

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 20, 1981

Senate called to order by the President.

Prayer by the Reverend Norman F. Rust of the West Parish Congregational Church in Bethel.

REVEREND RUST: Before we begin in prayer, I do want to express my appreciation to Senator Sutton for the invitation to be here this afternoon.

Let us pray. Accept the work of this day, O'Lord, Creator, God, as we lay it at Your feet. We acknowledge and confess our utter lack of wisdom and knowledge. Give us the wisdom and knowledge we need as we encounter the work of this Legislative Session and this day. Help us to truly represent the noble, the true, and the right. Help us to put aside petty prejudice, so that our wills are in tune with the right. Keep ever before us the fact that we must try to represent all the people, as difficult as that is at times. May the consciousness of Your nearness, and Your sufficiency quicken and uplift us. With right resources, let us with glad obedience spend and be spent in carrying out the great commission near and far. We pray for the Governor, and all who are sitting in legislative bodies today, as well as here. Hear us from our day today, as we call upon You, O'Creator, through Jesus Christ, our Lord and Savior, we pray. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Joint Orders**

Expressions of Legislative Sentiment recognizing:

Linda Marie Dolloff of Waldoboro, who was selected DAR 1980-81 Good Citizen of the Year, by the faculty and senior class of Medomak Valley High School. (H. P. 1200)

Doris T. Smith of North Scarborough, who has served 50 years as secretary of the North Scarborough Grange (H. P. 1201)

The launching of United States Navy frigate, Stephen W. Groves, named for the East Millinocket Navy pilot killed in the Battle of Midway, June, 1942. (H. P. 1202)

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

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Herbert A. Joy, of Sherman Mills, retired State Police Officer and Past Master of Island Falls Masonic Lodge. (H. P. 1174)

WHEREAS, the Legislature has learned with deep regret of the death of Chester J. Morgan, life-long resident of Sherman Mills and Sherman Mills Democrat chairman for 20 years. (H. P. 1203)

Come from the House, Read and Adopted.
Which were Read and Adopted, in concurrence.

House Papers

Bill, "An Act Relating to Burial Expenses for Veterans." (H. P. 1104) (L. D. 1309)

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 Require Builders to Offer Warranties on Homes which they Construct." (H. P. 1105) (L. D. 1310)

Comes from the House, referred to the Committee on Business Legislation and Ordered

Printed.

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

Bill, "An Act Concerning Teacher Certification." (H. P. 1106) (L. D. 1311)

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 Amend the Provisions Relating to the Maine School Management Association." (H. P. 1088) (L. D. 1307)

Reference to the Committee on Education suggested.

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

On motion by Senator Collins of Knox, referred to the Committee on Education and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Provide Additional Radiation Monitoring Capability by the State." (H. P. 1107) (L. D. 1312)

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 Establishing Procedures for the Approval of Rates for Children Requiring Special Education Services at Residential Treatment Centers and Allocating Financial Responsibility for the Costs of Those Placements." (H. P. 1103) (L. D. 1308)

Reference to the Committee on Health and Institutional Services suggested.

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 Concerning Access by Adopted Children to Biological Family Medical Files." (H. P. 1108) (L. D. 1313)

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

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

Bill, "An Act to Exempt Small Businessmen from the Workers' Compensation Law." (H. P. 1109) (L. D. 1314)

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

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

Bill, "An Act to Incorporate the Cobscook Bay Tidal Power District." (H. P. 1097) (L. D. 1304)

Bill, "An Act to Authorize the Public Utilities Commission to Require Electric and Gas Utilities to Prepare and File Long-range Demand Forecasts." (H. P. 1110) (L. D. 1315)

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

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

Bill, "An Act to Increase Rental Unit Energy Conservation." (H. P. 1111) (L. D. 1316)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Law and Constitutional Provisions Relating to Consolidating Initiative and Referendum Elections to Dates of the Next General Election. (H. P. 1112) (L. D. 1317)

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

Which were referred to the Committee on State Government and Ordered Printed, in con-

currence.

Bill, "An Act to Provide Sales Tax Exempt Status for Nonprofit Family Crisis Service Agencies." (H. P. 1113) (L. D. 1318)

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

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

Senate Papers

Senator DEVOE of Penobscot presented, Bill, "An Act to Provide the Supreme Judicial Court with Rule-making Authority over Court Records and Certain Abandoned Property." (S. P. 506)

The same Senator presented, Bill, "An Act Concerning the Investigative Authority of the Attorney General and Related Provision." (S. P. 507)

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

Sent down for concurrence.

Senator GILL of Cumberland presented, Bill, "An Act to Regulate Dealers in Precious Metals and Stones and Jewelry for Resale and Scrap." (S. P. 503)

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

Sent down for concurrence.

