

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

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE

February 19, 1981

Senate called to order by the President.

Prayer by the Reverend David Glusker of the Green Street Methodist Church of Augusta.

Reverend GLUSKER: Let us pray. Lord God, we symbolically fall on our knees before You, lest we be brought to our knees by the circumstances and pressure of the world we live in.

We give You thanks for the opportunity that we have to call upon You. We recognize the importance of decisions that must be made. We are conscious of all of the demands that are placed upon us. And, yet we pause and we pray that our decisions may be made in keeping with Your will, as well as, the good of humanity.

Bless us in our efforts and endeavors, that we may be obedient to You. We pray it in the name of the living Lord. Amen

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House
House Papers

Bill, "An Act to Provide for the Retirement of Forest Rangers in Fire Control Work after 20 Years of State Service." (H. P. 716) (L. D. 848)

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 Pertaining to Willful Killing and Injuring of Police Dogs and to Licensing Fees for Police Dogs." (H. P. 717) (L. D. 849)

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

On Motion by Senator Conley of Cumberland referred to the Committee on Legal Affairs and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Amending the Used Car Information Act." (H. P. 718) (L. D. 850)

Bill, "An Act to Amend the Maine Securities Act." (H. P. 702) (L. D. 841)

Bill, "An Act to Amend the Maine Consumer Credit Code to Increase the Availability of First Mortgage Residential Loan Funds." (H. P. 719) (L. D. 851)

Bill, "An Act to Limit the Profit on the Resale of Tickets for Certain Performances and Events." (H. P. 720) (L. D. 852)

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

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

Bill, "An Act to Amend the Statutes Relating to Teacher Tenure." (H. P. 704) (L. D. 828)

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

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

Bill, "An Act to Permit Straight Party Ticket Balloting" (H. P. 705) (L. D. 830)

Comes from the House, referred to the Committee on Election Laws and Ordered Printed.

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

Bill, "An Act to Provide for Reduced Hunting and Fishing License Fees for Nonresidents Owning Taxable Property in the State for at

Least 5 Years." (H. P. 721) (L. D. 853)

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 Provide for Meaningful Annual Review of Fees for Dental Services Provided under the Maine Medical Assistance Program." (H. P. 706) (L. D. 831)

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

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

Bill, "An Act to Amend the Maine Unfair Trade Practices' Laws." (H. P. 707) (L. D. 832)

Bill, "An Act Relating to Security Deposit Notices" (H. P. 726) (L. D. 829)

Bill, "An Act Relating to the Jurisdiction of the District Court." (H. P. 722) (L. D. 854)

Bill, "An Act Concerning Periodic Tenancy." (H. P. 723) (L. D. 855)

Bill, "An Act Concerning Causes for 7-day Notices of Termination of Tenancy." (H. P. 724) (L. D. 856)

Bill, "An Act Relating to Rental Property." (H. P. 725) (L. D. 857)

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 Stabilize the Maximum Weekly Benefit under the Workers' Compensation Act." (H. P. 709) (L. D. 834)

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

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

Bill, "An Act to Clarify the Authority of Councils of Governments." (H. P. 710) (L. D. 835)

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

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

Bill, "An Act to Amend the Municipal Securities Approval Act." (H. P. 711) (L. D. 836)

Reference to the Committee on Local and County Government suggested.

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

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

Bill, "An Act to Amend the Charter of the Gardiner Water District." (H. P. 712) (L. D. 837)

Bill, "An Act to Relieve Maine Landlords from Excessive Utility Charges" (H. P. 713) (L. D. 838)

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

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

Bill, "An Act to Provide that Merit Increases for State Employees will Only be Awarded for Job Performance that is Meritorious." (H. P. 714) (L. D. 839)

Resolve, Authorizing the Governor to Convey by Sale to the Passamaquoddy Tribe and Penobscot Nation the State's Interest in Certain Buildings now Located within the Indian Reser-

ventions." (H. P. 715) (L. D. 840)

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.

Senate Papers

Senator BUSTIN of Kennebec (Cosponsors: Representative DAVIS of Monmouth, Representative KILCOYNE of Gardiner and Representative WEYMOUTH of West Gardiner) presented, Bill, "An Act to Authorize an Experimental Cost Sharing of New Vocational Programs at the Capitol Area Vocational Center." (S. P. 326)

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

Sent down for concurrence.

Senator CONLEY of Cumberland (Cosponsors: Senator NAJARIAN of Cumberland, Senator KERRY of York and Representative KELLEHER of Bangor) presented, Bill, "An Act to Require Home-Based Care as an Alternative to Nursing Home Care." (S. P. 325)

Reference to the Committee on Health and Institutional Services suggested.

On Motion by Senator Conley of Cumberland, Tabled until Later in Today's Session, pending Reference.

Senator REDMOND of Somerset presented, Bill, "An Act to Authorize the State Liquor Commission to Establish an Agency Discount Liquor Store at Jackman." (S. P. 327)

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

Sent down for concurrence.

