

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 3, 1980 to May 1, 1981**

KJ PRINTING  
AUGUSTA, MAINE

STATE OF MAINE  
One Hundred and Tenth Legislature  
First Regular Session  
JOURNAL OF THE SENATE  
February 2, 1981  
Senate called to order by the President.

Prayer by The Honorable Walter W. Hichens of Eliot.

Senator HICHENS: Our heavenly Father, as we begin another week of the session, we pray, Lord, that we may listen to the words of the apostle Paul in which he said: "Be not conformed to this world, but be transformed by the renewing of your mind that you may prove what is the perfect and acceptable will of God."

O Lord, may we be men and women of true conscience weighing carefully the impact of our decisions on the people we serve, and strive to represent them as Thou would have us to do in all honesty and perseverance not swayed by politics, nor the trend of the times, but by our deep convictions and Thy guidance. Amen.

Reading of the Journal of yesterday.

**Papers from the House**  
**House Paper**

An Expression of Legislative Sentiment recognizing:

Miss Carolyn Dolan of Fort Kent, winner of the Kraft Hostess Award for 1981. (H. P. 443)  
Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

**House Papers**

Bill, "An Act Concerning Appointed Chief Administrative Officers of Local Districts under the Maine State Retirement Laws." (H. P. 418) (L. D. 465)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

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

Bill, "An Act to Amend the Professional Service Corporation Act." (H. P. 419) (L. D. 466)

Bill, "An Act to Prohibit the Charging of Users Fees When a Person Purchases a Mobile Home Already Located in a Mobile Home Park." (H. P. 422) (L. D. 469)

Bill, "An Act to Require a Record of Sales to be Kept by Dealers in Used Merchandise." (H. P. 423) (L. D. 470)

Bill, "An Act to Exempt Auctioneers From Certain Tax and Bonding Requirements when Provided by an Employer." (H. P. 424) (L. D. 471)

Bill, "An Act Concerning Use of Aircraft by Aircraft Dealers." (H. P. 446) (L. D. 494)

Bill, "An Act to Provide Notice to Cosigners and Other Similarly Situated in Consumer Credit Transactions." (H. P. 448) (L. D. 495)

Bill, "An Act to Repeal Continuing Education Requirements for Real Estate Brokers." (H. P. 449) (L. D. 496)

Bill, "An Act Concerning Certain Practices of Oil and Solid Fuel Burner Technicians." (H. P. 450) (L. D. 497)

Bill, "An Act to Permit the Use of Foam Plastic Insulation in Certain Facilities Without the Required Thermal Barrier." (H. P. 451) (L. D. 498)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act to Require Prior Notice and an Option to Purchase to Tenants of Building Being Converted into Condominiums." (H. P. 420) (L. D. 467)

Bill, "An Act Providing for Equitable Treat-

ment of Security Deposits." (H. P. 421) (L. D. 468)

Reference to the Committee on Business Legislation suggested.

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

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

Bill, "An Act Establishing a National Guard Scholarship Program in Vocational-Technical Institutes." (H. P. 452) (L. D. 499)

Bill, "An Act to Amend the Eligibility Age for Preschool Handicapped Children." (H. P. 453) (L. D. 500)

Come from the House, referred to the Committee on Education and Ordered Printed.

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

Bill, "An Act to Require the Office of Energy Resources to make an Analysis of Sources of Fuel for the Replacement of Maine's Power Entitlement from the Maine Yankee Nuclear Power Plant." (H. P. 425) (L. D. 472)

Bill, "An Act Amending the Certification of Ionizing Radiation Equipment." (H. P. 426) (L. D. 473)

Resolve, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs." (H. P. 454) (L. D. 501)

Come from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which were referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to September 1st." (H. P. 455) (L. D. 502)

Comes from the House, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

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

Bill, "An Act to Improve the Nursing Home Ombudsman Program's Capacity to Respond to Nursing and Boarding Home Complaints." (H. P. 456) (L. D. 503)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

On motion by Senator Huber of Cumberland referred to the Committee on Appropriations and Financial Affairs, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Amend the Maine Tort Claims Act to Remove Restrictions on Governmental Liability for Negligent Acts which Result in the Discharge of Certain Toxic Substances." (H. P. 427) (L. D. 474)

Bill, "An Act to Improve the Administration of Decedent's Estates." (H. P. 428) (L. D. 475)

Bill, "An Act to Allow Registers of Probate to Aid Persons Using Probate Courts." (H. P. 429) (L. D. 476)

Bill, "An Act to Prohibit Unjust Retaliatory Evictions." (H. P. 409) (L. D. 448)

