

# 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

INDEX

**Senate Confirmation Session**

June 14, 1978

INDEX

**First Special Session**

September 6, 1978 — September 15, 1978

INDEX

**Second Special Session**

October 18, 1978

INDEX

**Third Special Session**

December 6, 1978

INDEX

APPENDIX

## SENATE

March 2, 1978

Senate called to Order by the President.

Prayer by Reverend E. Millett Cummings, Retired Methodist Minister, Norway.

Reverend CUMMINGS: Shall we bow our heads.

Oh Mighty God our Heavenly Father, who alone gives wisdom and understanding, inspire this day, and every day of this Legislative Body, the hearts and minds of those who have been entrusted by the people of our great State of Maine, with the responsibility of political leadership. Endow them we beseech Thee with a vision of truth and justice that out of their deliberations and debates may come Legislation and laws that will be of lasting benefit to all of the citizens of our State. Lift their eyes beyond the selfishness of party and factions to the greater good of every Maine citizen young or old rich or poor or of what ever station in life they may be. In this spirit Heavenly Father we lift up our prayer to Thee at the opening of today's Session of this Senate. And in this same spirit we humbly ask Thy blessings upon our Governor, the President of the Senate, and upon each Member of this Senate. May their Legislation and their actions of this day, be according to Thy will so that they may be worthy of Thy blessing and merit at the end of the day well done thy good and faithful servant. We lift up this prayer in the name and for the sake of Thy son Our Lord, Jesus Christ. Amen.

Reading of the Journal of yesterday.

Papers from the House  
Non-concurrent Matter

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)

In the House, February 27, 1978 Passed to be Engrossed as amended by Committee Amendment "A" (H-1048).

In the Senate, March 1, 1978 Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "D" (S-498) thereto, in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion of Mr. Collins of Knox, the Senate voted to Recede and Concur.

## (Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Recessed until the Sound of the Bell.

## (Recess)

## (After Recess)

Senate called to order by the President.

## 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 Washington County for the year 1978. (Emergency) (H. P. 2156) (L. D. 2168)

Reported that the same Ought to Pass (pursuant to Joint Order H. P. 1986).

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

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

## Senate

## Leave to Withdraw

Mr. Katz for the Committee on Education on, Bill, "An Act Appropriating Funds to the Grant-loan Scholarship Fund for Positions at the New England College of Osteopathic Medi-

cine." (S. P. 634) (L. D. 1993)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

## Second Readers

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

## House

Bill, "An Act Concerning the Charter of the Guilford-Sangerville Water District." (Emergency) (H. P. 2161) (L. D. 2170)

Which was Read a Second Time.

On Motion of Mr. Speers of Kennebec, Tabled for Two Legislative Days, pending Passage to be Engrossed.

Bill, "An Act Clarifying the Definition of State Employee under the State Employees Labor Relations Act so as to Exclude Certain Attorneys Employed by the Attorney General's Office." (Emergency) (H. P. 1940) (L. D. 2020)

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

## House — As Amended

Bill, "An Act to Amend the Charitable Solicitations Act to Change the Responsibilities of Religious and Small Organizations." (Emergency) (H. P. 2015) (L. D. 2090)

See Action Later Today.

Bill, "An Act to Amend the University of Maine Labor Relations Act." (H. P. 1919) (L. D. 1980)

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

## Senate

Bill, "An Act to Provide Interpreter Service for the Hearing Impaired." (S. P. 720) (L. D. 2169)

Which was Read a Second Time.

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

Mr. HICHENS: I now present Senate Amendment "A" to (L. D. 2169) and move its Adoption.

The PRESIDENT: The Senator from York, Senator Hichens, now offers Senate Amendment "A" to (L. D. 2169) and moves its Adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-510) Read and Adopted. This Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

Mr. PIERCE: Mr. President, in reference to Bill, "An Act to Amend the Charitable Solicitations Act to Change the Responsibilities of Religious and Small Organizations." (Emergency) (H. P. 2015) (L. D. 2090)

I move the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate reconsider its action whereby (L. D. 2090) was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

On Motion of Mr. Pierce of Kennebec, Tabled until later in Today's Session. Pending Passage to be Engrossed.

