

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
March 4, 1981
Senate called to order by the President.

Prayer by Professor Thomas R. W. Longstaff, Chaplain of Colby College.

Professor LONGSTAFF: Honorable Ladies and Gentlemen of the Senate, I want to thank you for inviting me back to open the Assembly with prayer. As you are undoubtedly aware today is Ash Wednesday the beginning of the Christian season of Lent, a time set apart for reflection, penance, and preparation for the great celebration of Easter. Most of the world's major religions; Judaism, Christianity, Islam, Hinduism, Buddhism, the other religions of the Far East, all include such seasons of reflection and renewal. In this spirit, let us pray.

Almighty God, King of the Universe, Helper of mankind, You have called us to great tasks, but also to quiet moments when we look at ourselves and our lives. At the beginning of this day's work, let us stand, if only for a moment, in awe of You and of the Universe which You have created. Let us see ourselves in the context of galaxies and millenia, but, O'Lord, make us aware also, that in our frailty we are still Your people. Help us to see how the things which we do powerfully affect the lives of people about us. Finally, O'Lord, give us a true awareness of ourselves, so that we may amend our lives where they must change, and so that we may look to the future with confidence, hope, and the will to shape it in accordance with Your will. Hear us, O'Lord. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House
Non-concurrent Matter

Bill, "An Act Concerning the Keeping of Wild Animals Purchased from Dealers or Pet Shops." (H. P. 355) (L. D. 1030)

In the Senate, February 26, 1981, referred to the Committee on Agriculture.

Comes from the House, referred to the Committee on Fisheries and Wildlife, in non-concurrence.

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

Senator HICHENS: I move that the Senate Recede and Concur with the House.

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

Is this the pleasure of the Senate?

The motion prevailed.

Joint Order

WHEREAS, We, the Members of the 110th Legislature, have special feelings of honor and respect for those individuals who have walked these halls in the past; and

WHEREAS, a great debt of gratitude owed to those notable figures who by their outstanding ability and foresight have fashioned the laws of this State; and

WHEREAS, it is our fond wish that these friends and former colleagues be appropriately received with special honor and distinction in the setting of their past accomplishments; now, therefore, be it

ORDERED, the Senate concurring, that Wednesday, April 8, 1981, be set apart and designated as "Welcome Back Day" at the Maine Legislature and that a special committee composed of the Legislative Administrative Director, the Secretary of the Senate and the Clerk of the House of Representatives, chaired by the Legislative Administrative Director, is authorized to make all plans and arrangements to provide an appropriate homecoming for these

returning individuals; and be it further ORDERED, that all former presiding officers and members of the Senate and House are hereby cordially invited to be the guests of the 110th Legislature in session on that date; and be it further

ORDERED, that each member of the 110th Legislature be charged with the pleasant duty of urging all colleagues of former Legislatures within their districts to make every effort to return on "Welcome Back Day" and share the friendship and pleasant memories of their years of service to this State.

(H. P. 932)

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

House Papers

Bill, "An Act to Provide for an Annual Report by the Board of Trustees of the Maine State Retirement System to the Legislature." (H. P. 896) (L. D. 1063)

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 Establish a Teacher Certification Board." (H. P. 897) (L. D. 1064)

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 Establish a 50¢ Bounty on Porcupines." (H. P. 898) (L. D. 1065)

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 Require the Annual Adjustment of Medicaid Dispensing Fees for Pharmacies." (H. P. 899) (L. D. 1066)

Bill, "An Act to Relieve Emergency Ambulance Services." (H. P. 900) (L. D. 1067)

Bill, "An Act to Establish a Third-party Prescription Program Act." (H. P. 901) (L. D. 1068)

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

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

Bill, "An Act to Provide Occupational Safeguards for Operators of Video Display Terminals." (H. P. 880) (L. D. 1049)

Bill, "An Act to Establish a 9-hour Workday and 50-hour Week." (H. P. 902) (L. D. 1069)

Comes 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 Restore Memorial Day Holiday to its Authentic Historical Date." (H. P. 903) (L. D. 1070)

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

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

Bill, "An Act to Abolish the Position of Elect County Treasurer in Aroostook County and Replace it with an Appointed Treasurer." (H. P. 881) (L. D. 1050)

Bill, "An Act Authorizing County Commissioners to Act as an Appeals Board." (H. P. 883) (L. D. 1052)

Bill, "An Act Clarifying Municipal Authority to Invest Funds." (H. P. 884) (L. D. 1053)

Comes 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 Concerning the Organization of Certain Unincorporated Townships." (H. P. 882) (L. D. 1051)

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

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I move Indefinite Postponement of this Bill, and it is at the request of the sponsor. The Bill does practically opposite from what the sponsor thought that it would and we think that this is a good place to get rid of it.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty moves that the Senate Indefinitely Postpone LD 1051, in non-concurrence.

Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Bill, "An Act Relating to the Provisions of the Charter of the Brunswick Sewer District." (H. P. 885) (L. D. 1054)

Bill, "An Act to Prohibit Utility Companies from Providing Free or Reduced Rates for Service to its Employees." (H. P. 886) (L. D. 1055)

Comes 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 Concerning Land Conveyed by the State to the Town of Bridgton." (H. P. 887) (L. D. 1056)

Bill, "An Act Relating to the Appointment of the Assistant Adjutant General in the Department of Defense." (H. P. 904) (L. D. 1071)

Bill, "An Act to Include the Cost of Child Care or Day Care under the Laws Covering Reimbursement of Expenses to Citizens Serving on Boards and Commissions of the State." (H. P. 905) (L. D. 1072)

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 Require the Notification of a Municipality when Property in that Municipality Changes Hands." (H. P. 888) (L. D. 1057)

Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Induced Increases in Individual State Income Taxes." (H. P. 907) (L. D. 1074)

Comes 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 to Provide for Deduction of Points from the Driver's License of a Minor Illegally Transporting Liquor." (H. P. 889) (L. D. 1058)

Bill, "An Act to Regulate Motorized Bicycles." (H. P. 906) (L. D. 1073)

Comes 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.

Senate Papers

Senator WOOD of York presented, Bill, "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act

of 1975." (S. P. 373)

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

Senator CHARETTE of Androscoggin (Co-sponsor: Senator BROWN of Washington) presented, Bill, "An Act to Repeal the Requirement for Reflective Material on Off-premise Signs." (S. P. 374)

Senator HICHENS of York presented, Bill, "An Act to Exempt Certain Agricultural Signs from the Billboard Law." (S. P. 372)

Which were referred to the Committee on Business Legislation and Ordered Printed.
Sent down for concurrence.

Senator USHER of Cumberland presented, Bill, "An Act to Remove the Length Limit on Ice Fishing Catch." (S. P. 371)

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

Senator HUBER of Cumberland presented, Bill, "An Act Concerning the Transfer of Funds from One Appropriation to Another Appropriation." (S. P. 370)

Reference to the Committee on State Government suggested.

On motion by Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.
Sent down for concurrence.

Senator BROWN of Washington presented, Bill, "An Act to Amend the Personnel Law as it Relates to Certain Policy-making Positions." (S. P. 375)

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

Committee Reports

House

Ought to Pass

The Committee on State Government on, Bill, "An Act to Clarify Lobbyist Disclosure Procedures." (H. P. 387) (L. D. 430)

Reported that the same Ought to Pass.
Comes from the House, the Bill Passed to be Engrossed.

The Committee on Legal Affairs on, Bill, "An Act to Repeal the Law Preventing Hotels and Restaurants from Permitting Secular Business on Sunday." (H. P. 466) (L. D. 518)

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, and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to the Raising of Wild Waterfowl in Captivity." (H. P. 103) (L. D. 137)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-62).

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

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Increase the Amount of Expenses Which May be Reimbursed to Members of the Inland Fisheries and Wildlife Advisory Council." (H. P. 244) (L. D. 278)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-57).

Comes from the House, the Bill Passed to be

Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-63) Thereto.

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

Divided Report

Five Members of the Committee on Education on, Bill, "An Act to Remove Restrictions Preventing the Spouse of a Teacher from Serving on a School Board." (H. P. 99) (L. D. 129)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senator:

CLARK of Cumberland

Representatives:

CONNOLLY of Portland

BROWN of Livermore Falls

THERIAULT of Fort Kent

THOMPSON of So. Portland

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senators:

TROTZKY of Penobscot

PIERCE of Kennebec

Representatives:

GOWEN of Standish

MURPHY of Kennebunk

MATTHEWS of Caribou

Three members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "A" (H-64).

Signed:

Representatives:

ROLDE of York

BROWN of Gorham

LOCKE of Sebect

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Trotzky of Penobscot, the Bill and accompanying papers Indefinitely Postponed, in concurrence.

Senate

Leave to Withdraw

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act Clarifying the Laws Relating to the Registration and Protection of Trademarks." (S. P. 213) (L. D. 578)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator PIERCE for the Committee on Election Laws on, Bill, "An Act Pertaining to Election Officials." (S. P. 156) (L. D. 364)

Reported that the same Ought to Pass.

Senator PIERCE for the Committee on Election Laws on, Bill, "An Act to Clarify Certain Provisions of the Municipal Election Laws." (S. P. 150) (L. D. 358)

Reported that the same Ought to Pass.

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

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law." (S. P. 51) (L. D. 60)

Reported that the same Ought to Pass.

Signed:

Senators:

McBREAIRTY of Aroostook

REDMOND of Somerset

O'LEARY of Oxford

Representatives:

MICHAUD of East Millinocket

KIESMAN of Fryeburg

AUSTIN of Bingham

DEXTER of Kingfield

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

Signed:

Representatives:

HALL of Sangerville

MITCHELL of Freeport

HUBER of Falmouth

JACQUES of Waterville

DAVIES of Orono

MICHAEL of Auburn

Which Reports were Read.

The Majority Ought to Pass Report of the Committee Accepted, and the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act Concerning the Size of Exempt Lots under the Subdivision Laws." (S. P. 141) (L. D. 312)

Reported that the same Ought to Pass.