Bill, "An Act to Increase the Fee for Serving Civil Process." (H. P. 410) (L. D. 449)

Bill, "An Act to Ease the Enforcement of Judgements." (H. P. 458) (L. D. 504)

Bill, "An Act to Make Operating a Vehicle under the Influence of Intoxicating Liquor or Drugs an Adult Crime Regardless of the Age of the Operator of the Vehicle." (H. P. 459) (L. D. 505)

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

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

Bill, An Act to Increase the Minimum Base Salary for Executive, Administrative or Professional Employees. (H. P. 430) (L. D. 477)

Bill, An Act to Clarify the Misconduct Provision of the Employment Security Law. (H. P. 431) (L. D. 478)

Bill, An Act to Provide for Enforcement Inspections under the Minimum Wage Rate on Construction Projects Law. (H. P. 432) (L. D. 479)

Bill, An Act to Repeal the Double Affirmation Rule under the Employment Security Law. (H. P. 411) (L. D. 450)

Come from the House, referred to the Committee on Labor and Ordered Printed.

Which were referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, An Act to Increase the Salary of the Aroostook County Register of Probate. (H. P. 412) (L. D. 451)

Bill, An Act Concerning the Posting of the Agenda for Meetings of County Commissioners. (H. P. 433) (L. D. 480)

Come from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, An Act to Amend the Contingency Reserve Fund for Municipal Water Districts. (H. P. 434) (L. D. 481)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

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

Bill, An Act to Discourage State Purchasing from Participants in International Boycotts. (H. P. 435) (L. D. 482)

Resolution, Proposing an Amendment to the Constitution of Maine to Abolish the Office of Secretary of State and to Create the Office of Lieutenant Governor. (H. P. 436) (L. D. 483)

Come from the House, referred to the Committee on State Government and Ordered Printed.

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

Bill, An Act to Change the Sales and Use Tax Law to Exempt Purchased and Leased Equipment from Sales Tax when the Equipment is Engaged in Interstate Commerce. (H. P. 413) (L. D. 452)

Bill, An Act to Amend the Sales Tax Refund Law on Depreciable Machinery and Equipment used in Farming and Fishing. (H. P. 437) (L. D. 484)

Bill, An Act to Provide an Income Tax Credit for Oil and Gas Furnace Automatic Vent Dampers. (H. P. 438) (L. D. 485)

Bill, An Act to Provide a Trade-in Credit under the Sales and Use Tax for Camp Trailers. (H. P. 439) (L. D. 486)

Come from the House, referred to the Committee on Taxation and Ordered Printed.

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

Bill, An Act Requiring Protective Headgear for Motorcycle Riders. (H. P. 414) (L. D. 453)

Bill, An Act to Change the Motor Vehicle Laws to Allow Operators to Redistribute their Axle Weight Limits while Traversing Maine's Interstate Systems. (H. P. 440) (L. D. 487)

Bill, An Act Concerning Registration of Motorcycles which are Returned to the Seller Because of Defect. (H. P. 441) (L. D. 488)

Come from the House, referred to the Committee on Transportation and Ordered Printed.

Which were referred to the Committee on Transportation and Ordered Printed, in concurrence.

**Communication  
Department of Transportation**

February 2, 1981

To the Honorable Senate and  
House of Representatives  
of the 110th Legislature

In response to a Resolve of the 109th Legislature (L.D. 199) which authorized and directed the Maine Department of Transportation to conduct a study, in cooperation with the Town of Skowhegan, to reexamine the location of an additional river crossing in the Town of Skowhegan, the State Department of Transportation herewith submits the enclosed report entitled, "Reevaluation of River Crossing Needs, Skowhegan" prepared by the Department's Bureau of Planning.

Respectfully,  
S/GEORGE N. CAMPBELL, Jr.  
Commissioner of Transportation

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

**Department of Educational  
and Cultural Services**

January 28, 1981

TO: May Ross, Secretary of the Senate  
Edwin Pert, Clerk of the House  
G. William Buker, State Budget Office  
FROM: Harold Reynolds, Jr., Commissioner  
RE: Recommendation for 1981-1982 Funding  
Level for Adult Education

Pursuant to the provisions of Title 20, M.R.S.A., Chapter 308A, Section 2385, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding levels for the various program categories in Adult Education.

Please see the recommendation below:  
EDUCATION - ADULT EDUCATION  
1981-1982

All Other Category 6300  
(Grants to Cities and Towns) — \$1,705,787.77  
Which was Read and Ordered Placed on File.

