

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
April 9, 1981
Senate called to order by the President.

Prayer by the Reverend Charles Scott Planting from Mission at the Eastward, United Presbyterian Church of Farmington.

REVEREND PLANTING: Good morning. Grace be unto you in peace. Let us pray. O' God, Whose will is good and gracious, and Whose law is truth, we pray to You this day to guide and bless the Senators of the Legislature of the State of Maine. Give them courage, wisdom, and foresight to provide for the needs of all the people of this State.

O'God, You have bound us together in a common life. Help us in the midst of our struggles for justice and truth, to listen to one another without prejudgement or bitterness, and to work together with mutual forbearance and respect.

And, O'God, grant to this Legislative Body, the wisdom to hear not only the articulate and clear voices of the powerful and well-informed, but to seek out, also, the stumbling and unsure voices of the powerless, the poor, the elderly, and the out-of-work in our midst.

As this Body makes the laws which govern us all, guide and bless this Body of Legislators, to the glory of Your name, O'God, and the welfare of the people of Maine. Amen.

Reading of the Journal of yesterday.

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

Order

An Expression of Legislative Sentiment recognizing:

Dr. Almo J. Sebastianelli, National Vice Commander of The American Legion, who is making a two-day visit to Maine American Legion groups on April 10 and 11, 1981. (S. P. 559) presented by Senator CLARK of Cumberland (Cosponsors: Senator SEWALL of Lincoln, Senator MINKOWSKY of Androscoggin and Representative MITCHELL of Vassalboro).

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

Papers From The House Joint Orders

Expressions of Legislative Sentiment recognizing:

Youth Aid Officer James J. Bilodeau, of the Scarborough Police Department, for a brave rescue on the evening of March 7, 1981. (H. P. 1329)

Scott Whipkey, son of Mr. and Mrs. Lawrence Whipkey of Washburn, valedictorian of Washburn District High School. (H. P. 1330)

Karen Blackstone, daughter of Mr. and Mrs. Clayton Blackstone of Washburn, salutatorian of Washburn District High School. (H. P. 1331)

United States Marine Corps Sergeant Keith Southworth of New Vineyard, Maine, winner of the 1981 2nd Marine Division Powerlifting Tournament, 242-pound category. (H. P. 1332)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Papers

Bill, "An Act Assuring Legislative Participation in Nuclear Waste Repository Research and Development Activity within the State." (H. P. 1322) (L. D. 1522)

Come 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 Require that County Employees be Hired by Merit. (H. P. 1323) (L. D. 1523)

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

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

Senate Paper

Senator PRAY of Penobscot (Cosponsors: Representative Ingraham of Houlton, Representative CARTER of Winslow and Representative BROWN of Bethel) presented,

Bill, "An Act to Expand the Jobs and Investment Income Tax Credit. (S. P. 558)

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

Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing:

Phebe Royer of South Freeport, one of 1,000 outstanding young American students to become a finalist in the Presidential Scholars Program for 1981. (S. P. 557) presented by Senator CLARK of Cumberland (Cosponsors: Representative MITCHELL of Freeport and Representative JACKSON of Yarmouth).

Which was 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 Place Restrictions on Certain Horses using Roads and Highways." (H. P. 802) (L. D. 956)

Leave to Withdraw

The Committee on Energy and Natural Resources on,

Bill, "An Act Concerning Existing Municipal Solid Waste Facilities." (H. P. 924) (L. D. 1095)

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

The Committee on Energy and Natural Resources on,

Bill, "An Act to Establish a Hazardous Waste Exchange." (H. P. 936) (L. D. 1106)

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

The Committee on Energy and Natural Resources on,

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

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

The Committee on Public Utilities on,

Bill, "An Act Relating to Disposition of Consumer Complaints by the Public Utilities Commission." (H. P. 531) (L. D. 597)

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

The Committee on Transportation on,

Bill, "An Act to Require Motorists Traveling on Maine Highways to Turn on Their Headlights When Conditions Require Continuous Operation of Wiper Blades and to Require Certain Vehicles to Activate Rear Blinkers at Slow Speeds." (H. P. 484) (L. D. 531)

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act Relating to the Board of Harbor Commissioners for the Harbor of Portland." (H. P. 1140) (L. D. 1357)

Reported that the same be granted Leave to Withdraw.