Signed:

Senators:

McBREAIRTY of Aroostook

REDMOND of Somerset

O'LEARY of Oxford

Representatives:

MICHAUD of East Millinocket

KIESMAN of Fryeburg

AUSTIN of Bingham

DEXTER of Kingfield

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

Signed:

Representatives:

MITCHELL of Freeport

HALL of Sangerville

HUBER of Falmouth

JACQUES of Waterville

DAVIES of Orono

MICHAEL of Auburn

Which Reports were Read.

The PRESIDENT: Is it the pleasure of the Senate to Accept the Majority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought 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.

16 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Accept the Majority Ought to Pass Report of the Committee does prevail, the Bill Read Once, and Tomorrow Assigned for Second Reading.

Second Readers

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

House

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)

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

Bill, "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions." (H.

P. 35) (L. D. 40)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.
Sent down for concurrence.

House — As Amended

Bill, "An Act to Permit Reciprocal Licensing of Real Estate Brokers and Salesmen." (H. P. 310) (L. D. 342)

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

Bill, "An Act Pertaining to Used Home Warranty and Service Contracts." (H. P. 197) (L. D. 297)

Bill, "An Act to Amend the Law Relating to the Licensing of Privately-owned Business, Trade and Technical Schools." (H. P. 165) (L. D. 220)

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

Enactors

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

AN ACT to Permit Rental Payments by Tender of General Assistance Vouchers. (H. P. 400) (L. D. 443)

AN ACT to Exempt Certain Site Evaluators from License Fee Requirements. (H. P. 58) (L. D. 71)

AN ACT to Amend the Laws Relating to Criminal History Record Information. (H. P. 276) (L. D. 307)

AN ACT to Define Alewives for the Purpose of Managing or Leasing Alewife Fishing Rights. (S. P. 108) (L. D. 238)

AN ACT to Revise the Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine. (H. P. 171) (L. D. 193)

AN ACT to Amend the Law Relating to the Regulation of Privately Owned Correspondence Schools. (H. P. 168) (L. D. 221)

AN ACT to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law. (S. P. 74) (L. D. 111)

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

AN ACT to Increase Registration Fees under the Maine Consumer Credit Code. (H. P. 164) (L. D. 190)

On motion by Senator Collins of Knox, Tabled pending Enactment.

AN ACT to Increase the Mileage Reimbursement Payment for Jurors. (H. P. 348) (L. D. 396)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Require Legislative Confirmation of State Housing Authority Commissioners. (H. P. 44) (L. D. 50)

The PRESIDENT: Pursuant to Article 5, Part 1, Section 8 of the Constitution of Maine, a two-thirds vote of the members present and voting is required for the Enactment of this Legislation. Therefore, the Chair will order a Division.

Will all those Senators in favor of the Enactment of LD 50 please rise in their places to be counted.

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

23 Senators having voted in the affirmative, and 4 Senators having voted in the negative, and 23 being more than two-thirds of those present and voting, the Bill 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 Allow Legislative Override of Legislative Council Action. (S. P. 147) (L. D.

318)

Comes from the House, Indefinitely Postponed.

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Enactment.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Clarifying Residency Requirements for Candidates for and Members of the Maine House of Representatives. (H. P. 295) (L. D. 339)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Final Passage.

Orders of the Day

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

Bill, "An Act to Exempt State Mandated Revolving Fund Accounts at the Maine State Museum from the State Cost Allocation Program." (H. P. 867) (L. D. 1036)

Tabled—March 3, 1981 by Senator HUBER of Cumberland.

Pending—Reference.

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.

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

House Reports—from the Committee on Health and Institutional Services — Bill, An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee. (H. P. 63) (L. D. 97) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled—March 3, 1981 by Senator CONLEY of Cumberland.

Pending—Motion of Senator GILL of Cumberland to accept the Minority Report.

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

Senator BUSTIN: Mr. President, and Members of the Senate, with all due respect to the Senate chairman of my committee, whom I have come to like for her willingness to listen to both sides of the issue, I must ask that you vote against the Minority Report and for the Majority Report of the Health and Institutional Services Committee, as amended in the House.

This bill has been discussed at length in committee. We have heard testimony from both the Department of Human Services and the industry. The sense of that testimony was that yes, indeed, sanitarians are needed to inspect the conditions in eating, lodging, and recreational places that would have an effect upon the health and safety of the general public who use those establishments.

No one, no one seems to disagree that we need the program. The disagreement seems to center around exactly what every other discussion we are going to have in this Chamber this Session, will center around; money, funding. I can offer you a way to save around \$200,000 annually. Cut out the program all together. Don't have a department that inspects these establishments. After all, if the industry can't police itself, why should the State take on that responsibility? The public will soon learn which eating and lodging places to frequent. Besides, if a case of ptomaine poisoning erupts because the workers in that establishment have become lax, or their supervisor isn't really supervising, or they simply don't realize they are violating some basic health and safety rules, it's okay. Another industry can solve that immediate problem. They can take the establishment to court.

