration please say yes.

Will all those opposed please say no.

A viva voce vote being had,

The Motion to reconsider does not prevail. Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Make Trafficking in Five Pounds or More of Marijuana a Class C Crime under the Maine Criminal Code." (H. P. 1999) (L. D. 2080)

Tabled — February 27, 1978 by Senator Huber of Cumberland

Pending — Adoption of Senate Amendment "A" (S-491) to Committee Amendment "A" (H-1048)

The PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate is Adoption of Senate Amendment "A" to Committee Amendment "A" on L. D. 2080.

A yes vote will be in favor of Adoption.

A nay vote will be opposed.

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

YEA — Carpenter, Chapman, Cummings, Greeley, Hewes, Jackson, Katz, O'Leary, Pierce, Pray, Snowe, Speers, Wyman.

NAY — Collins D.; Collins, S.; Conley, Curtis, Danton, Farley, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, Redmond, Trotzky, Usher.

ABSENT — Hichens, Huber, Levine.

13 Senators having voted in the affirmative and 16 Senators in the negative, with 3 Senators being absent, Senate Amendment "A" Fails of Adoption.

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

Mr. PRAY: Mr. President, I offer Senate Amendment "B" (S-494) to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "B" to Committee Amendment "A", and moves its Adoption. The Secretary will Read Senate Amendment "B".

Senate Amendment "B" (S-494) Read.

On Motion of Mr. Speers of Kennebec,

Tabled until later in Today's Session,

Pending Adoption of Senate Amendment "B"

to Committee Amendment "A".

All matters previously acted upon were ordered sent forthwith.

(Off Record Remarks)

On Motion of Mr. Speers of Kennebec, Released until 4:00 in the afternoon.

(Recess)

(After Recess)

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

Papers from The House Non-concurrent Matter

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

In the Senate, February 24, 1978 Passed to be Engrossed as amended by Senate Amendment "A" (S-476) and Committee Amendment "A" (S-455).

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" (H-1097) thereto, and Committee Amendment "A" in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. MCNALLY: Mr. President, all this Amendment does is add the little "S" to the word person, and I move that we Recede and Concur.

On Motion of Mr. McNally of Hancock, the Senate voted to Recede and Concur.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Douglas Allaire of Boy Scout Troop 317 in Sanford has achieved the rank and distinction of Eagle Scout, (H. P. 2147)

Jeffrey S. Weir of Pownal has received the highest award in scouting, Eagle Scout, as a member of Troop 107, (H. P. 2148)

William R. Winter is retiring from the Kingfield Board of Selectmen after 23 years of loyal and efficient service, (H. P. 2150)

Marguerite R. Lary of Scarborough has been selected the 1978 Maine Mother-of-the-Year, (H. P. 2152)

The Golden Bucks of Bucksport High School, coached by Gerry Kane, have won the Eastern Maine Class B boys basketball championship for academic year 1978, (H. P. 2154)

Came from the House, Read and Passed.

Which were Read and Passed in concurrence.

Joint Resolutions

Joint Resolutions In Memoriam,
WHEREAS, the Legislature has learned with deep regret of the death of G. Colby Wardewell of Bangor, a former commander of the Bangor Division of the Maine State Police, (H. P. 2149)

WHEREAS, the Legislature has learned with deep regret of the death of Euclide J. Ouellette, a community leader in the Town of Van Buren, (H. P. 2151)

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

Orders

Expressions of Legislative Sentiment recognizing that:

The Katahdin High School Girls' Basketball Team has won the Eastern Maine Class D Championship for 1978, (S. P. 718)

Is presented by Senator Pray of Penobscot, Cosponsored by

Representative Masterman of Milo

Which was Read.

On Motion of Mr. Pray of Penobscot,

Tabled until later in Today's Session.

Pending Passage.

The Gorham High School Girls' Basketball Team has won the Western Maine Class B Championship for 1978, (S. P. 719)

Is presented by Senator Usher of Cumberland Cosponsored by Representative Quinn of Gorham

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House Ought to Pass

The Committee on Local and County Government on,

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1978. (Emergency) (H. P. 2141) (L. D. 2162)

Reports that the same Ought to Pass (pursuant to H. P. 1986).

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

The Committee on Local and County Government on,

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1978. (Emergency) (H. P. 2140) (L. D. 2161)

Reports that the same Ought to Pass (pursuant to H. P. 1986)

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

Which Reports were Read and Accepted in concurrence.

