

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE
March 18, 1981
Senate called to order by the President.

Prayer by the Reverend Donald W. Banton of the Pleasant Street Methodist Church in Waterville.

REVEREND BANTON: Let us bow our heads in prayer. O'God, the one who governs us all, no matter how we conceive of You, we pray for our national President, the Governor of our great State of Maine, and Members of the House of Representatives and the Senate, our courts of justice, and the magistrates, and for the life, welfare, and virtue of the people who are in their hands.

Strengthen in these representatives of the people their sense of duty in their political life, and grant that they may feel ever more deeply that any diversion of their public powers for private ends is a betrayal of their country and state.

Dear God, give all our country's political leaders new vision, and set their hearts on life with new purpose, to strive for the freedom and the rights for all people in America and the world.

We pray that the proceedings of this body today, whenever possible, may be for the good of the majority and the minority in Maine, the rich and the poor, the young and the old, the privileged and the underprivileged. God, most of all, we ask Your blessings upon this body of people and their actions, inside and outside of this building. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Provide Free Access for Legislators to State Parks, Camping Areas, Beaches and the Maine Turnpike." (H. P. 1020) (L. D. 1230)

In the House, March 10, 1981, referred to the Committee on State Government.

In the Senate, March 16, 1981, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: Is it the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act to Authorize the Eastern Maine Vocational Technical Institute to Operate a Program for Practical Nursing in Ellsworth." (S. P. 426) (L. D. 1248)

Reference to the Committee on Education suggested.

In the Senate, March 11, 1981, referred to the Committee on Appropriations and Financial Affairs.

Comes from the House, referred to the Committee on Education, in non-concurrence.

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

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

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

Is this the pleasure of the Senate?

The motion prevailed.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Clarence Roberts, of Old Orchard Beach, who was named Citizen of the Year, by the town's historical society. (H. P. 1142)

Clifford E. Noyes, 87, of Wilton, active in political and civic affairs, who, on March 9, 1981, completed 19 years of service as a Selectman. (H. P. 1143)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, The Legislature has learned with deep regret of the death of David W. Morrison of Mechanic Falls, who was an outstanding citizen and family man. (H. P. 1144)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

House Papers

Bill, "An Act to Amend the Laws Governing School Administrative Districts." (H. P. 1066) (L. D. 1277)

Bill, "An Act Concerning the Computation of the State's Share of Operating Cost for Local and School Administrative Units." (H. P. 1034) (L. D. 1269)

Bill, "An Act Requiring Disclosures of Hiring Policies for Public Schools." (H. P. 1089) (L. D. 1286)

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

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

Bill, "An Act to Ensure that those Homes Receiving Fuel Assistance are Winterized." (H. P. 1067) (L. D. 1270)

Comes from the House, Referred to the Committee on Energy and Natural Resources and Ordered Printed.

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

Bill, "An Act to Improve the Administration of the General Assistance Program." (H. P. 1068) (L. D. 1271)

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 Relating to Child Prostitution." (H. P. 1069) (L. D. 1272)

Bill, "An Act to Clarify the Sentencing Statutes under the Criminal Code." (H. P. 1070) (L. D. 1273)

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 Establish Fairer and more Equitable Funding Considerations by the Maine State Commission on the Arts and Humanities to Well-established Nonprofessional Community Theaters." (H. P. 1072) (L. D. 1275)

Bill, "An Act to Clarify the Administrative Procedure Act." (H. P. 1071) (L. D. 1274)

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

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

Bill, "An Act to Permit Municipalities to Levy a Sales Tax on Meals and Lodging." (H. P. 1073) (L. D. 1276)

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

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

Senate Papers

Senator TRAFTON of Androscoggin (Cosponsors: Senator CONLEY of Cumberland, Representative ROLDE of York and Representative HOBBS of Saco) presented, Bill, "An Act to Revise Governmental Ethics and Election Practices." (S. P. 483)

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

Sent down for concurrence.