I don't think I have to elaborate any further on this scenario. I think you can all appreciate the result of such extreme action as eliminating this bureau. But isn't that position just as

extreme as expecting this department to operate under a funding mechanism that has not increased their level of funding since 1975?

The supporters of the Minority Report would have you believe that the department can find the money somewhere, for instance 314D monies, because the department has been operating on 314D monies for salaries of two of the sanitarians. The problem is that 314D monies are categorical monies from the Federal Government. We may not have 314D monies in the next biennium because President Reagan also has to find ways to cut spending and that program could be eliminated. Even if it weren't eliminated, there is some question in my mind as to the appropriateness of using 314D monies for a dedicated revenue account.

I think the most frustrating directive that is ever given to one is the one that says: "I don't care how you do the job, don't bother me with the problems, just do it".

If the basic problem is the lack of resources to accomplish the task, and the way to get those resources is through a policy decision from the person who has made the statement to you, an impasse is automatic. This is the situation the department now finds itself in.

Another argument, I have heard, is that the agencies ask for the Enabling Legislation and say it won't cost the State a cent. And then we find they are back asking for a fee increase. It's not supposed to cost the State a cent. This is a dedicated revenue account. It's supposed to come out of the user fees. It isn't supposed to come out of the general fund. That is exactly why they are requesting the fee increase.

We do, indeed, then, have a choice, eliminate the program if we can't do an adequate job of inspecting or funding the program sufficiently to allow the department to carry out its duties.

It is my understanding that there is a House Amendment to the Majority Report, that lowers the fee increase request. I hope we have an opportunity to consider that amendment. I ask for your support by voting No on the motion to Accept the Minority Ought Not to Pass Report. I request a Division when the vote is taken.

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

Senator GILL: Mr. President, I'd like to preface my remarks by saying I, too, enjoy the good lady, Senator Bustin from Kennebec County, on the Committee. She is a bright light on the Committee, along with my other Senator cohort there.

I'd like to get into the fee system a little bit with the department. I think a lot of the things that Senator Bustin has said are true. The question that she raised about the environmental issue that we had last Session, when they came in and they had an appropriation of \$300,000 on an environmental unit bill. I was once of those who led the fight against that because of the finances involved, because we didn't have it. The department came back and said: well, let us have that Enabling Legislation, and we'll come up with the funds somewhere in the department to set this unit in motion.

We've had the experience on the committee, so far this year, of several bills that have questionable Fiscal Notes from the Department of Human Services. We have one in committee right now, it is a food stamp bill that we had erroneously been given a Fiscal Note by the department of \$3,600. When the good Senator from Cumberland, Senator Conley, whose bill it was, brought the question up that he didn't think it required a Fiscal Note, then the department sent an adjusted Fiscal Note over, saying: "This is to inform you that the information we sent you regarding the cost of \$3,600 to a dedicated revenue account was in error. I am sorry if this caused any problem."

We have another bill in committee that has an amendment that will increase the workload of someone over in the department. The department has come in and said: "Sorry, this

won't cost anything else. We can do this work. We don't need an extra Fiscal Note, although this will mean more manpower hours in doing the job."

I think the thing that bothers me more than anything is, the fact that we are using 314D funds. We are using, as I call it, "funny money," because it's funny where they can develop their priorities with the Federal grant monies. I feel that if we do have these monies, and they can use them at their discretion, let them use it in this account if they intend to, although they don't need to because some of the facts that they brought to us, and what they collect for licensing fees now indicate that in the fiscal year 1983, in the beginning of that year they will have in their account \$4,379 at the present fee system.

I talked to someone today who lobbied me on behalf of this Bill to let it pass. They told me that there would be, at the end of this coming year, \$25,000 in the account, which they would need for cash flow reasons. It appears that, at the beginning of the year of fiscal 1983, they're still going to have \$4,000 in this account. I don't see what the need is for increasing the fee right now. I would like the Department of Human Services to kind of sharpen up when they come before committees, and bring proper Fiscal Notes in. Let us know just what their needs are. Where their monies are coming from. So we can really dictate whether it's really needed or not.

I would ask for a Roll Call vote.

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

Senator TROTZKY: Mr. President, and Members of the Senate, I'm concerned with this Bill. The City of Bangor, which has many restaurants in it, conventions take place in the city, underwent budget cutting. One of the first things that was cut was the Department of Health in the City of Bangor. Essentially, the people were cut who go out and do inspect the restaurants, the eating establishments in the city.

I recall a conversation with William Shook, who is the Director of Health in the City of Bangor, concerning the State's inspection of restaurants, that it was not adequate.

I'm wondering, this Bill that is before us today, is what we are doing, beefing up the department to inspect these restaurants throughout the State? If it does this, I feel the Bill ought to be given some consideration, because if Bangor doesn't inspect its own restaurants, the public has the right to some guarantee of clean, healthy eating establishments.