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

Ought to Pass — As Amended

The Committee on Health and Institutional Services on, Bill, An Act to Clarify Admission Procedures at Pineland Center. (H. P. 2016) (L. D. 2091)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1091)

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

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

The Committee on Taxation on,
Bill, "An Act to Correct the Inequitable Taxation of Mobile and Modular Homes. (H. P. 1976) (L. D. 2059)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1092).

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 Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this is a very, very brief Bill, but apparently it cost over half a million dollars a year in lost revenue. I wonder if someone might explain the nature of the change in the taxation on this Bill.

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

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

Ought to Pass in New Draft

The Committee on Human Resources on, Bill, An Act Providing for Notice to Parents Under the Child Abuse and Neglect Statutes. (H. P. 1905) (L. D. 1966)

Reports that the same Ought to Pass in New

Draft under same title (H. P. 2143) (L. D. 2160)

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

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

Senate

Ought to Pass — As Amended

Mr. O'Leary for the Committee on Local and County Government on,

Bill, "An Act to Clarify County Law Enforcement." (S. P. 671) (L. D. 2075)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (S-493).

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" Read and Adopted.

This Bill, as amended, Tomorrow Assigned for Second Reading.

Enactors

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

An Act to Provide for Limited Guardianship. (H. P. 1991) (L. D. 2064)

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

Emergency

An Act to Revise the Brownville Junction Water District Charter. (H. P. 2115) (L. D. 2147)

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

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

The PRESIDENT: The Chair understands that the Senator from Aroostook, Senator Carpenter now requests leave of the Senate to withdraw his motion for a Roll Call. Is it the pleasure of the Senate to grant this leave? It is a vote.

This being an emergency measure and having received the affirmative votes of 27 members of the Senate and 1 Senator in the negative, this Bill is Passed to be Enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

Orders of The Day

The President laid before the Senate:

Bill, "An Act to Make Trafficking in Five Pounds or More of Marijuana a Class C Crime under the Maine Criminal Code." (H. P. 1999) (L. D. 2080)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Adoption of Senate Amendment "B" (S-494) to Committee Amendment "A" (H-1048)

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

Mr. PRAY: Mr. President, I request leave of the Senate to withdraw Senate Amendment "B".

The PRESIDENT: The Senator from Penobscot, Senator Pray, now requests leave of the Senate to withdraw Senate Amendment "B". Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the same Senator.

Mr. PRAY: Mr. President, I offer Senate Amendment "D" (S-498) and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "D" to Committee Amendment "A" and moves its adoption.

The Secretary will Read Senate Amendment "D".

Senate Amendment "D" (S-498) Read.

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

Mr. PRAY: Mr. President and Members of the Senate: If you remember last night we had debated the 50 lb. Amendment that I had offered and today I decided to go to 100, to reach on this arbitrary figure which the Judiciary Committee has already established, the 1,000 lb. instead of going in that increments up to some type of figure I decided to offer one Amendment and make one last try to lower the 1,000 lbs. that they have arbitrarily decided to be higher class of a penalty, And I would just point out that the figure that I have reached at 500 lbs. which I offered for your consideration is over a quarter of a million dollars in street value. I have had some figures related to me by the Maine State Police and doing a little bit of quick math, as to exactly what type of or what quantity of marijuana we are talking about, we are talking about roughly five to ten bails of marijuana and street value I already told you is over a quarter of a million dollars. The actual street value I think is something like \$320,000. The figures that we were also given to the average use of marijuana, five pounds of marijuana would give one individual a high for one 1,613.2 days.

If we are deciding an individual is trafficking in it for a profit, then I think that we should stiffen the penalties. This is the intent of the Judiciary Committee at 500 lbs. I think that there is no doubt that an individual is trafficking in it for big money and for that reason, I would hope that the Senate would adopt this Amendment.

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

Mr. COLLINS: Mr. President, I have no big quarrel with the Senator from Penobscot, Senator Pray, about the precise way to measure the amount and relationship to the penalty.

I think it is a mistake to think that we are going to control a marijuana traffic simply by increasing penalties when the Judiciary Committee made a decision about a 1,000 lbs. It was not any magic in a 1,000 lbs. as such, but in the practical work of catching crooks and getting them convicted, there are elements of bargaining in relating to the size of the sentence and whether you get somebody to reveal their sources this sort of thing, and there are also degrees of resistance that arise according to the possible sverity of a sentence. We on the Committee are not prosecutors or judges or policemen, but we listened to prosecutors and policemen and others who have special knowledge and we just try to make the best decision we can on that basis.