**Senate Papers**

Senator HUBER of Cumberland presented, Bill, "An Act to Create the Budget Stabilization Fund." (S. P. 196)

Senator HICHENS of York (Cosponsors: Senator GILL of Cumberland, Senator NAJARIAN of Cumberland and Representative KELLEHER of Bangor) presented, Bill, "An Act to Provide Funds for the Provision of the State Cost Sharing of Telecommunication Typewriters for the Hearing Impaired." (S. P. 201)

The same Senator (Cosponsors: Representative KELLEHER of Bangor and Representative J. MITCHELL of Freeport) presented, Bill, "An Act to Continue the Provision of Funding the Telecommunication Services for the Hearing Impaired." (S. P. 202)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Senator MINKOWSKY of Androscoggin presented, Bill, "An Act Relating to Cash Reserve Requirements." (S. P. 197)

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

Sent down for concurrence.

Senator EMERSON of Penobscot (Cosponsor: Representative DRINKWATER of Belfast) presented, Bill, "An Act to Forbid Payments for Signing or Distributing State Referendum Petitions or Absentee Ballots." (S. P. 198)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Senator PIERCE of Kennebec (Cosponsor:

Senator GILL of Cumberland) presented, Bill, "An Act to Set Forth the Rights and Responsibilities of Hospital Patients and the Responsibilities of Physicians." (S. P. 203)

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

Sent down for concurrence.

Senator DUTREMBLE of York (Cosponsor: Representative THOMPSON of South Portland) presented, Bill, "An Act Relating to Payment by an Employer When a Physician's Certification of Illness is Required." (S. P. 204)

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

Sent down for concurrence.

Senator SEWALL of Lincoln presented, Bill, "An Act to Permit the Sale of Dessert Wine at Retail Stores." (S. P. 199)

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

Sent down for concurrence.

Senator USHER of Cumberland (Cosponsors: Representative BROWN of Gorham and Representative GOWEN of Standish) presented, Resolve, Authorizing the Attorney General to Convey Certain Lands of the State to the Town of Gorham. (S. P. 200)

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

Sent down for concurrence.

**Orders**

On motion by Senator HUBER of Cumberland, ORDERED, the House concurring, that the Joint Rules be amended by adding, Joint Rule 37, the following:

37-A. Bills or resolves requiring continued funding. No bill or resolve requiring continued funding may be passed by the Legislature unless that bill or resolve carries an appropriation that is sufficient to provide full funding for a complete biennium.

Any funds appropriated pursuant to the first paragraph, but not needed due to the effective date of that bill or resolve, shall not be used for any other purpose, but shall be allocated to the hereby created Budget Stabilization Fund.

Appropriations from the Budget Stabilization Fund may be made by the Legislature, but only for repayment of outstanding General Fund bonds, for purposes for which issuance of bonds has been approved, or for major construction. Major construction is defined as being any single project with a total cost of over \$500,000. (S.P. 206)

Which was Read.

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

Senator HUBER: Mr. President, I now move that this Order be referred to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that this Order be referred to the Committee on Appropriations and Financial Affairs, and sent down for concurrence.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move that SP 206 lie on the Table 1 Legislative Day.

On motion by Senator Pierce of Kennebec, Tabled until Later in Today's Session, pending Reference.

An Expression of Legislative Sentiment recognizing:

Janice Ethel Lytle of Eliot, who has been designated as "Outstanding Young Woman of America," 1980. (S. P. 205)

presented by Senator HICHENS of York (Cosponsor: Representative McPHERSON of Eliot.)

Which was Read and Passed.

Sent down for concurrence.

**Committee Reports  
House**

**Leave to Withdraw**

The Committee on Business Legislation on, Bill, "An Act Concerning the Selection of Attorneys to Conduct Real Estate Title Searches." (H. P. 97) (L. D. 127)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Legal Affairs on, Bill, "An Act to Remove Location Restrictions on Burial Sites." (H. P. 108) (L. D. 142)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

**Ought to Pass**

The Committee on Fisheries and Wildlife on, Bill, "An Act to Change the Name of Roadside Menagerie to Wildlife Exhibit Under the Inland Fisheries and Wildlife Laws." (H. P. 59) (L. D. 103)

Reported that the same Ought to Pass.

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

The Committee on State Government on, Bill, "An Act to Amend the Operation Provisions of the Maine State Museum to Permit the Award of Stipend Support for Students Engaged in Nongeneral Fund Supported Archaeological and Conservation Projects." (H. P. 20) (L. D. 13)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, the Bills Read Once, and Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Redesignating the Bureau of Resource Development as the Bureau of Social Services, and the Bureau of Social Welfare as the Bureau of Income Maintenance." (H. P. 64) (L. D. 95)

Reported that the same Ought to Pass.