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

Senator GILL: Mr. President, if the Bangor sanitarians are no longer there, in place, to inspect the restaurants, the State inspectors will inspect it. Each of those restaurants will pay a fee as listed in the fee schedule for that inspection. At the present time, the department sanitarians are inspecting between 750 and 800 less facilities because last year, they turned over those 750 to 800 to the Department of Agriculture to inspect, so there wouldn't be duplication of effort. They have reduced their inspections by that amount, 750 to 800 inspections a year. They could pick up the restaurants to be inspected, the facilities that need to be inspected, in the Bangor area. Those places would have to pay the fee to have it inspected as other parts of the State do now.

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

Senator BUSTIN: Thank you, Mr. President. The amount of reimbursement for automobile expenses has gone up from 12¢ to 20¢, somewhere that has to be picked up. If we still operate at the 1975 levels, there is no way you can go up to Bangor and inspect 400 new establishments under the fee schedule as it is.

The other Body's amendment, proposes a \$5 increase across the board. Now that's only a

17% increase. Inflation has been 12% annually since 1975. They're not going to catch up to themselves. They are going to be able to keep 6 sanitarians instead of the 7. We will still be short one sanitarian. I'm sure they'll try to do the job. It probably won't be adequate, but it's better than nothing. I would move Passage of this Majority Report.

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

Senator PRAY: Mr. President and Members of the Senate, I share some of the concerns that the Senator from Penobscot, Senator Trotzky, expressed, but perhaps more than just in the City of Bangor. I wonder if someone on the committee, the chairman, or other committee members, could advise this Chamber as to how many eating, lodging, and recreational places statewide that there are? How many employees do the investigations or the inspections? Basically a workload, since we're kind of a summer tourist state, I'm sure that everyone is well aware that a number of facilities only open during the summer months, that if there is not a peak period that these individuals have to respond to the inspections?

My basic concern is that this industry pay for this inspection, and I am one who does pay. Also, I have a concern as to the division between the Department of Agriculture and Human Services, that depends upon which department the establishment receives its license from. I have for years been licensed by the Human Services Department, and receive that license from them. Last year, after I had a 2 year license, or an 18 month license, whatever they just shifted to a year or so ago, I received a letter from the Department of Agriculture instructing me to fill out the form and send in my fee. It was only after I pulled out my old license to see that I was already covered for about another 12 months down the road, I had the other department ask me for the fee increase.

I don't think that it's fair to say 700 or 800 of these individuals have been shifted from one department to the other department to be inspected. I believe that it depends upon which ones that they are licensed with, and a majority of these people for years have been licensed by the other department, and they're not shifting over to the Agriculture Department, so that shift really has not taken place.

To reiterate the questions, could you tell me how many eating, lodging, and recreational places have to be inspected, by how many individuals, and how do they handle the peak periods?

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

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate, I think maybe Senator Pray partly explained what happened last year, but I hope I can make it a little clearer.

In our review of Agriculture, we found in many cases, we had as many as three people going into one store for inspections. We had Agriculture going in for food inspection. If they had a hot dog steamer we had Human Services, charging a \$17.50 fee, also going in. Then we had Agriculture going in as Branding Law people. In the restaurants, we had Human Services going in to inspect the restaurants. Then we had Agriculture going in if they handled ice cream.

So we combined those, or changed that so that one person did everything that needed to be done. When we gave Agriculture 700 or so establishments that Human Services was doing too, the fees went with Agriculture. It changed from a \$17.50 fee for stores, to a \$10 fee straight across the board, and Agriculture gets it. I hope that will explain, at least what happened as far as those 750 establishments. The fee was cut from Human Services and turned over to Agriculture.

The PRESIDENT: Is the Senate ready for

the question?

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, to respond to Senator Pray's question, I can do it two ways. I can either read the whole list of, Class A eating places, and the number, which is a page and a half, or I can show it to him in the back of the Chamber, whichever he chooses to do. They go from vending machine operations, towards eating place takeouts, to boys and girls camps, school lunch programs, catering establishments, lodging places, motels, cottages, mobile home parks, trailer tenting areas. I can give him the numbers if he wishes to have them.

The point is the department, this dedicated revenue account is not broke. The department still has money to use. I maintain that if nobody's going to be doing without any particular service, there's not going to be any health catastrophe happen. I think, administratively, there are restaurants, there are facilities that the department checks on a routine basis, that are 100% all the time. I think they know full and well, when they go into one of those places, that they're not going to find any problems. Then there are those marginal places, I think, the department could go into more often and check. I think they could use their discretion in checking out these establishments.

I'll wait to hear from Senator Pray on how he wants to handle this.

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

Senator BUSTIN: I have a letter from Francis G. McGinty, who is Deputy Commissioner of Health and Medical Services that might shed some light on that. It's addressed to Representative Prescott: "As you know, the Department currently conducts annual inspections of eating establishments, eating and lodging places, lodging places, recreational camps, camping areas and mobile home parks. As you also know, the number of individuals employed by the Department to conduct such inspections has been reduced from ten to seven during the past year and will soon be reduced to five unless relief is forthcoming in the form of an increase in licensing fees. Should such a further reduction be necessary it would be impossible to inspect each establishment more frequently than once every eighteen to twenty-four months. In my judgement, inspections at such extended intervals are not sufficient to adequately protect the health and safety of the public. I would be happy to discuss any questions." He goes on with that.