I am going to vote no on this, but it is not anything I feel strongly about as to whether the penalty ought to be ten years or five years. I just think that as we face these greater penalty questions in our criminal law, that we ought not kid ourselves that we are solving great problems just by raising the penalties, because in some cases, we may be making it just a little tougher for the enforcement apparatus. In other cases we may be helping us. Perhaps this is one of those, I have no strong opinion either way, but I did want to make that observation.

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

Mr. PRAY: Mr. President and Members of the Senate: It is my understanding that the sentencing comes after the individual is found guilty and it would be under that intention that I would hope that we would stiffen the penalties. Once it has been proven that the individual is dealing with a set quantity of drugs which we have already decided is illegal, then we have to decide to what type of penalties are going to be passed out and I think that is the rule of the Legislature and particularly this Body.

I have received a note from a Member of the Senate and a Member of the Judiciary Committee in reference to the effects that some of these Amendments may have elsewhere in the Legislative process. I think that each one of us have to make a decision on something that we

have already classified as illegal and we have set up varying degrees, an ounce and a half or less under the Civil penalties and from that over to one two pounds is furnishing and from two pounds to a thousand pounds.

If we do not adopt this Amendment, is trafficking in one degree and trafficking a 1,000 lbs. over is another degree. I just think that a 1,000 lbs. of marijuana is an awful large quantity. Now I never saw marijuana until the hearing the day that I put my Bill in and we also heard what the sponsor of this Legislation, the two Bills were heard simultaneously, but I can remember back in my days in the military, because pay was something like \$78. a month, I use to haul hay in Texas and we use to haul bails of hay somewhere between 55 and 100 lbs., very similar to what they are talking about here. Maybe in some cases they were not all hay. But the point that I am trying to make is that 500 lbs. in quantity is a large, large, large amount, just estimating by these other bails that I have experienced with and I would think that any individual that is going from one end of this State to the other with such a quantity has definitely got to be into it with the intent of making a large profit. Particularly when he knows that he is going to receive somewhere in excess of a quarter of a million dollars when he turns around and sells it, and I think that those are the individuals that I am after, and I would hope that the rest of the chamber would go along with it.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "D"? The Chair will order a Division.

Will all those Senators in favor of the Adoption of Senate Amendment "D" to Committee Amendment "A" please rise in their places to be counted.

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

12 Senators having voted in the affirmative and 9 Senators in the negative, Senate Amendment "D" is Adopted.

Committee Amendment "A", as amended, Adopted in non-concurrence.

This Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

Joint Order relative to the Katahdin High School Girls' Basketball Team has won the Eastern Maine Class D Championship for 1978, (S. P. 718)

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

Mr. PRAY: Mr. President, I have been running around here for the last day or so, and I have signed a number of papers and Committee Reports and that not and Legislative Orders, and I was quite surprised this afternoon to look upon the Katahdin High School Girl's Basketball team had won the Eastern Maine Class D Championship. Of the some 30 towns I represent going Patten in the north down to Greenville in the south, I find that I must be a little topsy-turvy since it was Greenville High School that won it and not Katahdin, thus I move the Indefinite Postponement of this Joint Order.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has moved that the Senate Indefinitely Postpone S. P. 718.

The Chair will order a Division.

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

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

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

Obviously less than one-fifth having arisen, a Roll Call is not ordered.

The Chair will order a Division.

Will all those Senators in favor of Indefinite Postponement of S. P. 718 please rise in their places to be counted.

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

16 Senators having voted in the affirmative and 5 Senators in the negative, the Motion to Indefinitely Postpone S. P. 718 does prevail.

The PRESIDENT: The Chair will appoint the following conferees to the Committee of Conference in reference to Bill, And Act to Amend the Crime of Assault on a Law Enforcement Officer, (S. P. 661) (L. D. 2032)

The Senator from Kennebec, Senator Katz, the Senator from Cumberland, Senator Conley, and the Senator from York, Senator Lovell.

On Motion of Mr. Huber of Cumberland, Adjourned until 10:00 in the morning, Wednesday, March 1, 1978.