Senator USHER of Cumberland (Cosponsors: Senator DUTREMBLE of York, Representative BRENERMAN of Portland and Representative DIAMOND of Windham) presented, Bill, "An Act to Continue the Maine Turnpike Authority." (S. P. 324)

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

Sent down for concurrence.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

Committee Reports
House

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act Relating to Sales Tax Exemption on New and Used Farm Machinery and Equipment." (H. P. 226) (L. D. 263)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act Relating to Trade-in Credit for Special Mobile Equipment in the Sales and Use Tax Law." (H. P. 239) (L. D. 274)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act

Concerning the Sales Tax Assessed on the Purchase of Replacement Aircraft." (H. P. 238) (L. D. 273)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Repeal the Sales Tax on Bird Seed." (H. P. 482) (L. D. 529)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Resolve, to Reimburse the Frenchmans Bay Flying Club for Part of the Sales Tax Paid on the Purchase Price of Replacement Aircraft." (H. P. 488) (L. D. 540)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which Reports were Read.

On motion by Senator Conley of Cumberland, the Reports were Accepted, in concurrence.

Ought to Pass

The Committee on Judiciary on, Bill, "An Act Removing the Authority of Justices to Retain Certain Publications as their Own." (H. P. 349) (L. D. 397)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Phase out County Payments for the Support of Judiciary." (H. P. 352) (L. D. 400)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-33).

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

The Committee on State Government on, Bill, "An Act to Establish Statutory Compliance with Modern Technology and Procedure for Scoring Examinations." (H. P. 203) (L. D. 248)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-35).

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

The Committee on State Government on, Bill, "An Act Concerning the Acceptance of Gifts by State Officials or Members of any Branch of State Government." (H. P. 333) (L. D. 372)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-34).

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

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Repeal Archaic Provisions Restricting the Right to Marry." (H. P. 318) (L. D. 347)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland

KERRY of York
Representatives:

HOBBINS of Saco
DRINKWATER of Belfast
REEVES of Newport
JOYCE of Portland
O'ROURKE of Camden
LUND of Augusta
CARRIER of Westbrook
LIVESAY of Brunswick
SOULE of Westport

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

Signed:

Representative:

BENOIT of South Portland

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

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

Senator PIERCE: Mr. President, and Members of the Senate, I think the fate of LD 347 is obviously not one of the most important subjects we'll be discussing either today or during the rest of the Session. It certainly is not my cup of tea to get involved in 12 to 1 reports, especially when it may be the short end. Lastly, I would say that, as an over-the-hill old bachelor, probably holding myself out to be any kind of expert on marriage, doesn't make much sense either. But this Bill was brought to my attention by several members of the Legislature. I have talked to the Chairman of the Committee about it. I think, perhaps, I, at least, would like to have a Division on it, and ask him perhaps if he could explain what the majority of the Committee's thought was?

It seems to me that this is an archaic law, which might well be taken off the books. Society has changed a great deal. Whether or not someone marries someone far older than them, or far younger than them, really I don't think, if it's not a blood relative, it shouldn't concern the State. I just see no reason for this law being on the books. I understand that it's not enforced, if it is not, then I think it makes even less sense to leave it on the books.

So I would just make those points and leave it to the discretion of the Senate whether or not we do want to kill this piece of legislation.

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

Senator DEVOE: Thank you, Mr. President, and Members of the Senate, as you can see, the committee was pretty solidly against the Passage of this Bill. I think you can say, the Bill deals with the biological reasons relating to marriage laws, and, also, it deals with some sociological reasons to marriage. This Bill purports to affect the provisions of the marriage statute that would deal with what we can call "the sociological reasons," whether or not, certain people who happen to be related by marriage, should be able to marry each other. I think it was the strong feeling of the committee, as you can see by the Report, that at this time, there is no overriding need to tamper with the laws, to delete the provisions presently on the books relating to "the sociological reasons" for prohibiting certain marriages.

As I recall the committee hearing, the sponsor was the only person who spoke in favor of it. Now, I guess, the committee took the view that where the sponsor was the only one, and there was not testimony received by various other groups concerning this Bill, the committee just decided, that at this time, it was not going to vote to repeal the law. I think that's the simplest way I can put it, and with that, Mr. President, I will take my seat.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

The PRESIDENT: The Chair is in doubt and will order another Standing Division.

Will all those Senators in favor of Accepting the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

13 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the Majority Ought Not to Pass Report, Failed of Acceptance.

The Minority Ought to Pass Report of the Committee Accepted, in non-concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Pertaining to Employment of Minors in Hotels and Motels." (H. P. 28) (L. D. 32)

Reported that the same Ought Not to Pass.

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland
McHENRY of Madawaska
HAYDEN of Durham
BAKER of Portland
TUTTLE of Sanford
MARTIN of Brunswick
LAVERRIERE of Biddeford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-19).

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford

Representatives:

LEIGHTON of Harrison
LEWIS of Auburn
FOSTER of Ellsworth

Comes from the House, the Majority Ought Not to Pass Read and Accepted.

Which Reports were Read.

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

Senator SEWALL: Thank you, Mr. President, I move we accept the Minority Ought to Pass Report, and would speak briefly. This Bill would allow 14 and 15 year olds to get work permits the same as they can in other states in the Union. It would bring us into conformity, except for one small section, with the rest of the United States.

The reason we are not in conformity now is because of a certain incident that had to do with a young person 14 or 15 working as a chambermaid, because of that incident, we have excluded chambermaid work from the Bill in the Committee Amendment.