Senator TROTZKY of Penobscot (Cosponsors: Senator O'LEARY of Oxford, Representative HALL of Sangerville and Representative AUSTIN of Bingham) presented, Bill, "An Act to Authorize the Department of Environmental Protection to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management." (S. P. 475)

Senator REDMOND of Somerset (Cosponsors: Senator PIERCE of Kennebec and Representative DEXTER of Kingfield) presented, Bill, "An Act to Protect Public and Private Property from Ice Jams." (Emergency) (S. P. 479)

Senator TRAFTON of Androscoggin (Cosponsor: Representative KANY of Waterville) presented, Bill, "An Act Requiring Energy Efficiency in Buildings Financed with Public Funds" (S. P. 480)

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

Sent down for concurrence.

Senator TRAFTON of Androscoggin (Cosponsors: Senator BROWN of Washington, Senator GILL of Cumberland and Representative PRESCOTT of Hampden) presented, Bill, "An Act Concerning Alternatives to Institutionalized Care." (S. P. 478)

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

Sent down for concurrence.

Senator CONLEY of Cumberland presented, Bill, "An Act to Permit the Opportunity for Continuing Health Insurance." (S. P. 477)

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

Sent down for concurrence.

Senator KERRY of York presented, Bill, "An Act to Authorize the Extension of Old Orchard Pier." (S. P. 476)

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

Sent down for concurrence.

Senator BUSTIN of Kennebec (Cosponsors: Senator HICHENS of York, Representative HUBER of Falmouth and Representative BERUBE of Lewiston) presented, Bill, "An Act to Amend the Definition of Home Improvement Note Set Forth in the Maine Housing Authorities Act." (S. P. 481)

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

Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing:

the Kennebec Valley Pee Wee Hockey Travel Team, State of Maine Champions for 1981. (S. P. 482) presented by Senator AULT of Kennebec.

Which was Read and Passed.

Sent down for concurrence.

Committee Reports
House

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act Requiring Traps, Except Water Sets and Killer Types, Under the Fish and Game Laws, to be Checked Every 24 Hours in Unorganized or Deorganized Places." (H. P. 106) (L. D. 140)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Clarify Recovery for Cardiovascular Injury under the Workers' Compensation Laws." (H. P. 668) (L. D. 772)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act Relating to Games of Chance Sponsored by Charitable Organizations." (H. P. 504) (L. D. 555)

Reported that the same Ought to Pass.

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

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the York Water District." (H. P. 149) (L. D. 175)

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 Judiciary on, Bill, "An Act to Clarify Appellate Procedure in Adoption Cases and Provide Transition Provisions for Certain Guardians under the Probate Code." (Emergency) (H. P. 246) (L. D. 280)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-99)

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

The Committee on Judiciary on, Bill, "An Act to Facilitate the Distribution of Child Custody Reports." (H. P. 620) (L. D. 703)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-100).

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

The Committee on Judiciary on, Bill, "An Act to Amend the Laws Relating to Examinations of Motor Vehicles by Police Officers and to Increase the Penalty for Avoiding a Police Roadblock." (H. P. 178) (L. D. 225)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-101)

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

The Committee on Legal Affairs on, Bill, "An Act to Establish Guidelines for the Issuance of Concealed Weapon Permits." (H. P. 467) (L. D. 519)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-88).

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

The Committee on Public Utilities on, Bill, "An Act to Exempt Fuel Adjustment Charges of Electric Utilities from the Requirement that such Charges be Prorated." (H. P. 527) (L. D. 595)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (H-105)

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

The Committee on Public Utilities on, Bill, "An Act to Adjust the Fiscal Year of the Cobblestone Watershed District." (H. P. 479) (L. D. 535)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-106)

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

The Committee on Taxation on, Bill, "An Act Concerning the Interest Charge on Outstanding County Taxes." (H. P. 471) (L. D. 524)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-102)

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.

Senate**Divided Report**

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Clarify Food Stamp Allotment Calculations in Cases of Immediate Economic Loss." (S. P. 257) (L. D. 739)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-55).