Come from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on State Government on, Bill, "An Act to Create a State Compensation Commission." (H. P. 757) (L. D. 894)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed, as amended by House Amendment "A" (H-185).

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

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Provide for the Arbitration of Disputes Between Health Insurers and Policy Holders." (H. P. 447) (L. D. 508)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-180).

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

The Committee on Business Legislation on, Bill, "An Act to Prevent Certain Abuses in Door-to-Door Sales." (H. P. 833) (L. D. 1000)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-181).

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

The Committee on Business Legislation on, Bill, "An Act to Increase the Fees and Provide for Continuing Education of Podiatrists." (H. P. 542) (L. D. 603)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-182).

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

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

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-172)

Come 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.

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

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

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

Recess**After Recess**

The Senate called to order by the President.

(Off Record Remarks)

Senator Clark of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator CLARK: Mr. President, Men and Women of the House, it happens once a session! Men and Women of the Senate, I apologize.

We have here today a group of young women, who are prime examples of the fairer sex, so-called. It was back in 1975, when the State Principals' Association was brought, kicking and screaming, into the 20th century, and recognized that women, too, participate in athletic events for the same reasons that their counterparts, males, do.

I'm particularly proud today to speak on behalf of the Senate Womens Caucus in acknowledging these young women from Westbrook, who are guests of the Senator from Westbrook, Senator Usher, who have, for the past four consecutive years, walked away with the State Class A Girls Basketball Championship.

In 1978, they beat Mt. Blue; '79, Skowhegan; '80, Old Town; and in '81, Caribou. We are proud of our sisters, and we're glad you're here. Thank you.

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

Senator CONLEY: Mr. President, Members of the Senate, I had the proud pleasure of being in Bangor the evening the State Championship Basketball Tournaments were held, both with the girl's team from Westbrook, the girl's team from Caribou. There was no question in my mind, that I have never witnessed a better athletic contest than I did that evening.

Following the girls basketball tournament, I equally enjoyed watching one of my alma mater's Cheverus, defeat Cony High School.

I can assure the Maine Senate, that if the girls from Westbrook or the girls from Caribou, had played Cheverus later on that evening, they probably would have been successful.

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, Off the Record.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Exempt Illegal Possession of Liquor from the Maine Juvenile Code." (H. P. 875) (L. D. 1044)

Reported that the same Ought Not to Pass. Signed:

Sensors:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

Representatives:

HOBBS of Saco
JOYCE of Portland
O'ROURKE of Camden
LUND of Augusta
BENOIT of South Portland
LIVESAY of Brunswick
SOULE of Westbrook

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

Signed:

Representatives:

DRINKWATER of Belfast
REEVES of Newport
CARRIER of Westbrook

Comes from the House, Passed to be En-grossed.

Which Reports were Read.

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

Senator HICHENS: I request the Senate Accept the Minority Ought to Pass Report.

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

Senator DEVOE: Thank you, Mr. President, Members of the Senate, I move that the Senate Accept the Majority Ought Not to Pass Report.

I'd like to speak briefly on this Bill. L. D. 505, which was passed on our calendar this morning, just prior to Recess, dealt with a rather serious problem, that we're facing here in the State, of minors operating a motor vehicle while under the influence. That Bill made what, I think, is a long needed improvement, and a tightening up of the present way that juveniles operating under the influence are handled.

Presently, the intake worker is empowered to handle the matter by informal adjustment. We have removed that power in the Bill we just passed. We have said, from now on, from the effective date of this law on, that juveniles are going to have to be treated in district court, as adults, when they're operating a motor vehicle while under the influence.

We, furthermore, did that because we felt it was a way to impress on those juveniles, who might be guilty of that offense, that it's a serious offense, that they're going to be treated the way adults are. Furthermore, we gave to the district court judge the specific power to suspend the license of the juvenile, and to report that offense to the secretary of state's office, just the way adult offenses are treated.

We felt that was a better way to get at the problem, than to pass out the Bill that we are now considering, L. D. 1044. This Bill is more broad-ranged, in that it seeks to make an adult crime the illegal possession of liquor. We felt if we had to do some balancing, that we should balance it in favor of treating the juvenile like an adult, when he is operating a motor vehicle, because there is a greater chance for harm to be done to the citizenry of this State.