The figure that I have, that the Department of Human Services currently inspects, is 7,482 establishments.

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

Senator PRAY: Mr. President and Members of the Senate, I'm sure that we'll all agree that this is not going to be the most earth shaking matter that comes before this Body. The concern that I have, and the reason that I rise again, with the figures that the Senator from Kennebec, Senator Bustin, just read, is that we basically have in excess of 7,000 places that have to be inspected. If they fail inspection, or if they do not come up to the perfect criteria, they have to be reinspected after a short time period in which, the owner is forewarned he has to correct the discrepancies within this meeting the inspection requirements.

We could say, and I'm just hypothetically grabbing a figure, of say 10% of them fail, then we can add another 700 and we're up to 8,000 establishments that have to be inspected.

My concern is, if we are presently at 7 individuals doing this inspection from Fort Kent in the north, down to Kittery in the south, and spreading east to west as well in the large rural state that we are in, that we are presently overtaxing a system which is not going to be able to provide the health and welfare to the people of

this State and to those who visit this State.

If the Senator from Cumberland, Senator Gill, clearly wants to wait for my direction, then I would urge her to withdraw her motion to Accept the Ought Not to Pass Report so that we could properly protect the people of this State.

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 the motion to Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought Not to Pass 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, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairey, Minkowsky, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, The President, J. Sewall.

NAY — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, O'Leary, Pray, Trotzky, Usher, Violette, Wood.

ABSENT — Perkins, Trafton.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators being absent, the motion to Accept the Minority Ought Not to Pass Report in non-concurrence does prevail.

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

Senator PIERCE: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that this be Tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the motion to Reconsider be Tabled for 1 Legislative Day.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling for 1 Legislative Day, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to Table does not prevail.

Is it now the pleasure of the Senate to Reconsider?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request that when the vote be taken, it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Senator has the floor.

Senator CONLEY: Mr. President, and Members of the Senate, sometimes I wonder, when we sit here as a Body to represent the citizens of the State, as to whether or not we are here representing political parties, or do we really have in mind, what I consider to be the inter-

ests of the citizens of this State.

We have a stupid little Bill here, that keeps the shop open, and allows the inspectors within the Department of Human Services to make these inspections for the safety of the people. We know what the inflation rate is today, we know what it costs for gasoline today for cars to get around this State. They've been severely cut back in the number of inspectors.

As I read the Bill, the original Bill, in requesting the \$50 increase, I can understand why some people would be opposed. As I read the amendment, as it comes from the other Body, it's requesting a \$5 increase. If that is going overboard, then I think some of us ought to get together and start talking.

Knowing that the great Majority Party here is keeping a record of all fee increases that take place in the Session, I think it would do you all a world of good to Reconsider your position to pass this and put it on that Table over there, unassigned, and then kill it on the last day, or go out and smear the Chief Executive of this State, who is trying to run the State's business.

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

Senator TROTZKY: Mr. President and Members of the Senate, I was called by the head of the Health Department in the City of Bangor. He confirmed the letter that was sent to Representative Prescott, it said; the department will be decreased so that the inspection of restaurants will be once every 18 months. The question is, is this adequate? In other words an inspector comes into a restaurant, takes a look at it, and doesn't show up for another 18 months.

The head of the Health Department in Bangor does not think that this is adequate. Now, I know that Bangor has a lot of restaurants, so do Auburn and many of the other big cities and recreational areas in the State. This is a recreational State, there are a lot of restaurants in the State. I feel that we have the right to protect the public, so I would hope the Senate would Reconsider this action.

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 to the good Senator from Cumberland, and Assistant Minority Leader of this Senate, that there are those of us in here, other than himself and his party that do care for the people of the State of Maine. I resent every time we wind up having a vote, that we get blasted as having a party line vote, and nobody cares for the people of the State of Maine, but the good Minority Party of the Senate. I say baloney!

This happens to be a Divided Report. The Committee has already decided that there are half, or at least a group of them, that don't happen to agree with this. The mood of the people of the State of Maine, as evidenced by their vote on a National level, and the mood of the people of the United States, is that there's too much government regulation. We have been told here already that there's already up to 3 and 4 people inspecting our restaurants in the State of Maine right now. For anyone to think, and for the Record to go unclear, that there are those, only those who vote one way, care about the State of Maine and the restaurants in it, is absolutely untrue. I think the Record should be set straight in that regard. I think we have adequately taken care of this Bill and we should not Reconsider it.

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

Senator KERRY: Mr. President, and Ladies and Gentlemen of the Senate, prior to coming here this year, I met with the Old Orchard Beach Chamber of Commerce and various people who own restaurants, and hotels and motels in my area. I think their problems are probably indicative of the problems that many

tourist oriented communities face throughout the year. Their concern was, not necessarily with the Department of Human Services, but their concern was with regard to inspection of hotels, motels, and eating establishments, with the fact that local communities do not, in effect, enforce most of the regulations and rule dealing with sanitary conditions. Mainly due to understaffing and due to the very same factors that the good Senator from Oxford has just mentioned. The do not have the money to have full-time sanitation inspections, to go through the community on a local control basis, to do the job adequately.