Signed:

Senators:

GILL of Cumberland  
HICHENS of York  
BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden  
BRODEUR of Auburn  
HOLLOWAY of Edgecomb  
BOYCE of Auburn  
RICHARD of Madison  
MacBRIDE of Presque Isle  
KETOVER of Portland  
MANNING of Portland  
RANDALL of East Machias

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

Signed:

Representative: McCOLLISTER of Canton

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

Which Reports were Read.

The Majority Ought to Pass Report of the Committee, Accepted, in concurrence. The Bill Read Once, and tomorrow assigned for Second Reading.

**Senate**

**Leave to Withdraw**

Senator SUTTON for the Committee on Labor on, Bill "An Act to Require Employee Organizations, Unions and Bargaining Agents in the Private Sector to Negotiate on Behalf of

Retired Employees." (S. P. 53) (L. D. 62)

Reported that the same be granted Leave to Withdraw.

Which Report was read.

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

Senator O'LEARY: Mr. President, this bill was put in as a backup measure for an opinion that I had asked the Attorney General.

On January 13, I received a copy of the opinion, and the Bill hadn't yet been assigned for hearing. I gave a copy to the Chairman of the Committee on Labor, both House and Senate Chairmen, and told them both at that time, that I would request a Leave to Withdraw. I was of the opinion this Bill would not even receive a public notice to have a public hearing, and as a courtesy to me it would be granted.

However, the Bill was put out as a notice to the public that it would have a public hearing. I did get press releases, I did make radio announcements, and such, that this Bill would be asked for a Leave to Withdraw, but a lot of people did not hear this, didn't read it.

There were people here from Rumford, Auburn, Bucksport and Woodland. I talked to them out here in the corridor and told them my reasons. I gave them copies of the opinion. I think in the future when a Bill is requested from the committee chairman that it not be advertised that they would like a Leave to Withdraw that the courtesy should be extended. I now move the pending question.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President, Members of the Senate. The Bill had been, as Senator O'Leary said, referred to the committee. I checked with May Ross and I checked with Ed Pert, as to the procedure that must be taken. They said, that since it had already been printed, and its number, and been referred to the committee before cloture, even though it could have been held until the last day, since it had been referred we had to schedule it for hearing. We did that, we gave several weeks notice, there was three weeks notice, that we were going to do this. We did say that the Bill was withdrawn had we marked it that way on the door, and in every way that we could. I understood from both Mr. Pert and Mrs. Ross that this was the procedure to be used. I informed the good Senator of the procedure that we would be using.

The Bill did, as you see, get a unanimous Leave to Withdraw from the Committee. Thank you.

Which Report was Accepted.

Sent down for concurrence.

#### Ought to Pass

Senator USHER for the Committee on Transportation on, Resolve, Designating the Scenic Overlook on Interstate 95 in T1-R6 WELS as "The Albert J. 'Allie' Cole Memorial Scenic Overlook." (S. P. 82) (L. D. 179)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Resolve Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass-as Amended

Senator SUTTON for the Committee on Labor on, Bill, "An Act Relating to the Period for Establishing Employer Contribution Rates under the Employment Security Law." (S. P. 61) (L. D. 87)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-5).

Senator DUTREMBLE for the Committee on Labor on, Bill, "An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law." (S. P. 74) (L. D. 111)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-6).

Which Reports were Read and Accepted and

the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Require Liquor Inspectors to be Uniformed before Entering any Licensed Premise." (S. P. 89) (L. D. 186)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SHUTE of Waldo

CHARETTE of Androscoggin

VIOLETTE of Aroostook

Representatives:

COX of Brewer

DUDLEY of Enfield

SOULAS of Bangor

McSWEENEY of Old Orchard

STOVER of West Bath

SWAZEY of Bucksport

TREADWELL of Veazie

STUDLEY of Berwick

GWADOSKY of Fairfield

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

Signed:

Representative: PERRY of Mexico

Which Reports were Read.

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

Senator O'LEARY: I move the Minority Ought to Pass Report, and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator O'LEARY: Mr. President, this Bill received a public hearing last week. I thought that both the proponents and the opponents stated their case very well.

Mr. President, I am of the opinion that the method of entry by liquor inspectors is not in keeping with the image as public servants. They obtain entry, in what I would call less than ethical methods. To give you an example of why I believe this: One of my organizations, which is a non-profit organization and donates their extra money to the mentally retarded, for scholarships and such, had a dance, one night, two liquor inspectors, a male and female, following another couple in. The guard at the door said: Hi, Noel, to the club member. The Guest book is right there, and the inspector says, how do you spell Noel's last name, he says 'Theberg'. So he writes it down that he is a guest of Noel Theberg. Fine. He and the other inspector then proceed in, purchased a drink, and the following business day they receive a summons.