There are other bills still in the Judiciary Committee that deal with this general problem of illegal possession of liquor. We have one bill, particularly, that we're wrestling with, trying to do something to get at those who use false ID's to obtain liquor. Furthermore, we're considering tightening up the penalty for those who use false ID's to get liquor, and also, tightening up the penalty for adults who might get liquor and then give it to minors. Those bills are still in committee.

For those reasons, Mr. President, I urge that the Senate Accept the Majority Ought Not to Pass Report. Thank you very much, Mr. President.

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

Senator HICHENS: Mr. President and Members of the Senate, I thank the good Senator from Penobscot, Senator Devoe, for his explanation. I was all in favor of the Bill that was just passed. I think we could probably stop some of this drunken driving if we made it a law to have it an adult offense for a minor in possession of liquor, before they even get into a car, and have the opportunity to get on the highways, and drive under the influence.

I fully realize that the law now says that anyone under 20 can not purchase liquor, and so it is a crime if they were caught doing so. I don't know why it shouldn't be included as an adult offense, just the same as an adult over 20 years old would be arrested for illegal possession of liquors.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens, that the Senate Accept the Minority 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.

2 Senators having voted in the affirmative, and 29 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass Report of the Committee does not prevail.

The Majority Ought Not to Pass Report of the Committee was Accepted, in non-concurrence.

Sent down for concurrence.

Senate**Leave to Withdraw**

Senator USHER for the Committee on Fisheries and Wildlife on, "Bill, An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to July 1st." (S. P. 25) (L. D. 22)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Marine Resources on, "Bill, An Act to Deregulate the Bag Limit and Size Requirements of Striped Bass." (S. P. 369) (L. D. 1088)

Reported that the same Ought to Pass.

Signed:

Sensors:

SHUTE of Waldo
DUTREMBLE of York

Representatives:

FOWLIE of Rockland
SALSBURY of Bar Harbor
CAHILL of Woolwich
VOSE of Eastport
HANSON of Kennebunkport
JORDAN of Warren
CONNERS of Franklin
CROWLEY of Stockton Springs
POST of Owl's Head

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

Signed:

Sensor:

BROWN of Washington

Representative:

NELSON of Portland

Which Reports were Read.

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

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

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

The Senator has the floor.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, this probably isn't one of the most important bills coming before the Legislature this year, but probably you've had more lobbying done on this Bill than any of the other important bills that you will be considering this year.

I guess just to set the record straight, as far as some of the lobbying that has been going on. I've heard rumors all the way from the extreme that I should be impeached as Chairman of that Committee, and I was a dictator on the Committee, and the opponents didn't get an opportunity to testify, and some surprising remarks. I'll leave that to your own judgement.

This is an issue where striped bass have never been regulated in the State. It's one of the few sport fisheries that aren't regulated. It was the committee's judgement that they shouldn't be regulated now.

I'm sure that somebody in debate, will tell you that the Commissioner should be the one to regulate the striped bass in the State, because the Commissioner regulates all other fisheries in the State. So why shouldn't he regulate the

striped bass? The Commissioner doesn't regulate all the fisheries in the State. First, he doesn't regulate the lobster industry, herring, smelts, tuna fish, Atlantic salmon, coho salmon, even striped bass, soft-shelled clams, worms, scallops. So he doesn't regulate all the fisheries in the State.

I suppose that what we should do is have a good regulation on the striped bass, something strong enough to take care of the sportsmen in southern Maine, and take care of their needs, and disregard the needs of the other people in this State. We do have a very strong and select group in southern Maine that needs this regulation on the striped bass. We have the Striper's Unlimited, the Association of Sportsmen Clubs of Cumberland County, the Portland Surfcasters, the Maine Linesiders, plus a couple of authors, and the atomic plug manufacturers, salt water sportsmen, and even the handout that we had a couple of days ago, said, the Sportsman's Alliance of Maine was back in the regulations, which they're not. I have talked with them since then and they're not backing that. They backed off from that position.

I wonder if we do put the striped bass under regulation, through the Commissioner, and also, through seven members of advisory council, which are commercial fishermen, striped bass in the State is not a commercial fishery, it's a sport fishery. So we're going to let the commercial fisheries regulate the sport fisheries in the State, seven people. I think it might be just as well if we let 184 people regulate this sport fishing, as it would be to let the seven members of the advisory council, plus a few people that could attend hearings, and make a solid case for their point of view.