Senator TEAGUE of Somerset presented, Bill, "An Act to Authorize Either an Engineer or an Architect to Act as a Prime Professional under Certain Circumstances." (S. P. 504)

Senator TRAFTON of Androscoggin presented, Bill, "An Act to Provide for Legislative Review of Agency Rules." (S. P. 505)

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

Sent down for concurrence.

Orders

On motion by Senator WOOD of York, ORDERED, the House concurring, that the Joint Rules, as amended, be further amended by adding at the end of the next to the last paragraph of Joint Rule 38, the following new sentence:

Following Senate confirmation or denial, notice of the action taken shall be given to the Speaker of the House. (S. P. 510)

Which was Read.

The PRESIDENT: The Senator has the floor.
Senator WOOD: This Order obviously is not the most important piece of Legislation that I will be introducing this year. It is something that has been kicking around in my mind for a couple of years, and in fact, it's been down in research for about a month. I haven't lobbied anyone, nor have I discussed it in caucus. It just seems to me to be part of the process that will complete what is now is a fairly incomplete process. I realize that it will be an extra burden to the Senate staff, and I don't want to burden them, but I think it's important in that it completes something.

Presently both the House and the Senate received notices of when the Governor is appointing someone. Then, of course, the hearing takes place and the Senate acts upon that. The House never receives any kind of notice of what happened. I think in order to complete that process, it would be nice to let them know what our final action was.

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

Senator TROTZKY: Mr. President, I would assure Senator Wood that this Order is probably unnecessary, because the Speaker of the House knows everything going on around here.

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

Expressions of Legislative Sentiment recognizing:

Westbrook High School Girls' Basketball

Team, coached by Archie Manoogian, 1981 State Class A Champions, their 4th consecutive title. (S. P. 502) presented by Senator USHER of Cumberland (Cosponsors: Representative CARRIER of Westbrook, Representative DAY of Westbrook and Representative BROWN of Gorham).

Gardiner High School Tigers Hockey Team, coached by Norm Gagne, 1981 State Class B champions. (S. P. 508) presented by Senator AULT of Kennebec (Cosponsors: Representative KILCOYNE of Gardiner and Representative WEYMOUTH of West Gardiner).

Shaw's Supermarkets for their decision to sell only Maine-produced chicken. (S. P. 509) presented by Senator WOOD of York (Cosponsors: Senator HICHENS of York, Representative MAHANY of Easton and Representative SHERBURNE of Dexter).

Which were Read and Passed.
Sent down for concurrence.

Committee Reports House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Create a Nonresident Property Owner Fishing License." (H. P. 681) (L. D. 795)

(Off Record Remarks)

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Establish a Kennebec River Future Commission." (H. P. 237) (L. D. 272)

Reported that the same Ought to Pass in New Draft under the same Title. (H. P. 1141) (L. D. 1285)

Comes from the House, The Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-115).

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

Senate Leave to Withdraw

Senator CONLEY for the Committee on Judiciary on, Bill, "An Act to Require a Copy of Presentence Report be Furnished to the Defense as soon as it is Filed." (S. P. 291) (L. D. 817)

Reported that the same be granted Leave to Withdraw.

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Provide Reimbursement for Parking Costs Incurred by Jurors." (S. P. 317) (L. D. 907)

Reported that the same be granted Leave to Withdraw

Senator CONLEY for the Committee on Judiciary on, Bill, "An Act to Place Court Clerks and Assistants under the Judicial Department Personnel Classification Plan." (S. P. 384) (L. D. 1142)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.
Sent down for concurrence.

Second Readers

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

House — As Amended

Bill, "An Act to Encourage the Establishment of Municipal Energy Commissions." (H. P. 313) (L. D. 381)

Bill, "An Act to Provide that Certain Licenses Issued by the Department of Inland Fisheries and Wildlife be Issued on the Basis of Fiscal Year." (H. P. 397) (L. D. 440)

Bill, "An Act to Revise the Charter of the South Berwick Water District." (H. P. 148) (L.

D. 174)

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

Bill, "An Act Providing for Pupil Screening for Scoliosis and Related Spinal Abnormalities." (H. P. 273) (L. D. 319)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action whereby Committee Amendment "A" was Adopted.

The PRESIDENT: The Senator has the floor.

Senator PIERCE: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing number S-58 and would speak to the amendment.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now offers Senate Amendment "A" to Committee Amendment "A" under filing number S-58 and moves its adoption.

Senate Amendment "A" (S-58) to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor. Senator PIERCE: Mr. President and Members of the Senate: Yesterday in debate, I heard some concern, by some Senators, raised over what would happen in this particular measure once we mandated it with the understanding that Federal funds are going to be used, that is all, but what would happen once these Federal funds dry up. Do we want to leave a mandate whereby the State would then pay? If the State didn't put up the money, and the mandate was on, then they would default to the localities.