## Senate — As Amended

Bill, "An Act Relating to Malpractice Insurance Companies." (S. P. 638) (L. D. 1997)

Bill, "An Act Relating to the Classification of Drug Offenses." (S. P. 676) (L. D. 2094)

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

Sent down for concurrence.

## Orders of the Day

The President laid before the Senate:

Bill, "An Act to Correct the Inequitable Taxation of Mobile and Modular Homes." (H. P.

1976) (L. D. 2059)

Tabled — March 1, 1978 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

On Motion of Mr. Speers of Kennebec.

Retabled for One Legislative Day.

The President laid before the Senate: Bill, "An Act to Clarify County Law Enforcement." (S. P. 671) (L. D. 2075)

Tabled — March 1, 1978 by Senator Collins of Knox.

Pending — Adoption of Committee Amendment "A" (S-493) as amended by Senate Amendment "A" (S-502) thereto.)

Committee Amendment "A" Adopted, as amended.

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

Mr. COLLINS: Mr. President, I now offer Senate Amendment "A" (S-508) to (L. D. 2075) and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to (L. D. 2075) and moves its Adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-508) Read.

On Motion of Mr. O'Leary of Oxford, Tabled until later in Today's Session, pending Adoption of Senate Amendment "A".

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 — March 1, 1978 by Senator Speers of Kennebec

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

The Senate voted to Recede and Concur.

The President laid before the Senate:

Bill, "An Act to Improve the Short-term Investment Capabilities and Debt Management of the State." (H. P. 1975) (L. D. 2061)

Tabled — March 1, 1978 by Senator Speers of Kennebec

Pending — Motion of Senator Hichens of York to Adopt Senate Amendment "A" (S-505) to Committee Amendment "A" (H-1098)

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

Mr. COLLINS: Mr. President, I move the indefinite postponement of Senate Amendment "A" and would speak to my Motion.

The PRESIDENT: The Senator has the Floor.

Mr. COLLINS: Mr. President and Members of the Senate: This original Bill which is the Committee Amendment, provides some changes in the debt management, the short term investments that are made by the treasurer of the State.

It does several things. It increases the trade of bonds from \$500,000 to \$1,000,000. It permits municipalities quasi municipality districts and counties to participate in a pool if they wish, under the ostosis of this of the State Treasurer. It also provides a bond of a half a million dollars to protect its interest on the part of the municipality. It continues in general the conservative management of investments by the State Treasurer and it limits his functions in terms of what security he may invest. The amendment that is proposed does 2 or 3 things which are unnecessary to the Bill. It suggests, for example, that the treasurer would be required to have a bond for every municipality that participated in an investment pool. The Committee feels that the communities are adequately protected by the provision for the half a million dollar bond for municipalities that do choose to use this vehicle. The Amendment further provides that the Treasurer shall make daily reports to municipalities anytime that there is a movement of cash that effects that

municipality, and it further provides that the cost of these reports shall be borne by the Maine Municipal Association.

I think that it is the view of the Committee that Amendment is superfluous to the Bill and entirely unnecessary and I would remind you that the Bill just makes it possible for those municipalities that wish to participate to do so. It does not mandate at all and it further permits the municipalities to do their own investment polls if they wish outside of the vehicle of the State Treasurer. So I would hope that you would support my motion to indefinitely postpone the Amendment.

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

Mr. HICHENS: Mr. President, I disagree with the Senator from Aroostook. This the amendment provides that the various municipalities and counties funds will be protected against mismanagement if the Treasury of the State laws does not cover the municipals and county treasuries. I think if we are interested in our municipalities and our counties in which we represent that this Amendment is very needful and I hope that you will go against his motion.

On Motion of Mr. Speers of Kennebec, Retabled for One Legislative Day. Pending the Motion of the Senator from Aroostook, Senator Collins, to indefinitely postpone Senate Amendment "A".

The President laid before the Senate: Bill, "An Act to Revise the Administration and Toll System of the Maine Turnpike." (H. P. 2132) (L. D. 2157)

Tabled — March 1, 1978 by Senator Minkowsky of Androscoggin

Pending — Motion of Senator Lovell of York to Indefinitely Postpone Senate Amendment "A" (S-506).