I went to a hearing less than two weeks ago. This regulation was left up to the department head. This hearing had to do with an oil spill in Penobscot Bay, a regulated oil spill. At that hearing several months ago, the testimony was overwhelmingly against dumping oil in Penobscot Bay, five hundred gallons, so that a couple of professors could study the effects from Bowdoin College. Of course Bowdoin College has land down there, they could dump it down there, but that was not the wishes of the people that were involved in the project. The D.E.P. approved that project. It became necessary to put in an appeal and have another public hearing on it.

I think if that had come before this Legislature, it certainly never would have gone through this Legislature, to allow somebody to dump 500 gallons of oil in the salt water and destroy the fisheries.

To get back to the Bill that we're talking about, to regulate striped bass in the State of Maine, I think, is just a little foolhardy. First of all, all the striped bass, the majority of them, are down in the Chesapeake Bay region. What do they have for regulation down in the Chesapeake Bay region? Well it's commercial fishery down there, to begin with. They use nets. The State of Maine uses hook and line. So we're going to allow the people that make a business of catching striped bass to catch striped bass 12 inches long, 14 inches long, use nets, and sell them as a commercial fishery.

Then they get up here into Maine, where about 10 percent of them get up here. We're supposed to regulate them, so to save those fish so they go back to Chesapeake Bay. That makes a lot of sense to me.

I wonder if it might not be well to have a little bit of sports fishing in the State, where the kids could go down and do a little fishing, and not have to worry about if they had too many fish, whether they had the right length fish, an undersized fish, an oversized fish, if they were over the bag limit.

The people that testified on this Bill, to oppose this Bill, said, as a matter of fact, two of them, — One of them said, he caught 36 striped bass, which doesn't indicate to me that there's any shortage of them. Another one tes-

tified in a letter that he caught 76 striped bass in the State?

We did hear testimony that 10 percent of the fish that are hooked and let go again, do die. Under the regulations that have been proposed, it's been proposed to regulate the striped bass to 18 inches, 3 fish per creel limit, and also regulate the upper size to 36 inches. We could let the great American sportsman catch his 76 fish, throw them back, 10 percent of those fish die. So 8 fish die. Then he can catch another 3 fish, and take the big ones home, if they're not over 36 inches.

How about the kids, and how about the mill workers, and how about the other thousands, and thousands of people in the State that get down to fish, maybe a couple of times a year? How about letting those people have a little fun in the State? I don't think this fishery should be conserved for just a select group of people. Everyone doesn't have a Benson rod, Fluger reel, and high water waders to go down there. Some people catch these fish and freeze them, and use them in the winter.

I would urge the Legislature to go along with the strong Committee Report.

Last fall, I didn't have to do as much campaigning as I usually do, but I did some. Of all the people I talked with, I didn't hear one person tell me, there wasn't one single person that said: "Senator Shute, when you get over there, if you do, I want more regulations." I didn't have one person say: "I want more regulations from Augusta." I had quite a lot say that they didn't want any more regulations.

I don't see how anyone can pass regulations to say we're going to conserve a fishery, when only 10 percent of those fish get up to the State of Maine anyway, and all the way from the Chesapeake Bay to Maine, at least in half the states, they can fish the striped bass for commercial fishery, use nets and anything they want to. Then they get up here and say: "Gee, you've got to conserve those fish for Chesapeake Bay".

I'd urge the Legislature to go along with the Committee.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President and Women and Men of the Senate, again this is probably not the most important issue of the year, I realize that and I want to be very clear that I do not want to hurt those children that are out digging the worms and going fishing. Nor the mill workers who are catching a few striped bass. That is not the issue here.

The issue is much deeper than that. It is a philosophical issue, and that is what I want to address today, not the taking of striped bass, because frankly I do not know what a striped bass looks like. I will admit to you right now I do not know what a striped bass looks like.

I want to tell you why I am opposed to this Bill, and the fact that we ought to leave this kind of thing up to the Commissioner we should not bring it in here to have to debate issues like this.