It seemed to me that it might make some sense to say okay, go ahead and do this, it's fine to do as long as we have those Federal funds, but then leave it up to the judgement of the State and the Municipalities, if they want to fund this at a later date, if, in fact, those Federal funds do dry up. That's basically what this amendment would do.

Senate Amendment "A" (S-58) to Committee Amendment "A" was Adopted. Committee Amendment "A", as amended, by Senate Amendment "A" was Adopted in non-concurrence.

The Bill as amended, was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Enactors

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

AN ACT to Conform and Strengthen the Law Concerning the Burning of Debris. (H. P. 550) (L. D. 626)

AN ACT Relating to the Commencement of Terms of Members of School Committees and Boards of School Directors. (S. P. 278) (L. D. 787)

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 the Eating, Lodging and Recreational Place Licensing Fee. (H. P. 63) (L. D. 97)

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

Senator GILL: Mr. President, I request a Division on this Bill.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President and Members of the Senate, I have little else to say on this Bill that has not already been said, here or in the other Body, except to remind you that if you take a look at your own fuel bills both in your homes and in your automobiles, I challenge anyone here who still heats with oil or travels by a gasoline powered engine to look at those bills and compare them with your pre-

sent bills and tell me that they have not risen at least 17 percent.

That would be including all the conservation measures of capping homes, weather-stripping, less travel, etc, etc, etc.

As a matter of fact one of the good Senators of this Body yesterday told me how much it costs to drive back and forth to the Bangor Area, \$8. one way. It is no longer possible for sanitarians to travel to Bangor at 1976 funding levels to do this inspection that the city will no longer be funding.

I would also call your attention to the recent experience at Husson College. The system was in place the cafeteria was shutdown by the local authorities immediately and the public health was protected. Now I do not want to stand here and imply that the cafeteria would not have been shutdown even if the State did not maintain a Health Engineering Department. I do mean to imply that the State and Local Governments have been working together on health and safety issues for a long time. I do not want to see that partnership breakup, if you do, you will vote against this Bill. We can have complete local control, they can hire their own sanitarians and the State can only set down the criteria for those inspections and require licenses for the local sanitarians, or we could do something really sensible and let the industry pay and set the inspection fees in negotiations for those fees with the State inspectors.

The industry are the ones that seem to want inspections and for good reasons. They want that license hanging on their walls so they can assure their customers that their establishment is clean, it promotes business by promoting public confidence.

I learned in committee that the reason the Legislature is faced with setting fees to regulate business is a legal issue. It is a legal issue, because if we let industry negotiate their own fees with the regulating bodies, they would have to reach a consensus on the rate and that would give them an opportunity to set other rates charged to the general public, and that would run into the issue of Restraint of Trade.

I personally agree with the good Senator from Androscoggin, Senator Minkowsky, that the whole issue of fee setting and inspections needs to be looked at, perhaps there are new ways that we can deal with the problem. I differ with him when he suggests this department can wait for the Sunset Review process. The sanitarians need the fee increase now. The tourist season happens in the summer in Maine. As I understand it, the Sunset Review process on this department won't be completed until November or December of 1981. Let's not do what the good Senator from York, Senator Hichens, says has been done with the poultry industry. Let's give them their modest 17 percent increase, to, at least, keep six sanitarians to inspect the eating and lodging establishments in Maine.

The PRESIDENT: Will all those Senators in favor of Passage to be Enacted on L. D. 97, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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 Passage to be Enacted on L. D. 97.

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

A No vote will be opposed.

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

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

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

ABSENT — None.

A Roll Call was had.

16 Senators having voted in the affirmative and 17 Senators in the negative, with No Senators being absent, L. D. 97 Failed of Enactment, in non-concurrence.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, having voted on the prevailing side, I now move Reconsideration and I would urge you to vote against my motion.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate Reconsider its action whereby L. D. 97 Failed of Enactment.

Will all those Senators in favor of reconsideration, Please say "Yes".

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

A Viva Voce Vote be had, the motion to reconsider does not prevail.

Sent down for concurrence.

An Act to Establish a Revolving Fund for the Maine State Library." (S. P. 185) (L. D. 463)

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

AN ACT to Create a Lake Restoration and Protection Financial Aid Program. (H. P. 551) (L. D. 627)

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

AN ACT to Provide for Determination of the Engineering Feasibility and the Environmental and Economic Effects of the Cobscook Bay Tidal Power Project. (H. P. 552) (L. D. 628)

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

RESOLVE, Designating the Rest Area on State Route 23 in Dexter as the Harold Keyte Memorial Rest Area. (H. P. 695) (L. D. 809)

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

Emergency

AN ACT to Continue the Joint Select Committee on Decommissioning of Nuclear Generating Facilities. (S. P. 174) (L. D. 454)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate with No 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.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1981. (H. P. 1030) (L. D. 1195)