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: It is clear to me and to the Transportation Committee that a decision regarding the future of the Maine Turnpike should be made now.

The opponents of returning the tolls have indicated that the Legislature does not really have to do anything until 1981. Since both State Law and Federal Law and Federal requirements would require a removal of tolls at the time, at that time, and the opponents would then have achieved their objectives through delay. That position is perhaps understandable as far as they are concerned. The truth of the matter is that a logical and orderly procedure is required and this is what the Transportation Committee addressed. If we are to avoid an increase of taxes of Maine citizens by default. First this Legislation must determine a policy regarding a continuation of a toll collection system. Then Legislation must be prepared to present to the Congress and a Congressional Process must be followed over a period of a great many months. Then if successful, arrangements for making Federal Financial adjustments and a transition of the turnpike operation to the Department of Transportation must be finalized. Rather obviously it would be somewhat senseless to ask the Congress to act prior to the Maine Legislature in making a policy decision in this regard. The Legislative Committee on Transportation through diligent efforts of Senator Greeley who has done a great deal of work on this particular Bill, even while the Committee was not in session has worked long and hard hours to evaluate this entire subject matter. There is absolutely nothing to be gained by further delay, except the risk that we will have, unless the tax increases on the citizens of Maine by default. Mr. President, I would move the indefinite postponement of Senate Amendment "A".

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

Mr. FARLEY: Mr. President and Members of the Senate: The present bill that you have before you on the Session 335 calls for toll facilities and the Department of Transportation to conduct hearings throughout the State as to where these facilities are going to be located.

First of all, I do not believe that one more minute spent in public hearings is going to change the location of those barriers. If I get anymore information than we have right now, they have had a study order. They have had hearings in the Biddeford-Saco area and in the Lewiston Area. They have had another hearing this year on the Bill. I am now with the Committee on the work sessions.

The debt that we owe the Federal Government is not going to be known until we decide where the toll barriers are going to go. We will not know how much we owe the Federal Government until those areas are placed. The Amendment before you places the location of those barriers and also ask that those barrier systems will not be set up until all the Federal money has been paid back and all the bonds, existing bonds have been paid off. If we pass this legislation as it is today, we have the House Amendment "F" taken off the 40 day provision for the Legislature to act. If we do not reach a decision and the Commissioner of Department of Transportation can insert any plan he wants to. The Legislature will have no say at all. We have done away with that by House Amendment "F". All we have to do is to keep the toll barriers stirred up and they will go wherever he wants them. On The Bill now not just toll barriers he can keep existing toll gates open. All this Bill says three toll four barriers on the turnpike. Along the turnpike. They will be removed at his discretion. I ask you to make a decision today so that we will know where we stand with the Federal Government. We do not know if it is two million or ten million and we are not gonna know until we decide where we are going to put those barriers and we plan. I see was presented here last year and a copy here they know, Mr. Malar knows where those barriers are going to go. If I want home to York County with this kind of a set up. Well, there is no telling what would happen. We want to act today is the time to do it. Do not pass the buck, it starts right here. We are going to get the bureaucrat run around for two more Sessions down here. Nobody knows and we cannot get an answer as to how much we owe the Federal Government. But they are not going to let it go and we are going to have to pay it. I would hope that you would adopt this Amendment.

The PRESIDENT: Is the Senate ready for the Question?

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

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

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

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

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

The pending Motion before the Senate is the Motion by the Senator from York, Senator Lovell, to Indefinitely Postpone Senate Amendment "A".

A yes vote will be in favor of Indefinite Postponement.

A nay vote will be opposed.  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

#### ROLL CALL

YEA — Chapman, Collins, D. F.; Collins, S. W. Jr.; Cummings, Greeley, Hewes, Hichens, Jackson, Katz, Lovell, Mangan, McNally, Minkowsky, Morrell, Pierce, Redmond, Snowe, Speers, Wyman.

NAY — Carpenter, Conley, Danton, Farley, Levine, Martin, O'Leary, Pray.