Let me give you a brief history of how this particular thing came about. The cause, and I have all kinds of articles here, as a matter of fact, I think that it is the thickest folder I have got since the Moose Bill on this striped bass issue, because of the dramatic decline in striped bass landings, by the way striped bass not stipend bass as I think is noted on your calendar, striped bass, I did learn that and the corresponding success in the National Marine Fisheries Service organized a Striped Bass Fisheries Management Project in September 1977. Among the provisions of this plan a group of citizens from each state was organized to be called the citizen advisory committee. Among the purposes of this committee was to work toward conservation measures in each State.

During the summer of 1980 after individual members witnessed considerable wastage of under-sized striped bass in Maine waters, the

Maine CAC, the citizen advisory committee, petitioned the Maine Department of Marine Resources to implement regulations to conserve this particular resource.

The proposals were made for a minimum length limit of 18 inch per length, 1 fish daily over 36 inches, and a total bag limit of 3 fish daily. Each of these regulations were chosen on the basis of some sound biological facts.

As a result of the petition a public hearing was held in Portland in September 1980. The meeting was announced several times in the manner prescribed for all such hearings. The results of the hearing after presentation of evidence were in favor, at this hearing in Portland in September, in favor of regulation 33, opposed 0. One individual from Biddeford spoke in opposition, but did not vote.

After the hearing the Maine Department of Marine Resources Advisory Council voted unanimously, with the exception of one, to accept the regulations as presented by the commissioner, pending the conclusion of a formal 10 day period of waiting written testimony.

Now because of some concerns that existed in the city of Biddeford, the Commissioner even went so far as to hold another hearing, in the city of Biddeford. This was in January 1981. Now at that hearing it was 2 to 1, 2½ to 1 in favor of the regulations. In favor of the regulations.

We could go on here with an explanation about the back-ground in terms of the good Senator from Waldo, Senator Shute's concern over the conducting of that particular hearing, but that is not necessary now.

The point that I want to get onto though are the merits of the philosophical base of deciding this issue.

Now some time ago we talked about the moose hunt in here, and one of the things that we based our decision on was, what do the people that are knowledgeable in the field, what do they tell us about it. What do the people knowledgeable in the field, tell us about the moose population? Based on the evidence that was presented to us that was one of the facts that we based our conclusion on after we heard the evidence of fact.

We do not want to seriously harm any particular species, no more than the moose, no more than the striped bass.

The Inland Fisheries and Game tell us that we did have an abundance, that we did have an abundance of moose, therefore we could tolerate the kill. Okay, we went along with that because these are people that knew. We had all kinds of self styled experts that tried to influence the final decision, in here.

We have got to eventually come down to the point of listening to those people that work daily in the field dealing with this. When we want to talk about welding, we go and we talk to the welder, when we talk about a carpenter, we talk to a carpenter about a building. If I want to know something about a specific aspect of the building I talk to an architect. In this particular instance we want to listen to the people who are knowledgeable in the field. The biologists, the people that are continually working with this daily.

Last week the Commissioner of Inland Game and Wildlife broke a decision as I recall on the black bear. It was a split decision, and he decided to go to limiting the spring hunting season on black bear. This affected the people in my area, but I will tell you one thing, I still have a great deal of respect for the man, who went ahead and made that decision knowing the consequences of it. The fact is based upon the information that he had, he decided that this was the thing to do. I would respect his judgement on that.

Okay, now let's go on specifically about this specific Bill, this one here that we are talking about now, regulates the taking of a species of fish, the striped bass. The reason that we have

this Bill is, again, a group of people who were not satisfied with the direction that the hearings had taken, that the commissioner had held, decided that they were going to circumvent that by bringing legislation to this particular Legislature. It is not our place to enter into this particular issue. It is not just the striped bass issue, it is a matter of listening to people who have some knowledge about a given field. I am saying that that be true whether we are talking about the taking of pheasants, whether we are talking about the taking of moose, or whether we are talking about one-eared rabbits, or one-legged birds, or antlerless deer, as was in the House yesterday. We want to listen to the people who have knowledge about that particular issue.

I urge you to go along with this very, very lopsided report and vote against the Majority and Accept the Minority Report.

Mr. President, when the vote is taken I request that it be 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 have arisen a Roll Call is ordered.

The Chair recognizes the Senator from York, Senator DUTREMBLE.

Senator DUTREMBLE: Thank you, Mr. President, Ladies and Gentlemen of the Senate, I have listened with interest to the remarks of the good Senator from Washington, Senator Brown. I must say that he read very well the testimony from the lobbyists for this striped bass regulation.