Mr. President, I do not believe, that that is an ethical procedure on the part of liquor inspectors. They are public servants paid for by the public's dollars. The fine that goes along with the illegal sale to a none club member is perhaps a hundred dollars, the lose of the license for a month means, that much less that is going to be donated to a scholarship fund, or a mentally-retarded organizations. I do not think it is asking to much that when these people are going to appear in one of these licensed premises that they appear in uniform. They wanted the uniform, they wanted pistols, they have got them, now use them. I would, therefore, move the Minority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, the reason for the lopsided report on this 12 to 1 Ought Not to Pass, wasn't a coincidence. The Bill in question requires that liquor inspectors have their uniform on before taking any action, arresting anybody, or serving a warrant, or summons or anything. Now can you imagine if a youngster was buying liquor up to Shaws Market, or First National, and they had to run home and get their uniform on before they could arrest that

youngster from buying beer, or liquor.

Somebody suggested at the hearing, that the liquor inspectors should, at least, be required to blow their siren, have their lights on, and blow a whistle before entering these establishments that they have had problems with. The Committee did not think that we should go in quite that direction.

I know one of the clubs that the good Senator from Oxford, Senator O'Leary is referring to was busted five times and maybe that was one of the reasons for the Legislation.

I think the committee felt that if these clubs were going to have the privilege of operating, not outside of the law, but with privileges that other places do not have. They should have some responsibility to operate under the present system. I really think that it would not work to well to have a liquor inspector have to be in uniform before making an arrest, any more than it would be for a police officer to have to be in uniform before making an arrest if he saw some criminal act being committed.

I would urge that you reject the pending motion and accept the Ought Not to Pass Report.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Oxford, Senator O'Leary that the Senate Accept the Ought to Pass Report of the Committee.

Will all those Senators in favor of Accepting the Ought to Pass Report, please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote being had.

The Motion to Accept the Ought to Pass Report does not prevail.

The Majority Ought Not to Pass Report Accepted.

Sent down for concurrence.

#### Orders of the Day

The President laid before the Senate, the Tabled and specially assigned matter:

HOUSE REPORT—from the Committee on Judiciary—Bill "An Act to Amend the Motor Vehicle Statutes to Allow the Secretary of State to Enter into the Nonresident Violator Compact. (Emergency) (H. P. 66) (L. D. 96) Ought to Pass.

Tabled—January 29, 1981 by Senator MIN-KOWSKY of Androscoggin.

Pending—Acceptance of Report.

The Ought to Pass Report, Accepted, in concurrence. The Bill Read Once, and Tomorrow Assigned for Second Reading.

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:

the Town of Vinalhaven, which has successfully built a municipal owned fish processing facility and is joined by state and federal officials in dedication of this outstanding accomplishment. (H. P. 514)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

#### Order

An Expression of Legislative Sentiment recognizing:

February 2, 1981, as the grand opening of the Bowdoinham Country Store and its proud owners, Ronald and Marian Bagley. (S. P. 216) presented by Senator MINKOWSKY of Androscoggin (Cosponsor: Representative CHONKO of Topsham).

Which was Read.

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

Senator TROTZKY: The Minority Leader is not here today, I would hope that somebody would table this for 1 Legislative Day.

Which was Passed.

Sent down for concurrence.

**Orders of the Day**

The Chair would direct the Senate's attention to, Joint Order relative to amending the Joint Rules by adding Rule 37A relative to Bills or Resolves requiring continued funding. (S. P. 206) Tabled earlier in today's session, by the Senator from Kennebec, Senator Pierce, pending Reference.

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

Senator O'Leary of Oxford, was granted unanimous consent to address the Senate, On the Record.

Senator O'LEARY: Mr. President, and Members of the Senate, today I presented my Bill to abolish the Legislative Council. There was no objection from any members of the Legislative Council. There was no opposition at the public hearing.

What disturbed me, Mr. President, is the right to privacy in the files of the Legislative Research Office, to each and everyone of the 184 members of this Legislature. I have on my desk here a letter, dated February 2, 1981, and it has the State of Maine Legislative Council, heading and signed by the good President of the Senate and Speaker of the House, I wonder sir, if this isn't invasion of privacy of each and everyone of us who are Legislators, saying that they will date the Bills that we have, and then in 5 days they will kick them out to the respective branches.

I do not think, that this is a letter that I can accept. I wish that someone would give me an explanation as to where the power to do this lies. Thank you.

On motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.