ABSENT — Curtis, Huber, Merrill, Trotzky, Usher.

19 Senators having voted in the affirmative, and 8 Senators in the negative, and 5 Senators being absent, the Motion to Indefinitely Postpone Senate Amendment "A" does prevail.

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

Mr. LOVELL: Having voted on the prevailing side, I would now like to ask for reconsideration and hope that you will vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate reconsider its action whereby it indefinitely postponed Senate Amendment "A".

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.

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

Mr. DANTON: Mr. President, I move that the Senate reconsider its action where it adopted Senate Amendment "B" (S-507) to (L. D. 2157).

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate reconsider its action whereby it adopted Senate Amendment "B" to (L. D. 2157). Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. DANTON: I move that Senate Amendment "B" (S-507) be Indefinitely Postponed.

The PRESIDENT: The Senator from York, Senator Danton, now moves the Indefinite Postponement of Senate Amendment "B". Is it the pleasure of the Senate? It is a vote.

Mr. DANTON: Mr. President, I now offer Senate Amendment "C" to (L. D. 2157).

The PRESIDENT: The Senator from York, Senator Danton, now offers Senate Amendment "C" to (L. D. 2157) and moves its adoption. The Secretary will read Senate Amendment "C".

Senate Amendment "C" (S-511) Read.

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

Mr. SPEERS: Mr. President, has the Amendment been distributed?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I would like to urge you to vote in favor of this Amendment. Yesterday when we adopted Senate Amendment "B" there was some questions as to the validity of that but primarily because of the great esteem held for the Members here for the Senator from York County in the past. He has now withdrawn that and I would urge you to adopt this, which in effect, says that the Legislature does not make a decision during its Session as to the rates to tolls. Then the Commissioner's recommendations shall go into effect.

Senate Amendment "C" Adopted. This Bill, as amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Mr. KATZ: Mr. President and Members of the Senate: Sometimes when I am worried I have a feeling it is time to solicit a partnership.

Now I am worried about the Kennebec River. When I came into work into my office on Monday morning and my office faces the Kennebec I saw some foot prints across the River. Somebody had walked across. I have never seen footprints across the Kennebec River just below the dam in my life. Particularly in the summer time. But I have never seen the Kennebec River in a situation that is so potentially dangerous. I am not talking about flooding of parking lots in Front Street in Augusta. I mean

a major human, natural disaster. The Kennebec River is frozen solid. The ice jam down below by the Dresden Bridge has been there for weeks and weeks and weeks and I have been sorely perplexed at the position of the State Government with respect to the, what I consider an enormous flood potential. The last flood on the Kennebec River was in the thirties, the last real flood in the Kennebec where bridges were wiped out, where property damage was in the millions. And I am a little heartened today to notice that General Day, our adjutant general called a meeting to talk about planning and this is the first hard evidence that I have seen that somebody shares my deep concern and apparently the Coast Guard is going to bring its icebreakers up river to try to break it up. I must confess that I had a sense of deep concern that nobody was listening; that people were saying: sure we may be having a flood but there is nothing that we can do about it. And now I find that the two ice breakers that a few weeks ago could not make it up there and could not make any contribution are coming back up there and I want to applaud General Day, because it is he who caused the Coast Guard to get off center.

I hope and pray and I know that all of you will join with me that my fears will have been unnecessary by proper spring thaw. But if you have ever watched the Kennebec River you will learn to appreciate the potential for damage and this is a very, very dangerous spring for us.

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

Mr. O'LEARY: Mr. President, on L. D. 2075 on Today's Table that was tabled until later in Today's Session, I now move that we take it from the table and move the pending question.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that we take from the Table, Bill, "An Act to Clarify County Law Enforcement." (S. P. 671) (L. D. 2075)

Senate Amendment "A" Adopted. This Bill, as amended, Passed to be Engrossed.  
Sent down for concurrence.

(Off Record Remarks)

All matters previously acted upon were ordered sent forthwith.

On Motion of Mr. Conley of Cumberland, Recessed until 4:00 in the afternoon.

(Recess)

(After Recess)

Senate called to order by the President.