Senator Brown says that he has philosophical differences with the method regulating the striped bass. I suppose that every one in here, during a year any time that they make decisions have philosophically decided whether or not they should vote for a particular measure.

What happens when events are such that it causes bureaucratic injustices to anybody in this State? When that happens it is up to us as elected officials to not only represent these people, but to protect them against ridicule, castigation, any kind of indignation whatsoever. There has been a lot of this in this particular case, and one of the reasons why this Bill was put in.

This Bill, was put in for that reason and for another reason. We have a group of people in this State, a very small group, a handful of people, who have tried to manipulate through half-truths and lies, the Department of Marine Resources and it got to the point where they lobbied so intently that those regulations almost got passed. At that point, after the lobbying is when this Bill was presented at the request of a constituent, and I do not think anybody here, if they think that a constituent has any reasonable doubt they should not put a Bill in, for a constituent. I will put one in any time, I think, that a constituent of mine has reason to have a Bill in here. The only difference is once I get involved in this thing I found out how right this constituent of mine was. How this whole process was handled.

The best way to describe how the process was handled is to read the same piece the same piece of literature that Senator Brown read. How they are trying to manipulate the members of this Senate, the same way that they tried to manipulate the Commissioner of this Department, and the advisory council.

It says here, "that after the individual witnessed considerable wastage of under-sized bass. I have fished striped bass for a long time and I know a lot of other people who have fished for striped bass, I have never once seen wastage. I am sure that it happens, as it happens to trout, as it happens to every and any

other fish. They did not put this in after they saw wastage. They had these regional CAC's, and at these regional meetings they said to themselves we have got to pass these regulations, and I have the minutes to show you that says, "well, Maine will be the first state if the other states are to follow."

Well we have done that before, haven't we, 7 or 8 years ago we passed a no netting law in this state, for striped bass, they said the striped bass was in danger, pass a no netting law, so the State of Maine did. Did the other states follow suit? No they did not. In Maryland right now they catch 90 percent of the striped bass in Chesapeake Bay. Those states around Chesapeake Bay don't have netting laws. So we have 10 percent of the fish come to Maine and they want us to catch 3 a day to protect the fish for Maryland.

You know we asked these people at the hearings, why doesn't Maryland pass netting laws. Their answer was, why should they? Well our answer was well Maine did. Their answer was, well Maryland is a bigger state and has more fishermen.

Well I'll tell you when we passed the no netting laws, back 8 or 9 years ago in this state it hurt the commercial fishermen as much as it would hurt those in Maryland. Yet we passed it.

Back to the sheet of paper that was passed here, as a result of a petition, they said that adequate notice was made. In 3 newspapers, fine, they made 3 notices in 3 different newspapers, none in my area may I add. None in my area, which is one of the heaviest fished areas for striped bass in the State of Maine. Thirty-three people out of the thousands, and thousands, and thousands, of people who fish striped bass, 33 people went to the hearing in Portland, and these by all of their wisdom they petitioned the commissioner to pass these strict regulations.

This is when that constituent called me up, and this is when I called the commissioner. The commissioner says to me, no more testimony the 10 days are over, the 10 days, all of a sudden I read that that was the formal 10 days, not 10 days of testimony anymore it is the formal. You know why it is formal, because these people went to the advisory council and lobbied them after the formal 10 days, because now all of a sudden we had informal lobbying days, where testimony could be presented.

So after all these problems what they call inside political pressure that we finally had the commissioner have a hearing in Biddeford and I am really glad that Senator Brown brought that hearing in Biddeford up, where it was 2.5 to 1. Hell, nobody mentioned the thousand signatures that we turned in.

The PRESIDENT: The Chair would ask the Senator to keep his remarks a little more temperate.

Senator DUTREMBLE: Nobody's mentioned the thousand signatures that were turned in at the time. You know why, when you mention these thousand signatures they say well nobody knew what they were signing when they were signing that.

There were over 200 people at that hearing. After the night was over, so many people were upset. This one person who called me up, walked out. 150 people walked out with him. Every one of those people had signed this petition, or pretty near every one of them. Every one of those people who voted here, the 25 in favor of the regulations, they were the same people who voted 33 in Portland. I'd like to vote twice in an election. I'd really like that. I could win by twice as much as I won last time. Some of those people were from out-of-state. We could go on and on here.