What the law does now, is infer, that Maine business is worse than business in other states in this country. That Maine business somehow can't handle this work force, although they can in other states. The law takes a slap at Maine parents by saying that parents in this state are not as able to supervise their 14 and 15 year olds in this state as they are in other states. Finally, it takes a slap at the young people and says that maybe they are not as responsible as they are in the other states.

Some objection has been made to this Bill by saying that it will take jobs away from others. I suppose there's always a fear of that, but pretty much the jobs offered to 14 and 15 year olds would be jobs that others did not really want. The Bill gives young people an opportunity to be trained, to work perhaps in a resort area in a small job one year, and eventually move up to another position when the employer finds out, in a year, that this young person is re-

sponsible and shows up for work on time.

I think there is no reason that Maine should be any different than the rest of the nation. When the vote is taken on this, Mr. President, I request the Yeas and Nays.

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

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, when this Bill first came to the Labor Committee, I first was supportive of the Bill. I couldn't understand why 14 and 15 year olds should not be allowed to work. Then a few facts were made aware to me. I think they are very important facts and I think that you should be made aware of them, too.

First of all, in testimony from the sponsor of the Bill, he made it clear the purpose of the Bill was because he lived in an area where it was hard for the employers to find people to work. That by opening the market to 14 and 15 year olds, it would make it a lot easier for these motels and hotels to hire the work that they needed, but then after that, a few statistics were made available. First of all, one of the people in favor of this Bill from the innkeepers' association, said: this Bill, by allowing the 14 and 15 year olds to work, would displace college kids. It was clearly stated in Committee. The reason they wanted these college kids displaced was because some of these college students had to leave a little bit earlier in the summer, than the other people and they needed the work for the whole summer. There was about a week involved here. The facts that were made available, is that right now in the State of Maine, from the age bracket of 16 to 19 years old, there is anywhere from a 14% to 20% unemployment rate. If you allow the 14 and 15 year olds to work, you're going to be increasing this unemployment rate.

Second, right now the unemployment rate in Maine is pretty high. Traditionally in the summers, the unemployment rate goes down in Maine. Again, if you will allow the 14 and 15 year old classes to work, the unemployment will not be going down, the regular unemployment rate. I think that's important, because the good Senator from Lincoln, Senator Sewall, said: some of these jobs were not the kind of jobs that most people wanted. The point remains that somebody is doing that job right now. If you displace the people doing that job, that means that those people will be displacing somebody else, all the way up the line. You have a lot of people who seek part-time employment in the summer, or employment in the summer, who don't have many other types of employment to do year-round, because they are unemployed. I think you'd be taking away some of these jobs from these people. I would hope we would Accept the Majority Ought Not to Pass Report. A Roll Call has been requested, Mr. President? Thank you.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Thank you, Mr. President. I would like to just respond to a couple of remarks that the good Senator from York, Senator Dutremble, made. First of all, in regards to college students, it's been my experience, that college kids stay longer, not shorter. Most colleges don't start till well after high schools start. Most colleges are out well before high schools are. So, I would question whether the displacement of any college student would be an issue.

I would also like to suggest that these are the lowest paying jobs that are available, and most college kids are looking for something that's going to afford them a better opportunity of making money for their college career than the types of jobs such as busboy's, watching stores, working in the yard, what have you, would afford them.

So, I really don't see that this is going to be the case. I certainly support this Bill. I think it's high time that we give an opportunity to

high school age kids, who are really the ones that can't find jobs. I am not aware of any college students that I have known that have not been able to find jobs in the summer. It's very, very seldom that a college student is not able to find work in the summer.

We should afford young people the opportunity to start out and learn some responsibility through these minor jobs. They are non-hazardous jobs, they are covered by Worker's Compensation. It seems to me that it's the least we can do to bring our laws into conformity so our young people will have the same opportunities as young people in other states. Thank you, Mr. President.

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

Senator CONLEY: Mr. President, I would like to pose a question through the Chair to the good Senator from Oxford, Senator Sutton, as to what the hourly rate would be that these 14 and 15 year old children would be paid?

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

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Thank you, Mr. President. The hourly rate would not, this law does not change any of the facilities that are now covered by the hourly rate. They would either be paid minimum wage, or as the law now allows for arrangements less than the minimum wage for this age group. It would not change any of the current laws regarding wages.

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

Senator PRAY: Mr. President, and Members of the Senate, I would like to pose a few questions to either of the proponents of this legislation that have thus far spoken.

First of all, if we could deal in a little bit more specifics. Could you tell us basically what jobs we are talking about? What the type of work is that these 14 and 15 year olds would be doing? Could you, also, explain to me, if your intention is to provide opportunities for these individuals to become employed, then why is it out of a section of our statutes which lists roughly 7 or 8 businesses that minors are not allowed to work in, why you only took one particular industry. If you look in the statutes, you will see that there are a number of areas that are exempted, for an example: such as bowling alleys; poolrooms; commercial places of amusement; traveling shows; motion picture houses; why they can't even work in there and sweep a floor? You people didn't address this other area, you rather narrowly addressed the issue of employment opportunities to young individuals.