Signed:

Sensors:

GILL of Cumberland

BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden

BRODEUR of Auburn

KETOVER of Portland

MANNING of Portland

MCCOLLISTER of Canton

RICHARD of Madison

MacBRIDE of Presque Isle

BOYCE of Auburn

HOLLOWAY of Edgecomb

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

Signed:

Senator:

HICHENS of York

Representative:

RANDALL of East Machias

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee was Accepted.

The Bill Read Once. Committee Amendment "A" was Read and Adopted.

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

Second Readers

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

House — As Amended

Bill, "An Act to Revise the Law Relating to the Licensing of Private Investigators." (H. P. 185) (L. D. 257)

Bill, "An Act to Revise the Law Relating to the Licensing of Private Security Guards." (H. P. 285) (L. D. 332)

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

Senate

RESOLVE, Authorizing Richard Potvin, or his Legal Representatives, to Bring Civil Action Against the State of Maine and the

Maine State Lottery Commission. (S. P. 292) (L. D. 818)

Which was Read a Second Time.

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

Senator SHUTE: Thank you, Mr. President, Mr. President and Ladies and Gentlemen of the Senate, this is the Potvin Bill that we discussed yesterday. It was a Bill that was before the Legal Affairs Committee. It came out with a 10 to 2 Ought Not to Pass Report. As I said yesterday, this Bill does expose the State to a half million dollar suit, if Mr. Potvin were successful in his suit against the State.

As I understand the Tort Claims Act, we have the Attorney General in to give us a little background history on it, you can't give one person an advantage or a right over another person in the same class if they're going to sue the State of Maine.

Now we have several people that could be in this same class that Mr. Potvin is in, because this machine was used on preliminary drawings for the Lottery. The same thing that happened to Mr. Potvin happened to other people that were in the preliminary drawings. There was also one other time during the Super Drawing that this same thing happened to three people, only it happened all at once. We know the numbers on those balls that were also designated to those players, number three and four.

We have before the Legal Affairs Committee at the present time, bills amounting to \$4 million or so to sue the State of Maine. If we look upon this Bill, it probably has the least merit of any Bill before the Legal Affairs Committee, in such light that we should just pass it on through and let the person go ahead and sue the State of Maine. We probably ought to pass the rest of them out all Ought to Pass and just let everybody take their chances in the court regardless of whether they have a right to do that or not.

As I mentioned yesterday, when you play the Lottery, and you're in the Super Drawing, and you have a machine that is putting out the balls with the numbers on them to correspond to your name on a board, you're taking a chance. Whether that chance be, it is a game of chance, the Lottery is. Whether it's fate or chance, where that ball comes out, that is the chance you're taking.

So if the Legislature feels that Mr. Arrestes was acting in an irresponsible manner in that drawing, certainly this Bill ought to be passed, and the other people, also, that would be in that same class should, also, be included to allow them to sue the State of Maine also. The Resolve says: "is authorized to bring action for breach of contract, breach of warranty, breach of implied consent, and negligence in the Superior court in the county of York. I don't think there was any negligence on the part of Mr. Arrestes in this Lottery Drawing. He had nothing to gain, whether Mr. Potvin won that lottery or some other person won. As far as Mr. Potvin winding up and winning \$10,000 instead of the \$500,000, it could have been any one else.

So, I would move Indefinite Postponement of this Bill and all its accompanying papers, and ask for 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 the motion by the Senator from Waldo, Senator Shute, that L.D. 818 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

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, Hichens, Huber, McBreairey, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, The President J. Sewall.

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

ABSENT — Gill.

A Roll Call was had.

16 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone L. D. 818 does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be Passed to be Engrossed and sent down for concurrence?

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Passage to be Engrossed, on L. D. 818, please rise in their places to be counted.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I ask for 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 Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move this matter be Tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that L. D. 818 be Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 818 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 16 Senators having voted in the negative, the motion to Table for 1 Legislative Day does not prevail.

The pending question before the Senate is Passage to be Engrossed on L. D. 818.

A Yes vote will be in favor of Passage to be Engrossed.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Ault, Collins, Devoe, Emerson, Hichens, Huber, McBreairey, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, The President J. Sewall.