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

Orders

On motion by Mr. O'LEARY of Oxford: ORDERED, the House concurring, that all bills and resolves in possession of the Joint Standing Committees of the Legislature on March 1, 1978, which have had their public hearing, shall be reported from their respective committees by 2:00 p.m., Tuesday, March 7, 1978. Any bill not so reported shall be signed out by the committee chairman with the report "Leave to Withdraw." This order shall not apply to the Errors and Omissions bill referred to the Joint Standing Committee on the Judiciary, nor to any bill or resolve referred to the Joint Standing Committee on Taxation or the Joint Standing Committee on Appropriations and Financial Affairs. (S. P. 724)

Which was Read.

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

Mr. O'LEARY: Mr. President and Members of the Senate: The days left of the Legislature

in order to conduct its business are drawing fewer and I think that perhaps at this time it would be in order to have an order such as this. I am cognizant of the fact that the Committee on Education which wrestled with perhaps one of the most difficult problems to confront this Legislature and that is the funding of education for the next year has completed its work and it was perhaps the most cumbersome Committee work to be assigned. I am cognizant also of the fact that there are county budgets still in Committee on Local and County Government and I would suggest that the delegations get together and come to some kind of an agreement on the budget, or I for one myself am prepared to sign them out ought to Pass just as are presented by the County Commissioners and I would suggest that the people up on the fourth floor are to busy writing long-winded messages, what they call Amendments, for some of these Bills and I would suggest that they go in over the weekend and help complete their work so that this order can receive its passage.

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

Mr. SPEERS: Mr. President and Members of the Senate: I can assure the good Senator from Oxford, Senator O'Leary, that the Leadership of this Body and of the other Body are very well aware of the concerns of the Membership and share those concerns of bringing this Session to a quick and complete termination.

I would point out, however, that the responsibility for assuring that the Bills are reported out of Committees in the first instance rest with the Chairman of the Committee and in the second instance, with the presiding officer of this Body and the presiding officer of the other Body as well. I can assure the Members of this Body that those two gentlemen have very much in mind, the flow of Legislation and have exerted a good deal of pressure to bring the Bills before the Legislature as a whole are continuing to exert that pressure and those Bills which may be accepted and which may remain in Committee do so for one reason or another which I feel is best left up to the presiding officers of the two Branches of the Legislature.

I think that they are doing a good job and I know that they will continue to exert the pressure that should be exerted to bring those Bills before us so that we can bring the Session to a close. I do not feel that an order of this type, at this point is necessary or warranted and I, therefore, move its indefinite postponement.

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

Mr. CONLEY: Mr. President and Members of the Senate: Perhaps what the good Senator from Kennebec, Senator Speers, stated is there is an element of truce to some of his statements. However, in talking with some of my colleagues and I know and in speaking with both the President and the Speaker that it is apparent on many occasions that either House Chairman or Senate Chairman cannot get a quorum together to Report out a Bill. Now it seems to me here we are like I stated earlier this morning, the first of March, and I would remind this Body that during the Regular Session we had over 2,000 Bills to deal with. I believe we had 237 Bills in this Session. We have been in Legislative Session now approximately 35 days and we have yet to deal with a number of Bills that have come in. And I would say at least a year ago, we perhaps worked over 400 Bills by this time. There has got to be some reason as to why the Committees are not moving and I see no reason in the world why this order should not pass and perhaps all Bills will be reported out of the Committees by Tuesday.

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

Mr. KATZ: Mr. President, if this Joint Order does not pass, and I would presume with the Majority Leaders opposition that it will not

pass, none the less, I would request to the Majority Leader that when we reconvene on Monday that we at least might have the benefit on our desks of having a specific breakdown committee by committee.

I think that Leadership has exerted all of the pressure it can and I heard the President speak very vigorously and I think that perhaps the only way to handle this is for Leadership to get considerable assistance from those of use who are sitting in there who have done our work to exert our personal pressures on the others who for some reason or another do not have their Bills out. I think that I am unwilling to accept the assurance that everything is going splendidly because there is a limit to what leadership can do. On the other hand, I certainly respect the desires of the Majority Leader and will support the indefinite postponement, but I think that we have to do better and we need more practice in getting us to do better.