Also, I have some problems with the fact that in the Bill, you redefined "hotel". Under Title 26, subsection 663, Subparagraph 9, there is one definition of "hotel." Now in this Bill, under Subsection 771, under the same Title 26, you re-define for the purpose of this section you re-define what "hotel" is. I do believe there is a minor conflict with the other section of the Labor Laws with its definition dealing with minimum wage and child employment under the hotel definition. Could you respond to those two questions?

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

Proofreader please explain this to paste up, they can move it around. (take this paragraph out too please.)

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, and Ladies and Gentlemen of the Senate, let the Record go uncorrected, I would at least like to put on there, that there are those of us who completely disagree with the good Majority Leader

from Cumberland, Senator Conley, that this does not exploit the youth. In fact, I think, the record should show that this is a young people's Bill. You are right it is not a bipartisan Bill. It is a young people's Bill. It is a young people's opportunity Bill. It is a vacation-land innkeepers Bill. If you want to vote against it, you are doing it against those particular factions.

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

Senator PRAY: Mr. President, just to make sure that we all understand exactly what we are voting on. I would like to ask some members of the Labor Committee if they would explain 3 things, perhaps, to me and to the members of the Senate.

One, these individuals how they relate to the Workmens' Comp. Laws? Senator Sutton has already said: they do qualify for that.

Could you tell me, secondly, how do they qualify for Unemployment Benefits?

The third thing, could you tell me what the requirements are in the hotel/motel industry, for overtime pay, after 40 hours, after 44 hours, and after 48 hours? At which point do they hit time and a half, or do they even hit time and a half?

The PRESIDENT: The Senator from Penobscot, Senator Pray has posed a series of questions to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, having spoken 3 times, I request Leave to speak a fourth time.

The PRESIDENT: The Senator from Penobscot, Senator Pray, asks Leave of the Senator to speak a fourth time.

Is there objection?

The Senate has the floor.

Senator PRAY: Thank you, Mr. President, Mr. President and Members of the Senate, not to belabor the point, but in response, since no one else wants to answer the question, I think I will answer, at least, one of them, because I know the answer to one of them.

Unemployment Benefits, I do not know what the correct answer would be to that one, but I do want you to know that there is no State provisions for limitation of hours, and time and a half benefits to these individuals.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

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

Senate at Ease

The Senate called to order by the President.

The PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought to Pass, as amended, Report of the Committee.

A No vote will be opposed.

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

ROLL CALL

YEA—Ault, Clark, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Minkowsky, Pierce, Redmond, Sewall, C.; Shute, Sutton, Trafton, Trotzky, Wood.

NAY—Bustin, Carpenter, Charette, Conley, Dutremble, Kerry, Najarian, O'Leary, Pray, Teague, Usher, Violette.

ABSENT—Brown, Perkins.

A Roll Call was had.

18 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators

being absent, the Motion to Accept the Minority Ought to Pass, as amended, Report of the Committee, in non-concurrence, does prevail. The Bill Read Once. Committee Amendment "A" Read and Adopted, in non-concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

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

Senator SEWALL: Thank you, I'd be delighted to respond to all three questions. The type of jobs that people testified they were trying to hire these people for were: a couple of hours in a gift shop in a resort area; gardening; cleaning up around; weeding out the flower gardens; perhaps, that sort of thing; picking up; maybe working as a busperson. Doing something along those lines, but generally the jobs that no one else really wants.

Second, you asked why we chose this industry and not some of the others. You specifically used bowling alleys. If you could, Senator, note, we had a Bill that just came through here I think, yesterday or the day before, that said: minors aren't even allowed in some of these places. They are repealing the law now. So that has been on the books and those are the sort of jobs, also these are non-hazardous jobs.

The redefining of "hotel" came, because there's been a problem with young persons working in a motel that had cabins and that had somehow been left out. Somehow there had been a loophole there, so that people were working in these little cottages that were around a resort rather than actually in the hotel/motel itself. So we changed that to close the loophole and make sure that those were covered, too. That these young persons weren't out maybe not working in the hotel building, but out working in the little cottages around the grounds. I hope that answers the Senator's question.

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

Senator PRAY: Mr. President, and Members of the Senate, the definition which I first referred to that is presently in the statute says: hotel is a commercial establishment offering lodging to transients and often having restaurants, public rooms, shops, etc., that are available to the general public, hotel, motel, hotel, rooming house, inns, resorts, tourist courts, motor courts, cottage colonies, taverns, and other establishments and, so on and so forth. That is the present definition. That's the one she says has the loophole because we're talking about little cabins, and somehow there is an existing loophole in the law. So, the Bill that we have before us now reads, for the purpose of this section, "hotel also means motel and rooming house", under a different section of the law. First of all, I don't see where the loophole is in the existing law.

Second of all, when I asked the question as to what jobs they would be doing, the Senator said they'd be doing gardening work, picking up around outside. Under the present statutes, they're already exempted if they're doing outside work. So, I don't think that argument holds too much water either.

I do think that what we are, we're getting down to a basic problem in talking about jobs that nobody else wants. Well, as the Senator from York, Senator Dutremble, pointed out all these jobs are presently being held now, at this time. Someone has those jobs. They're not all necessarily being hired at \$3.35 an hour, a lot of them are being hired at \$2.51 an hour, which is the so-called, "student minimum wage", 75 percent of the minimum wage.