ABSENT — Gill.

A Roll Call was had.

16 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the Bill Failed of Passage to be Engrossed.

Bill, "An Act Concerning the Qualifications of Licensed Guides Leading Trips Involving

Children from Boys and Girls Camps." (S. P. 234) (L. D. 652)

Which was Read a Second time.

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

Senator PRAY: Thank you, Mr. President. Mr. President, during the ensuing debate on the last issue, I had an opportunity to talk with the Chairman of the Fisheries and Wildlife and straightened out the matter.

Which was Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act to Provide an Open Season on Moose for a One-year Period." (S. P. 128) (L. D. 300)

Which was Read a Second Time and Passed to Be Engrossed, as amended.

Sent down for concurrence.

(Off Record Remarks)

Senator Hichens of York was granted unanimous consent to address the Senate, Off the Record.

Senator HICHENS: Thank you, Mr. President.

Just Thirty-two Short Years ago in the year of '49 the woods of Maine were added to — Frankly — I'll add a line to bring to your attention that one of that great number will never reach the stage in life where t'll be just more lumber taken from our forests or touched by craftsman's plane for the wood that I'm referring to didn't grow on the terrain but was the beloved baby or ma and papa wood, somewhere in Maine down Sanford way — his training strict and good. He grew up into Manhood and one day became a page in the House of Representatives — and soon became the rage of a certain House employee — Later she became his wife. He elected — Representative — they started a new life together in the State House — made for themselves a name, she as assistant House Clerk — he with Agriculture fame. And not content to House life he's moved on down the hall to join our Senate number and answer this Roll Call. And we wish the very best for Frank on this 18th of March as he observes his Birthday — while just beyond the arch Debbie's right behind him, for next Sunday I am told she too will have a Birthday and become one more year old. So join with me this morning in extending Birthday wishes to this Happy Legislative Pair — and as they do the dishes and other household duties — May everything that's good come soon their way including another little wood.

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

Enactors

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

AN ACT Prohibiting Businessmen from Rafting or Giving Away Live Animals, Fowl or Reptiles as a Fund-raising Device." (S. P. 171) (L. D. 421)

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Enactment.

AN ACT to Amend the Charter of the Portland Water District. (S. P. 209) (L. D. 574)

AN ACT to Amend the Law Relating to the Authorization for Degree-granting Authority for Higher Education Institutions." (H. P. 269) (L. D. 328)

AN ACT to Make Corrections in the Topsham Sewer District Charter." (H. P. 478) (L. D. 527)

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

Emergency

AN ACT to Amend the Employment Security Law Relating to Payment of Extended Benefits of Interstate Claimants." (H. P. 355) (L. D. 403)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, with 1 Senator having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

HOUSE REPORTS — from the Committee on Legal Affairs — Bill, "An Act Relating to the Licensing of Pin Ball Machines." (H. P. 503) (L. D. 554) MAJORITY REPORT — OUGHT TO PASS; MINORITY REPORT — OUGHT TO PASS as amended by Committee Amendment "A" (H-79)

Tabled—March 16, 1981 by Senator PIERCE of Kennebec

Pending—Acceptance of Either Report.

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

Senator SHUTE: Mr. President, I move Acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Waldo, Senator Shute, moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: 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.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: I was wondering if someone might give us an explanation.

The PRESIDENT: The Chair would advise that the question is out of order at this point. A request for a Roll Call might be in order.

Senator DUTREMBLE: I request 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 less than one-fifth having arisen a Roll Call is not ordered.

The Senator from York, Senator Dutremble has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, there are two reports on this Bill, there is not too much difference in the two reports, the only difference being the Majority Report gives home-rule on the issue, and the Minority Report doesn't.

At the present time on licensing pin ball machines, the pin ball machines are licensed by the town clerk. This Bill puts that authority in the hands of the selectmen or the town council and if they wish they can put it back onto the town clerk. The problem is that if you have any complaints about any establishment concerning pin ball machines, it wasn't quite the right process to go to complain to the town clerk about it, and get the town clerk in the middle of a fight with the owner of an establishment and maybe the residents surrounding the establish-

ment.