This being an emergency measure and having received the affirmative votes of 32 members of the Senate, with No Senators having voted in the negative was Finally Passed 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:

Bill, "An Act to Establish a Board of Prison Terms and Supervised Release." (S. P. 494)

Tabled — March 19, 1981 by Senator CONLEY of Cumberland

Pending — Reference

On motion by Senator Collins of Knox, referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

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

Bill, "An Act Authorizing a Bond Issue in the Amount of \$29,000,000 for the Purposes of Fostering Agricultural and Economic Development in the State of Maine." (S. P. 488)

Tabled — March 19, 1981 by Senator HUBER of Cumberland

Pending — Reference

On motion by Senator Huber of Cumberland, referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Business Legislation — Bill, "An Act to Require Individually Marked Prices on Certain Retail Merchandise." (H. P. 445) (L. D. 507) MAJORITY REPORT — OUGHT NOT TO PASS; OUGHT TO PASS as Amended by Committee Amendment "A" (H-103)

Tabled — March 19, 1981 by Senator PIERCE of Kennebec

Pending — Acceptance of Either Report.

On motion by Senator Sutton of Oxford, the Majority Ought Not to Pass Report of the Committee Accepted, in non-concurrence.

Sent down for concurrence.

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

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

Tabled—March 19, 1981 by Senator PERKINS of Hancock

Pending—Motion of Senator VIOLETTE of Aroostook to Reconsider Adoption of Committee Amendment "A" (H-102)

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

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

RESOLVE, Authorizing Richard Potvin, or his Legal Representative, to Bring Civil Action Against the State of Maine and the Maine State Lottery Commission. (S. P. 292) (L. D. 818)

Tabled—March 19, 1981 by Senator CONLEY of Cumberland

Pending—Consideration

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

Senator SHUTE: I move Indefinite Postponement and ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Waldo, Senator Shute that L. D. 818 be Indefinitely Postponed, please rise in their places to be counted.

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

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion to Indefinitely Postpone L. D. 818 does prevail.

Sent down for concurrence.

The President laid before the Senate the sixth 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 19, 1981 by Senator Collins of Knox.

Pending—Consideration.

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

Senator AULT: I move Indefinite Postponement of this Bill.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now moves that LD 335 be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I wonder if the good Senator from Kennebec, Senator Ault, would give the Senate some information as to why he feels this Bill is objectionable.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President, and Members of the Senate, what the Bill does is it proposes to change the name of the Manpower Affairs Department to that of Labor and Industry and makes the term of the commissioner coterminous with the Governor. I just don't think it's necessary at this time. I urge you to vote for Indefinite Postponement.

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

Senator VIOLETTE: Mr. President, I request a Division. I would certainly hope that the Senate today would not vote to Indefinitely Postpone this Bill. The Bill does two things, as the good Senator from Kennebec, Senator Ault, has said. It changes the name of the Department of Manpower Affairs to the Department of Labor and Industry. Quite frankly, I think this is most appropriate. We hear today that labor and industry are not working together, that they're incapable of talking to one another, and I, quite frankly, feel that they ought to be talking to each other. The Department of Manpower Affairs has a lot to do with attracting industry to the State, both in dealing with CETA, and through various councils such as the PIT council, and many other divisions within Manpower Affairs.

Quite frankly, the department, the title of Industry and Labor would establish, as a policy decision, the inter-relationships between labor and industry in this State, which I feel is extremely important.

On the other hand, the Bill also brings into conformity, along with all of our other commissioners, the continuous four year term of the commissioner of the department, as all of our other commissioners serve at the pleasure of the Governor, the commissioner of this particular department, there is a law which states that the term is a four year term, which, quite frankly, has caused some problems in the past. I see that as being only consistent with many of our other laws dealing with the terms of our commissioners.

Quite frankly, I would hope that the Senate today would not vote to Indefinitely Postpone this matter and would Accept the Majority Ought to Pass Report.

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

Senator CONLEY: When the vote is taken, I request that it be taken by the Yeas and Nays.

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 Kennebec, Senator Ault, that LD 335 be Indefinite 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, Gill, Hichens, Huber, McBreairty, 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 — None.

A Roll Call was had.

17 Senators having voted in the affirmative and 16 Senators in the negative, with No Senators being absent, the motion to Indefinitely Postpone LD 335 in non-concurrence, does prevail.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President, having voted on the prevailing side, I now move Reconsideration and I would urge you to vote against me.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Ault, that the Senate Reconsider its action whereby it Indefinitely Postponed LD 335.

Will all those Senators in favor of Reconsideration, please say "Yes".

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

A Viva Voce Vote be had, the motion to Reconsider does not prevail.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, Adjourned until Monday, March 23, at 5 o'clock in the afternoon.