I think it's rather indicative of the fact that the Chamber of Commerce isn't exactly the type of group that wants to encourage over-regulation of any one specific industry. I think, as a businessman, and I think as other people who are in business, we all realize if you do not have appropriate enforcement of the regulations that we do have on the books, it fosters lack of respect for the law.

Secondly, I think what you have is that if you have many tourists coming into this area, and they decide that the sanitation conditions within your restaurants, or if they have a problem with the facilities, knowing full well that they are not inspected properly, they will probably go elsewhere, taking their tourist dollars and other things to other states.

In my own personal experience, with a variety of inspections throughout York County, and Cumberland County, I have met with various inspectors, sanitation inspectors; they are all very polite; they are all very thorough; they do their job well.

I think for this Senate, as a matter of public policy, it would be pennywise and poundfoolish not to endorse a very minimal measure, to keep open the store, as the Senator from Cumberland explained. I think what's going to happen, as good businessmen, we know if we put out a good product in a clean environment, that many people will come back to this State, and invest in this State, even if they are tourists.

I think more importantly, that there is probably a 20 to 30 percent turnover in restaurants and small eating establishments. We're finding people are serving food in gasoline oriented stations. We have a variety of stations that are beginning to develop to sell food. I think it behooves the State of Maine to recognize that we have a compelling interest to fund this very minimal measure for the safety of the people. Thank you.

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

Senator GILL: Mr. President, it appears that there are some members of this Body who think people who run restaurants aren't going to run a clean shop, a good restaurant, and put out good food. That really bothers me, because, I think, people who are in business know they have to insure that the public safety is taken care of, that the health of the public is taken care of. Any restaurant I know, that I can think of off the top of my head, wants people to come back. That's what they're in business for. I don't think they really need regulation, someone down their back all the time, I think very well and good the sanitarians that are around know the restaurants, know the lodging places, that are marginal. They can go back there and check on them more frequently if necessary. I would say, I would hate this Body, to have it get out of this Body, that we think the business people in this State who are operating motels, lodging places, summer businesses, or restaurants, all types of restaurants, aren't thinking of the people of the State and aren't anxious to provide the highest quality of food, or whatever service they are providing to the people of the State. I don't believe that for a minute. I think you don't stay in business if you don't put out a good service for people.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Kerry.

Senator KERRY: The reason I rise the second time is that I agree wholeheartedly with the Senator from Cumberland, Senator Gill. Once again, to reiterate, the members of the Old Orchard Beach Chamber of Commerce, who came to me, I asked them for their top priorities for this Session, it was specifically that. These were people who have been in business for 25 or 30 years, some of them, in their families for literally 100 years. They said; we run good establishments. We have been in communication with various restaurateurs, and motel/hotel owners throughout the State. We find the ones who are abusing State standards and laws, of which there are many; and due to the fact that there are a limited number of inspectors; and due to the fact that there are no local controls on it because there are no funds to fund a full-time sanitation director, they are finding tourists are complaining to the Chambers of Commerce that the few bad apples, if you would, in the bunch, are causing people not to come back to our areas.

Coupled with the gas crisis we experienced here just a few years ago, I think you can apply this to almost any area, I think, the true businessmen that the good Senator from Cumberland, Mrs. Gill, alluded to, do want proper inspection with reasonable fees. They told me they considered this one of the top priorities that they had. I didn't intend to speak on this Bill, because I thought most people would accept the reasonable amendment from \$50 to \$35. It's a \$5 increase. I don't consider that at all unjust or inappropriate.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, I'm somewhat surprised that the Department of Human Services is pushing this particular Bill, because when they testified before the Audit and Program Review Committee, when we were discussing this identical issue, they were sort of pleased. I got the indication that they were going to terminate this particular responsibility and allocate this responsibility to the Department of Agriculture.

I guess what our major concern was, was regulation and over-regulation, especially in the larger communities such as the Portland area, Lewiston/Auburn, or Bangor even. We have full-time sanitarians do this job. Maybe the outlying areas may not be as alert or as keen to the health and safety of the people of the State of Maine, or its summer tourists. I think, all in all, concurring with the remarks made by Senator Gill, these people are very conscious of keeping a very, very clean place. I'm talking about the full year-round operations.

The Department of Human Services, I guess, we have come across some ambiguous figures of how they develop them at times ourselves, where we are analyzing each one of their particular departments or divisions. That more or less correlates with the figures that were projected by Senator Gill on the \$3,600 allocation that was projected originally.

I really believe the people in the State of Maine are well-protected. I sincerely believe the people who are in the food business are doing a very commendable job. You just can not keep strapping them with additional revenues, because the end result is, with the mortgages that they have, with the employees, with the regulations that are now upon them, you are going to drive some of these people out-of-business. The end result with this type of regulation, or over-regulation, which I think is a safer word to use, we are not helping industry or employment in the State of Maine by adding further burdens either to full-time operations or to part-time operations.