What we're talking about displacing are not the individuals necessarily that are presently earning the minimum wage. I think that what we're going to do is push up the unemployment picture for those individuals who are sophomores, juniors, and seniors in high school. They may not necessarily be going on to col-

lege, but you've got a market area in there that has a high unemployment at this time. All this Bill will do is increase that market area. I don't think that the competition is going to be something that's going to be great. I don't think that we're necessarily going to provide more employment opportunities for younger individuals, because, I think most owners will take the older individual, in most instances, unless they have some type of labor problem, as Senator Sutton pointed out earlier, some of them don't have the best of work habits.

I think this legislation is really something that shouldn't come down to a partisan sort of fight. If we look at existing law, these people are well-protected, we're taking care of our younger labor force, our potential labor force. There is enough employment opportunities outside of the hotel/motel industry. They can presently work outdoors in that industry. The question is can they work inside of that industry.

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

Senator REDMOND: I rise with regards to our youth, not as an employer, more as a very strong advocate of career education in the State of Maine. I believe that our youth deserve some of these opportunities. Regardless of how many programs we start and we set up, career education is one, to me, that is very dear. It replaces some of the older customs where ways or habits have changed, most of the parents both work in different jobs. The children don't always have a chance to work at the trades that they favor. So, supposing one 14 year old kid would like to be a haberdasher, and under the career education program, he indicates that he's interested in being a haberdasher. Perhaps a haberdasher would like to hire him during the vacations. Our labor laws prohibit him to do that. I don't know all the details, but I'm sure that this Bill must have a provision that the parents must have to consent to wherever they go and work, without any doubt. I would hope that the Legislature, or in particular this Senate right now, would not base their judgements on the existing labor laws that we have on the books in this State, but base their judgement on the future of our youth. Thank you.

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

Senator CONLEY: Mr. President, and Members of the Senate, sometimes, I can sit and listen to debate and understand the viewpoints that are being expressed by proponents and opponents. Sometimes I'm left somehow in a quandary. The good Senator from Somerset, Senator Redmond, said he was not speaking as an employer, but as a friend of the youth of the State. I wonder if we're not really talking about exploiting the youth of the State. That's my primary concern. When I addressed the question to the good Senator from Oxford, Senator Sutton, I wanted to know what we're going to pay these 14 and 15 year old children per hour. That's the question, it's all dollars and cents. It is a question of whether or not the youth are going to be exploited and we're going to stand by and allow that to happen, or are we going to build in safeguards to make sure that they are not exploited.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I think that Senator Conley hit it right on the nail. What I'm really concerned about is that these jobs that we're talking about, the reason they're having a hard time filling them is because they don't want to offer the money per hour. So, if they're going to offer a job at \$3.35 an hour for a college kid, he might take it. If they have the opportunity to go hire, a 14 or 15 year old, at \$2.50, who's going to get the job? That's what I'm concerned about. If the wages, if there was a way to control the wages for ev-

erybody, then there probably wouldn't be a big problem. So, what I'm going to suggest here, is let's put an amendment on this Bill to make all the people from 14 to 19 years old, have a minimum wage, not a "student minimum wage", a minimum wage. Let's vote on that, so they'll all be equal. Then they'll be hiring these people according to their maturity, they'll hire them according to their qualifications, and not on whether or not they can hire cheap labor. So, I would like to have this Bill Tabled, I wish somebody could do that for me, so that we could put this amendment on this Bill.

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

Senator SEWALL: Thank you, Mr. President. I would first like to respond to Senator Dutremble and say that if he wants to support this Bill, he'll have a chance to amend it when it's in its Second Reading.

Secondly, I'd like to say that this has nothing to do with the wages paid. You know that a 16 year old can make above or below the minimum wage. This has nothing to do with the wages. It only allows these younger people to apply for these jobs and to get them.

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

Senator CONLEY: Mr. President, I would like to pose then the same question to the good women Senator from Lincoln, the same question. What would be the hourly rate that these 14 and 15 year old children would be paid?

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

Senator SEWALL: Mr. President, thank you very much. Seeing as all the jobs would differ, the rates would differ the same way, as what is an employee in the State of Maine paid. Certainly they're going to differ. There will be some part-time jobs, where they will make less than the minimum wage, as there are workers who make less than the minimum wage on salary, who are in the working force, and who are grown-up. The differential would be just about the same, I would suspect.

Second Readers

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

House

Bill, "An Act Converting Lakeville Plantation into the Town of Lakeville." (Emergency) (H. P. 202) (L. D. 247)

Bill, "An Act to Provide for the Surrender by Barnard Plantation of its Organization." (H. P. 186) (L. D. 228)

Bill, "An Act to Provide a Speedy Procedure to Authorize the Demolition of Unsafe and Irreparable Buildings and Structures." (H. P. 140) (L. D. 229)

Bill, "An Act to Repeal the Law Barring Minors from Bowling Alleys, Pool Rooms and Shooting Galleries." (H. P. 282) (L. D. 321)

Bill, "An Act to Permit Teaching under the Fulbright Exchange Program to be Allowed as Creditable Service under the Retirement System." (H. P. 307) (L. D. 340)

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

House — As Amended

Bill, "An Act to Create a Special Moped License for Persons 16 Years and Over." (H. P. 121) (L. D. 153)