Really, if we are going to give our town officials the problem and the responsibility of licensing pin ball machines, and the electronic gaming machines, and you are going to give them the problem of enforcement if those machines happen to bring in an undesirable crowd of people around that establishment and the police force is down there and spend 20% or 30% of their time around one establishment it seems as though the town officials should also have the right to regulate the gaming machine industry for that municipality.

That is primarily the difference between the two reports. One report is home-rule and the other report doesn't give the town officials any authority to regulate gaming machines other than to approve or disapprove of the licensing, and the license does change from community to community. They license the establishment and not the machines.

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

Senator SUTTON: May I ask a point of order?

The PRESIDENT: The Senator may state his point.

Senator SUTTON: May I question the ruling of the Chair in regards to the count on the Roll Call question?

The PRESIDENT: There has been an intervening debate so if the Senator desires a Roll Call to reaffirm the Chair's original count that motion would be in order.

The Senator has the floor.

Senator SUTTON: Mr. President, I request 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 less than one-fifth having arisen a Roll Call is not ordered.

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Waldo, Senator Shute that the Senate Accept 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.

20 Senators having voted in the affirmative and 9 Senators in the negative, the motion to Accept the Majority Ought to Pass Report of the Committee, in concurrence does prevail.

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

The President laid before the Senate the second tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on State Government - Bill "An Act Changing the Name of Manpower Affairs and Clarifying the Term of its Commissioner." (H. P. 291) (L. D. 335) MAJORITY REPORT — OUGHT TO PASS; MINORITY REPORT — OUGHT NOT TO PASS.

Tabled — March 17, 1981 by Senator CONLEY of Cumberland

Pending—Consideration

On motion by Senator Collins of Knox, Retabled for 1 Legislative Day.

The President laid before the Senate the third tabled and specially assigned matter:

HOUSE REPORT — from the Committee on Local and County Government — Bill "An Act to Authorize the Designation of a Municipal Development District" (H. P. 603) (L. D. 680)

Tabled — March 17, 1981 by Senator COLLINS of Knox.

Pending — Motion of Senator MINKOWSKY of Androscoggin to Indefinitely Postpone Bill and Papers.

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

Senator CHARETTE: Mr. President, I move to Reconsider, and ask for a Division.

The PRESIDENT: The Chair would advise the Senator that there is a pending motion before the Senate at the present time, the motion by the Senator from Androscoggin, Senator Minkowsky, to Indefinitely Postpone this Bill, which must be disposed of.

Senator CHARETTE: My move to Reconsider defeat of the motion is not in order?

The PRESIDENT: Your motion is out of order at this time. The motion before the Senate is the Indefinite Postponement motion.

Senator CHARETTE: I ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, before we take the vote on the motion to Indefinitely Postpone this particular item, a point of clarification, I think, should come forth from me again this morning relevant to this issue.

I think I somewhat detailed exactly what the history of this Bill was originally, but the point I wanted to stress mostly was the fact that the municipal people have not lost the power in which to work within the confines of the existing law in the State of Maine. They will have their ordinances that will meet the approval of the concerned parties in the development district.

All this Bill does, and the reason why I moved for the indefinite Postponement of it, it dilutes the law further by disallowing the people the opportunity to vote on it. All the input the people will have will simply be to vote in defining the boundaries of the tax assessment district. Everything else, the full trust and confidence myself and everybody else who have been involved in municipal government remains the same. The local people will decide exactly what happens.

There was another concern raised, relevant that the people will not understand when this issue is brought before them, that they will make a mistake and vote down a very important issue. My answer to that, as I was talking to these other people last night who are concerned with the welfare of this particular Bill, the people are very very cognizant, and very much aware. If you properly project it at open public forums, or advertise it properly, there will be no hesitation on the part of the public to endorse the concept.

The other point I wanted to stress is that there are people within the development district that we do not want to be part of the development district. We are locking them out entirely without giving them the necessary public platform in which to debate their feelings.