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly could not agree more wholeheartedly with the concerns that have been expressed with regards to the flow of Legislation through the Committee process in bringing it before this Body.

And I would hope that another Session of this Legislature when it is adopting its joint rules, the Session of the next Legislature, excuse me, when it is adopting its joint rules, would again consider a proposal that I submitted at the beginning of this Legislative Session, with regard to the length of time a Bill could stay in a Committee after it has been heard. I think that if such a rule had been adopted in this Session, we would have seen Legislation coming through in a very orderly and a very expeditious manner. After each hearing on each bill. It has been a long afternoon.

I would also suggest and just make note that to breakdown Committee by Committee with regard as to how many Bills are left in the Committees is available in the Office of the Secretary of this Body, and can be noted by any member who so desires. I would certainly hope that the objectives of this Order could be very well obtained by the presiding officers of the two Branches and that the necessity of the Order has not been established.

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

Mr. O'LEARY: To show you how expeditiously we work in some of our Committees, it was about three weeks ago our Committee, well I will not name the Committee, voted unanimously leave to withdraw on, one bill and it is still on the shelf over there. I do not expect the President of this Senate or Leadership to break anyones arm. But this is a tool by which we can work. I know that getting some of these County Delegations together to come to some kind of agreement on their county budgets is going to be difficult, but like I stated before, I am willing to sign out just as the County Commissioners have proposed the budget if it is necessary.

Mr. President, I see nothing wrong with the language in this Order. It leaves the opportunity for the Joint Committee on the Judiciary to hold until the very end this Errors and Omissions Bill. The Joint Standing Committee on Appropriations and Financial Affairs to do their work as they have in the past and the Committee on Taxation, but there is no need for any other Committee to hold this Legislature here any longer than they have to. I see that by the votes in one Branch of our Legislature that there is a possibility the Governor will veto our Educational Funding Bill just may be substantiated. I am not sure how it would fair in this Body, and I am concerned about whether we would have time to come back later and rewrite another Educational Bill. I have many concerns, Mr. President, but I will not state them all here today.

The PRESIDENT: The pending question

before the Senate is the Motion by the Senator from Kennebec, Senator Speers, that this Joint Order S. P. 724 be Indefinitely Postponed.

The Chair will order a Division.

Will all those Senators in favor of the indefinite postponement 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 11 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

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

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)

In the House, February 27, 1978, Passed to be Engrossed as amended by House Amendment "A" (H-1093).

In the Senate, March 1, 1978, Bill and Papers, Indefinitely Postponed, in non-concurrence. Comes from the House, that Body having Adhered.

On Motion of Mr. Wyman of Washington, the Senate voted to Adhere.

#### Joint Orders

Expressions of Legislative Sentiment recognizing that:

The Farmers of Maine joined by the Department of Agriculture and their attractive reigning Queens have presented a truly outstanding Agriculture Day for the 108th Maine Legislature, (H. P. 2163)

The Jonesport-Beal Royals Boys' Basketball Team has won the Eastern Maine Class D Championship for the 8th time, (H. P. 2165)

Mrs. Ethel M. Haskell, of Mt. Desert, has been named 1978 Merit Mother, (H. P. 2166)

The Hawks of Hodgdon High School, coached by Roger Sherman, have won the Eastern Maine Class C School Girl Basketball Championship for the academic year 1978, (H. P. 2167)

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

#### Joint Order

WHEREAS, the Legislature has been involved in the improvement of law enforcement at the county level through Public Law 1977, chapter 431; and

WHEREAS, there are 13 county jails in the State of Maine; and

WHEREAS, each of these jails is administered in a separate county; and

WHEREAS, program standards and administrative efficiency, as well as client load and client characteristics vary greatly from county to county; and

WHEREAS, it is in the interest of the State of Maine to make the best possible use of all of its resources and to deliver quality correctional and detention services at the county level; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Institutional Services shall study the county jail system to determine the appropriateness and feasibility of a regional county jail system; and, be it further