Bill, "An Act to Coordinate and Assign the Responsibility for Conducting Air Search and Rescue Operations in the State Arising from Aeronautical Activities." (H. P. 154) (L. D. 178)

Bill, "An Act to Provide for the Surrender by Grand Falls Plantation of its Organization." (H. P. 42) (L. D. 55)

Bill, "An Act Requiring Certain County Officials to Make Monthly Payments of Fees and Charges to the County Treasurer." (H. P. 110) (L. D. 143)

Bill, "An Act to Amend the Statutes Relating

to the Developmental Disabilities Council." (H. P. 175) (L. D. 224)

Bill, "An Act to Exempt Skidders from the Registration Requirement of the Motor Vehicle Laws for Limited Travel." (H. P. 85) (L. D. 79)

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

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:
AN ACT to Clarify and Make Corrections in the Personnel Laws. (H. P. 223) (L. D. 260)

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

AN ACT to Increase the Deer Registration Fee. (H. P. 173) (L. D. 194)

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

Senator PRAY: I ask for a Division on Enactment.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Passage of L. D. 194 to be Enacted, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the Bill was Passed to be Enacted.

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

Senator PIERCE: Mr. President, I move Reconsideration.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce that the Senate Reconsider Enactment of L. D. 194.

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 Bill having been signed by the President was by the Secretary presented to the Governor for his approval.

Emergency

AN ACT to Dissolve the Howland Water and Sewer District. (H. P. 43) (L. D. 49)

Emergency

AN ACT to Establish a Sign on the Maine Turnpike for York Beach Region. (H. P. 123) (L. D. 155)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, with No Senators voting in the negative were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

On motion by Senator Conley of Cumberland the Senate voted to take from the Table, Bill, "An Act to Require Home-Based Care as an Alternative to Nursing Home Care." (S. P. 325), tabled earlier in today's session, on motion by the Senator from Cumberland, Senator Conley, pending Reference.

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

Senator CONLEY: Mr. President, I move that this Bill be referred to the Committee on Appropriations.

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

Senator GILL: Mr. President, I would ask for a Division on that, and I would like to speak to it.

The Health and Institutional Services Committee, has already a bill pending, that will be

heard next week, on the Community Alternatives Act, which was also a Governor's long term task force bill, it also has a good sized appropriation on it.

I feel that the Health and Institutional Committee has the expertise, this is the area that we are involved in, in alternative methods, long term health care, boarding home care, nursing home care. I think that it rightfully belongs in the Health and Institutional Services Committee and I would ask for a Division.

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

Senator NAJARIAN: Thank you, Mr. President, Members of the Senate, I think that this is one area where jurisdiction of committees is overlapping. Certainly our committee is not uninformed about health issues. We hear the budget of the department of Human Services, and these questions come up over and over again.

This particular Bill has an appropriation of over a million dollars. It is designed as a cost saving measure to reduce the cost of those persons who would enter a nursing home, without the availability of these alternatives.

As far as health issues are concerned these are people who are not seriously ill enough to require a nursing home. All the health regulations are already established in existing law under home health agencies or whatever, so the devices that we would be using are already existing and regulating.

I think that bills of this nature which are not heard by our committee do not get a fair shot, because members of the committee are not familiar with the arguments and the reasons for it. That is why, I think, it should go to appropriations, and perhaps the other bill in her committee should be Recommitted and sent to our committee also.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Refer S. P. 325 to the Committee on Appropriations and Financial Affairs, please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion to Refer S. P. 325 to the Committee on Appropriations and Financial Affairs, does not prevail.

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

Sent down for concurrence.

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

Committee Report

House

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Retain the Motor Vehicle Operator License and Examination Fees and Motor Vehicle Title Fees Currently in Effect." (Emergency) (H. P. 510) (L. D. 561)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-32).

Signed:

Senators:

EMERSON of Penobscot

O'LEARY of Oxford

USHER of Cumberland

Representatives:

CARROLL of Limerick

STROUT of Corinth

McKEAN of Limestone

MOHOLLAND of Princeton

MACOMBER of South Portland

FOWLIE of Rockland

REEVES of Pittston

The Minority of the same Committee on the same subject matter reported that the same

Ought Not to Pass.

Signed:

Representatives:

McPHERSON of Eliot

HUNTER of Benton

HUTCHINGS of Lincolnville

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

Which Reports were Read.

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

Senator EMERSON: I move that we Accept the Majority Ought to Pass Report, as amended, by (H-32), and I'd like to speak on my motion.

The PRESIDENT: The Senator has the floor.

Senator EMERSON: Mr. President, Ladies and Gentlemen.

Probably the problem of greatest urgency for which a sound non-temporary solution needs to be found, facing this legislature, is that of funding the Highway and Bridge Maintenance and Improvement Program.

For two years we have been living from hand to mouth on a make-shift arrangement of regular revenues, program cuts and sunset fee increases which have proven to be neither adequate nor satisfactory. Program cuts have brought us poorly maintained summer roads, plus accidents and cries of dissatisfaction with the first snowstorm.

In order to gain passage of a highway program last session an agreement was made between the administration and the Legislative Leadership, to the effect that after completion of a management study to determine the efficiency and effectiveness of DOT, the administration would submit to the 110th Legislature, a highway budget with balancing revenues. Fee increases enacted in the last session were sunset as of February 28 to force action early in this session.