If these things could have been done by ordinances in a municipality, then there would not have been any necessity for me to work as diligently as I did in 1977 to pass the existing law. I certainly would not want to see the existing law diluted by disallowing the people in any city or town in the State of Maine, by not having that opportunity to vote on this issue.

I certainly hope that you would vote against the motion to Reconsider. The motion is to Indefinitely Postpone. I hope you support me in the motion to Indefinitely Postpone.

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

Senator CHARETTE: Mr. President, Men and Women of the Senate, I rise today in favor of this Bill. The committee had its hearing, workshop and gave it unanimous support. I would hope that you defeat the pending motion.

The question is not whether development districts are right or wrong, but how they should be adopted. Should it be by referendum, or

should it be by the governing body of the municipality? I say give that option to the local municipalities. As you will agree, referendum questions are very costly and I believe that in most instances, public hearings can best serve that purpose for which it is intended. The vast majority of those voting on a referendum are not those affected and can well change the planning of a municipal development district. The merchants, through their own investments are prepared to embark on what can become a positive asset for that municipality. Increase their property taxes by their investments which the entire community will benefit.

I believe that those affected by a development district have their best chance through the city council and the required hearings. What this Bill will do, in my opinion, it will not cost the taxpayers, it will provide the potential for tax increment financing for future development projects now that Federal resources are drying up. It will maintain the development district street and sidewalk improvements and keep this burden off the city taxpayers. It will promote and manage that particular district like the unified shopping center it is. The maintenance will protect the city, the merchant's investment, and will insure a pleasant place for shoppers and business and its citizenry to enjoy.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, while I was not privileged to attend the hearing on this Bill, I am told that the committee had a long hearing and a well-attended hearing, and was most positive in the testimony. I would ask that the Secretary read the report.

The Committee Report was Read.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, let me stress one particular point. As a former municipal official, I was deeply involved in my own municipality with revitalization, and all the points that the good Senator from Androscoggin, Senator Charette brought out. I concur with wholeheartedly. In fact, this is the basic reason why we have the existing law before us, the basic reason why. As you all well realize, a municipality within itself can not form a tax assessment district. This is a very innovative, creative idea. The only way that, and of course again you have to understand, that the people involved in that particular district are paying a premium to run their business in that district over and above the set mill rate in a community.

What happens to those who do not want to pay that particular premium? They might move out, if they are fortunate to be able to sell their particular business. Or they may become more dynamic and more aggressive and really build, which we're doing with our revitalization program in the City of Lewiston.

I'm totally in concurrence, and that's the basic reason why the law was enacted as it was in 1977, with a safeguard for the people in the various municipalities, not just mine, but my municipality that wants to adopt this innovative procedure, just give them the opportunity to vote on the boundaries. Let's not let the municipal officials jockey around those boundaries as they see fit. It's going to be tough enough after they draft their ordinances to actually set the mill rate for these people to operate within their particular development district. It's a very, very simple straightforward way of doing things. The basic reason why the Bill passed in 1977 was because we had allowed the referendum provision to be placed on the Bill. Otherwise that thing, was deadlier than whatever you can classify it to be. I had a specific term, I don't dare use it, Mr. President.

The PRESIDENT: Is the Senate ready for

the question?

A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of L. D. 680, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion to Indefinitely Postpone L. D. 680 does not prevail.

Which Report was Accepted in concurrence.

The Bill Read Once and Tomorrow Assigned for Second Reading.

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

HOUSE REPORTS—from the Committee on Health and Institutional Services—"Bill, An Act Providing for Pupil Screening for Scoliosis and Related Spinal Abnormalities." (H. P. 273) (L. D. 319) MAJORITY REPORT—OUGHT TO PASS as Amended by Committee Amendment "A" (H-81); MINORITY REPORT — OUGHT NOT TO PASS.

Tabled—March 17, 1981 by Senator COLLINS of Knox

Pending—Acceptance of Either Report.

On motion by Senator Collins of Knox, re-tabled for 1 Legislative Day.

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