ORDERED, that the County Sheriffs Association, the Department of Mental Health and Corrections, and the Maine Criminal Justice Planning and Assistance Agency are requested to provide all possible technical assistance in completing this study; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence,

that a suitable copy of this order shall be forwarded to members of the committee. (H. P. 2168)

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

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

#### Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act to Prohibit Child Pornography." (H. P. 2106) (L. D. 2141)

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

"An Act to Amend the Statutes Relating to Airmobiles." (H. P. 2126) (L. D. 2153)

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

"An Act to Establish Training Requirements for Corrections Officers." (H. P. 2039) (L. D. 2104)

"An Act to Provide a \$250,000 Grant to the New England College of Osteopathic Medicine." (S. P. 667) (L. D. 2055)

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

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

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

Mr. CONLEY: Mr. President and Members of the Senate: I wish to pose a question through the Chair to any Member of the Joint Standing Committee on Judiciary with respect to this Bill. And I noticed that any engrossed copy is a very brief Bill, but I would like to read it.

It says, "That the Supreme Judicial Court shall have the power and authority to prescribe, repeal, add to, amend, or modify rules relating to a Committee to receive complaints, make investigations and make recommendations to the Supreme Judicial Court in regard to discipline disability, retirement, or removal of justices of the Supreme Court and the Superior Court and judges of the District, the Probate Court, and the Administrative Court," and I would just pose a question as to whether or not the Court under this statute would have the power to remove justices from any of the courts or a judge from any of these courts?

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

Mr. COLLINS: Mr. President, in response to the question from the Senator from Cumberland, Senator Conley.

The power of removal would not exist unless it is created by the Constitutional Amendment which will be coming back to this Body presumably within a day or so. And the word removal in this particular act, however, in the judgment of the Committee does no harm to the value of this statutory act because if it were to happen that the Constitutional Amendment did not pass or that the voters did not approve it, and it would still be possible for this disciplinary Committee to consider violations of the code of Judicial Conduct, for example or, criminal activity on the part of a judge and to recommend removal to the Legislature which could then proceed by impeachment or by address the present Constitutional methods of removal but it is quite clear I think in the opinion of all the Lawyers that I have talk with that the Judiciary does not presently have the power of removal and this word in the statutes would not give it that. That has to come through Constitutional enactment.

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 Authorize the Town of Lincolnville to Withdraw from the Appleton-Hope-Lincolnville Community School District." (H. P. 2066) (L. D. 2129)

This being an emergency measure and having received the affirmative votes of 23 Members of Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County of the Year 1978. (H. P. 2127) (L. D. 2154)

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1978. (H. P. 2122) (L. D. 2152)

These being emergency measures and having received the affirmative votes of 23 Members of Senate, were Finally Passed and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate:

Bill, "An Act to Amend the Charitable Solicitations Act to Change the Responsibilities of Religious and Small Organizations." (H. P. 2015) (L. D. 2090) (Emergency)

Tabled — Earlier in the Day by Senator Pierce of Kennebec

Pending — Passage to be Engrossed

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

Mr. MORRELL: Mr. President, I present Senate Amendment "A" to (L. D. 2090) (S-512) and would speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now offers Senate Amendment "A" to (L. D. 2090) and moves its adoption.

Senate Amendment "A" (S-512) Read.

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

Mr. MORRELL: Mr. President, the statement of fact describes accurately the purpose of this Amendment. The purpose of the amendment is to exclude Religious Organizations from Charitable Solicitations Act.

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

Mr. CONLEY: Mr. President and Members of the Senate: I just question if the law does not already exclude churches?

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

Mr. MORRELL: Mr. President, in response to the Senator from Cumberland, my understanding is that the law as proposed will make it somewhat easier for Religious Institutions to comply with the Law, but does not go as far as this proposed amendment.

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

Mr. CONLEY: Mr. President, it is my understanding that there may be possibly a problem with the Amendment that is before you as to the constitutionality of such an Amendment and I think that it would be nice if someone tabled this item until we could check it out.

On Motion of Mr. Morrell of Cumberland, Tabled for One Legislative Day, pending Adoption of Senate Amendment "A".

On Motion of Mr. Huber of Cumberland, Adjourned until 10:00 in the morning, Friday, March 3, 1978.