In the interim, a management study has told us that we are getting about as much as we can expect from the highway dollar. All of this tells us that there is need to find more dollars for highways.

Soon there will be before the Transportation Committee the Administration's proposal for a Highway and Bridge Allocation Act. This proposal will be underfunded from traditional revenue sources by some \$30,000,000 and even more than that if the proposal for a block-grant program to replace existing municipal assistance programs is not adopted.

To provide for the \$30,000,000 shortfall the proposal would allocate \$15,500,000 from the general fund to support 100% of the costs of the State Police and Motor Vehicle Department in the second year of the biennium. Also it would transfer about \$9,500,000 from the General Fund to the Highway Fund by eliminating the sales tax on off-highway fuel use, and imposing the 9 cents per gallon gas tax in its place, which in total would amount to a tax increase of about \$5,000,000.

I predict that this transfer of revenue from the General Fund to the Highway Fund, and an increase in fuel tax to farmers, loggers, fishermen and other off-highway users of fuel, will not be acceptable to many in this legislature. In fact, the Appropriation Committee has informed the Transportation Committee that there is "NO WAY" that it can take on the extra burden.

This Legislature needs to put together and enact a highway package that will provide for adequate maintenance and improvement of the Highway and Bridge System and will provide for revenues to support the same.

Today we have before us L. D. 561. I urge you to support the Majority OTP report as amended by Committee Amendment A. This L. D. deals with the licensing fees which were enacted last session and are due to sunset February 28. The amendment would extend the sunset date to June 30, 1981.

There are some who may argue that an extension would make a mockery of the agreement that was made last session which was to find a solution to the highway problem early in this session, but today we are where we are, with no solution, and I believe we have got to be realistic.

We need all existing revenues and even more. We have a situation for which an acceptable solution is not going to be easily or quickly found and agreed upon.

In my opinion, eventually these fees will become permanent. If we let them come off on February 28, and then again, try to put them back on at a later date, we would look ridiculous, at least. Of course, an alternative would be to make them permanent at this time.

There is no way this legislature can act on a problem of this magnitude before February 28. In fact, there is no way this legislature can enact a responsible solution before June 30 if any person or group insists on playing political games; if we try to play "put the monkey on the other guy's back", or if anybody insists on holding to unwise promises. It's going to take the cooperation of all 185 people involved.

Give the Transportation Committee an opportunity to work on the Allocation Act. Let us make a recommendation for an adequate maintenance program and the level of revenue needed.

In the meantime, let the Taxation Committee hear the highway revenue bills that are in the system somewhere. There are measures which will seek to close loopholes in the collection procedures for user taxes. There is at least one proposal to collect user taxes from the trucking industry on a different basis, perhaps closer tied to usage and abuse of the highway system. There is a measure to set the cents-per-gallon tax which would reflect the increased efficiency of automobiles. There are proposals to simply increase the cents-per-gallon tax. It's just possible that some of these measures would be more acceptable than deteriorating, poorly maintained highways and bridges.

I know that I am being naive, but I am going to suggest that we replace "political as usual" with responsibility on this one issue, that we work together to enact a solution which will end the problem which has been plaguing us for two years. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I very reluctantly rise to respond to my good friend and colleague from Penobscot, Senator Emerson. I would just like to point out to the Senate that I can't, in good conscience, go along with this proposal. We have told the citizens of the State of Maine, last year, after going through 30 or 40 bills trying to solve the highway problem, that we were going to raise some fees temporarily to try to get by this particular situation while doing other things, such as having a study. We had the study. The time has come to do what we said we were going to do to the people of the State of Maine and take off these fee raises.

There was a suggestion that we might look ridiculous if we take them off and then have to turn around and put them back on again. I would suggest that we're not going to look too good if we don't do what we said we were going to do for the people by taking off the fees.

I'd like to suggest that \$600,000 is a lot of money, at least it is to me, but it's really a drop in the bucket as far as probably roughly a \$200 million dollar Highway Budget is concerned. I don't see how us keeping faith with the people of Maine is going to stop the Transportation Committee from studying this situation, and hopefully coming up with some other answer. The Governor has already told us where he stands. The Appropriations Committee has, said: they do not like where he stands. So we're a long way away and just by pushing this fee out to raise another \$600,000 and breaking faith with the people, I don't think is going to help us

solve our transportation problem. I would, therefore, request that we do keep faith with the people, and let this Sunset Provision come off and then look responsibly at how we might solve our transportation problem. I don't believe this is the responsible way to do it.

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

Senator CONLEY: Mr. President, and Members of the Senate, I believe perhaps everyone here in this Body could get up and make a responsible statement with respect to the funding of the Transportation Department. Perhaps we perpetuated a hoax in a sense, by sunsetting the Bill in the last Session. I think we've got to also admit the only way that we could get a budget passed, two years ago, was with this provision built into the Bill. That, and that alone. If we think we're perpetuating a hoax on the people in the last session, we're continuing to do it again today with the amendment that will be before us, that sunsets it again down the road six months or four months from now.