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

Senator CONLEY: Mr. President, and Mem-

bers of the Senate, I recall when I first came to Augusta, we used to get a \$7 a day allotment per diem for the room and to eat, \$7 and \$5. I guess it was, \$7 for the room and \$5 for the meals. I don't know where the good Senator from Androscoggin, Senator Minkowsky, has been for the last sixteen years, but I know when I go in to a restaurant today, I leave an arm and a leg, plus my wallet, to have a good meal. I've always been very pleased with the meal that I've received. Built into the price for that meal, obviously, is the cost of running that business. Nobody is downgrading this program. Nobody here has said today, that the program is a bad program, that it should be done away with. Even the good Senator, the liberal, that flaming liberal Senator from Cumberland, Senator Gill, who is totally against regulation, supports the program. I mean, I haven't heard her even, say that the program should be done away with.

What we have to recognize, if the program is to continue, someone has to pay for it. It isn't the guy who is running the hash house. It's you and I. It's me. When I go in it's going to be an arm, a leg, and another leg. The fact is, we have to provide the basic protection for the citizens of the State.

I'm not going to make this a partisan issue. It is ridiculous. I have to become partisan, Mr. President, if you will please forgive me, just for a moment. Every time that I listen to that great wisdom, the wisdom of that nobleman from Oxford County, it makes me great that I'm a native and a born citizen of this State. He starts to talk about, President Reagan, and the nation, and the mood of the nation. Please, Senator Sutton, look around the Chamber here. There are four less of you this year than there were last. If you take a look down the other end of the hall, there's another 12 less of you. So the people of Maine apparently respect, not the Minority Party, the Democratic party. I am the Democratic Floor Leader, a minority I've been all my life, but a Democrat I'll be until I die.

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

Senator BUSTIN: I don't think that I can add to the good Senator from Cumberland's remarks, however, I would like to clear up a couple of issues. The good Senator from Androscoggin, Senator Minkowsky, would perhaps more properly address the question of inflation to the oil companies and not the eating establishments.

On the agricultural issue, that was only one small part of what the Department of Health and Engineering was doing. They gladly gave that part up, because it reduced their workload somewhat. It also reduced the money that they were getting.

I would also like to live in the never-never land that the good Senator from Cumberland, Senator Gill, lives in, but, I know that right here in Augusta, we had an eating establishment that serves an abundance of chicken. A number of years ago, somebody went to the hospital with a rat bone in her throat. I think inspections are well do, in those kinds of instances. Thank you.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, and Members of the Senate, just one point of clarification which I think is of significant value, yes, the good Senator from Cumberland, Senator Conley, has been here as long as I have. We are both of the same part affiliation. I think that until the day I die, even though we disagree, I'll be a Democrat also. I want the Senator to know that when we started with our \$7 a day, I always voted against those increases right along, up until the present time, even though I'm still a recipient of the new rate.

The PRESIDENT: Under the Constitution, in order for the Chair to order a Roll Call it re-

quires 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 Reconsideration.

A Yes vote will be in favor of Reconsideration.

A Not vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charrette, Clark, Conley, Dutremble, Kerry, Najarian, O'Leary, Pray, Trotzky, Usher, Violette, Wood.

NAY — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Minkowsky, Pierce, Redmond, Sewall, C., Shute, Sutton, Teague.

ABSENT — Perkins, Trafton.

A Roll Call was had.

15 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators being absent, the motion to Reconsider does not prevail.

Sent down for concurrence.

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

Senator SHUTE: Mr. President, is the Senate in the possession of L. D. 249?

The PRESIDENT: The Chair would answer the Senator in the affirmative. The Bill, "An Act to Repeal Provisions for Premiums and Rebates under the Liquor Laws." (H. P. 234) (L. D. 249) having been recalled at his request.

Senator SHUTE: Mr. President, and Ladies and Gentlemen of the Senate, this is a Bill that was recalled from the Governor's Office. It was passed through the Legal Affairs Committee. It was one of those Bills that didn't get a great deal of discussion, and there was no opposition to the Bill. It came our unanimous Ought To Pass. After the Bill went through both Chambers and was on the Governor's desk, we found that there were some flaws in the Bill, to say the least.

What the Committee found out, after it was on the Governor's desk, was that this Bill rather than making some competition for the beer and wine wholesale distributors, we found actually the large retail and wholesale wine distributors would probably be taking over the business and putting out the small distributors and small stores.

Mr. President, I would ask for the Rules to be Suspended.

On motion by Senator Shute of Waldo the Senate voted to Suspend its Rules.

On motion by Senator Shute of Waldo, the Senate voted to Reconsider its action whereby, Bill, An Act to Repeal Provisions for Premiums and Rebates under the Liquor Laws. (H. P. 234) (L. D. 249) was Passed to be Enacted.

On motion by Senator Shute of Waldo, the Bill, and accompanying papers, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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