I don't envy the committee members on the Transportation Committee. I know they have a serious and a very difficult, difficult job before them. It's not going to be an easy solution. In all fairness to the Chief Executive, he has presented before the Legislature a balanced budget, as mandated by the Constitution. Okay, that budget came before us and is now in our court. It is always said: the Chief Executive proposes, and the Legislature disposes. It's up to all of us, I think, particularly those of us who are in disagreement with the budgets, both of the DOT and General Fund to sit down, and have the Committees try to work things out, have input by various members which I'm sure will only confuse the thing. The fact is that we're got to resolve this. We should try to resolve it as rapidly as possible.

Again, if we are serious about trying to come up with enough revenues beyond this \$600,000 that the good Senator from Penobscot, Senator Emerson, is speaking about, then maybe we also ought to be giving some consideration as to whether or not the Sunset Provision on the existing Bill before us, which dies I guess February 28, is just continuing to place a hoax upon the people, particularly to those individuals who have paid the increases in fees over that short period of time. So it seems to me that if we're going to put equity in this whole thing, that we ought to remove the Sunset Provision altogether, and look at the entire problem that we have dealing with the Highway Department.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, I guess, basically, I'm in full concurrence with the dilemma the Department of Transportation is facing here in the State of Maine. I just cannot concur with the piecemeal way that this thing is being handled. In particular, when you look at page 2 of the Bill, the examination fee shall be \$13 for your Class I or Class II Licenses. Then it has a provision which shall include the first road test, all subsequent examination fees shall be \$8. Do you realize how many times people take that driving examination? They do not pass it the first time. Government was designed to serve the people, not to rip them off. In my estimation, even though the work has gone in by the Committee on Transportation, I think, that it is commendable in trying to solve a particular situation, in essence, they are not serving the interest of the people of the State of Maine.

If you have to address the needs for the Department of Transportation, then address it ethically, soundly, and constructively through the proper taxation mechanism, but don't use the back door approach by socking it to the people in this particular manner.

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

Senator COLLINS: Mr. President, I am speaking on this matter solely as the Senator from Knox. I think we all know that we have to have more money for the Department of Transportation. Last year, we Enacted a device to force us early in the Session to look at the transportation problems, so that we wouldn't still have the problem in the last week of this session. That device has been successful, it has forced us to look at the problem early in the Session. We're just now commencing to deal with it. I don't have any more wisdom than anyone about the ultimate solution to it. Obviously, more revenue has to be raised, or programs have to be cut. I think we ought to look at the merits of the fee itself. Is this fee, as it would be continued, reasonable or unreasonable? I can remember my first driver's license and test, and what I paid for it. In relationship of inflation to that cost, as measured today, I would be getting a bargain at this new higher fee, as compared to what the cost was many years ago. If we don't build in some inflation judgement thinking into our judgements in voting, we're surely going to fall badly behind in whatever we do. So, I would hope we would vote to support the committee in its decision on this matter. If this should become a permanently established fee, there will be an opportunity later on to accomplish that. If we do what the Chairman of the Committee suggested as causing a somewhat ridiculous sequence throwing the Motor Vehicle Department into an on again, off again, gone again, on again, gone again program, we certainly waste a great deal of administrative cost, for one thing. We disturb the general population, because they're going to say: well down there in Augusta they don't know what they're doing. It seems to me as the lesser of evils, we ought to continue the fees that we previously sunsetted.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate, I would like to point out one statement the good Senator from Knox, Senator Collins, has made and brought to our attention and ask maybe through the Chair, how we rationalize the fact that he suggested that the reason we had the Sunset Provision on this Bill, among others, was to force us to do something early in the Session instead of at the end of the Session in the same manner in which we did last time.

I do not personally believe what we are doing now accomplishes that. In fact, it is exactly doing the opposite. It is taking away the mandate and the barrier that we put there trying to get something substantive done earlier. By moving it to July 1st, all we are going to do is go through exactly the same thing that we did last time.

I think the reason we had it on there, other than to raise a little bit more money, was to force us to do something substantive which we are not doing by moving the sunset out. Thank you.

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

Senator O'LEARY: Mr. President, I think that most of us here in the Chamber were here in the last Session and remember most of the debate on the Bill. I voted against the Bill, because of the Sunset Provisions in it, at that time.

There is a Bill in our committee sponsored by myself, LD211, which is "An Act to Reimburse Certain Licensed Drivers who Paid the \$16 fee during the Transition to the new license fee system, under the Motor Vehicle laws."

The cost of that Bill is \$600,000, inasmuch as I dislike the Sunset Provisions on any of these Bills, I know that this before us today is just a bandaid measure. I think when we get right down to the wire in June, that we will perhaps have these fees, whether we like them or not, and perhaps some other kind of taxes as well.

I hope today, that you will support the Senate

Chairman, Senator Emerson of Penobscot, and we'll get on with our business.

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

Senator SHUTE: May we have a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

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

The pending question before the Senate is Acceptance of the Majority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Ought to Pass, as amended, Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Emerson, Huber, Kerry, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

NAY—Ault, Devoe, Gill, Hichens, McBreairty, Minkowsky, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trozky.

ABSENT—Brown, Perkins.

A Roll Call was had.

17 Senators having voted in the affirmative and 13 Senators in the negative, with 2 Senators being absent, the Motion to Accept the Majority Ought to Pass, as amended, Report of the Committee, in concurrence, does prevail.

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

On motion by Senator Pierce of Kennebec, Adjourned until 1 o'clock tomorrow afternoon.