The thing is, the three years that I've been here, I've never been so livid on an issue as this one. It was such an unimportant issue when it started. They chastized the committee. The committee once agreed with the sponsors of this Bill, so they've been chastized, as saying

that they attacked the commissioner. The Commissioner of the Marine Resources was attacked. They've attacked the people involved, the sponsors. They've attacked the individual who started this whole thing. They've attacked the committee, anybody who has been opposed to them, has been chastized and ridiculed. My God, be very careful, because if you vote against this measure they might do it to you too.

Finally, this very last thing they said, on here is that every other state is statutory and not regulatory. I got papers here from the department, that they sent to me, that ever state is statutory, with the exception of one. This from the department. We checked into that, and got the same information yesterday. I could read them all off, all the states that are statutory.

There have been, time, and time, and time again here, there have been inconsistencies, half-truths, and just plain lies. That's how this whole thing has progressed. That's why the Bill is in. I don't think at any time, anybody can control a law-making body, like the advisory council or commissioner, any time anybody can, it's so much of an input, a small group of people, passing a law, that affects so many people, can control decisions that are so unpopular to so many other people, then I think it's time for us to stand.

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

Senator TROTZKY: Mr. President, I'd like to pose a question to somebody on the Marine Resources Committee, they've been talking about Chesapeake Bay striped bass, and striped bass up and down the coast. Do the 10 percent that we're talking about, do these fish spawn in Maine rivers, or along Maine's coast, and go out to sea and come back to Maine? Are we managing just 10 percent of the fishery, or do they mix out there in the ocean? What takes place?

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, has posed a question.

The Chair recognizes the Senator from York, Senator DUTREMBLE.

Senator DUTREMBLE: Very calmly, the 10 percent that come here are fish that spawned in the Chesapeake Bay.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President, I won't belabor this issue a great deal further, but I just want to talk just briefly about the emotion that surrounds this particular piece of legislation. It's incredible. It's incredible, the emotions that surround this. We're living in a time when we, it seems like, at least it seems my brief exposure, is, get the commissioners. We're living in a time to get the commissioners. I want to say that I work in a field that is probably as, as a matter of fact, the only industry that's more regulated than the nursing homes in this country, is the nuclear industry. We answer to 63 different agencies, regulatory agencies, in nursing homes. I detest regulations. It drives me wild on regulations, but I'll tell you one thing, I would rather have a Department of Human Services and a commissioner over here deriving regulations concerning the operation of those places, than I would 13 legislators sitting on a committee that can very easily be influenced by one or two phone calls. By one or two phone calls, people who have spent their entire life, maybe 30 years working in a field.

It's really a very deep issue here. It's not the striped bass issue we're talking about, although we're focusing on that. It's a philosophical issue about whether or not we have people in departments that are expert in that field that make decisions, have public hearings to get input from the public regarding whatever decisions are proposed. That's the issue. It's a philosophical one. Striped bass is immaterial here, although this is the emotional one that we're focusing on at present.

I urge you to let's not go ahead and throw out all the regulations just because we don't like

regulations now. I don't like regulations either. Let's don't throw them all out and say we're going to get rid of, or attack commissioners, or whatever the cause of it. Let's go ahead and get on with our work. Thank you very kindly.

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

Senator DUTREMBLE: Very briefly, I think the commissioner should have, Mr. President and Men and Women of the Senate, I think the commissioner should have the power to regulate, especially in times of emergency. This is not an emergency. I would rather see something like this come before a Legislature, where everybody in this State is represented, everybody. This is what this Bill does. It allows everybody to have representation. Whereas, in the other fashion, nobody was represented, but this small group. I think it's very important.

Finally, I would say that nobody, to my knowledge, myself, or Senator Shute, did attack the Commissioner.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, Members of the Senate, I have not been involved in Marine Resources affairs since an interminable discussion of the North Yarmouth Clam Bake several terms ago. A recollection of that harried experience is foremost in my mind, in expressing my feeling that Marine Resource regulation should be proposed by the department as is the case.

The good Senator from Washington, Senator Brown, has explained this issue at length. I'd simply say that these regulations proposed, by the department, appear to be reasonable, appear to be favored by a majority of the people concerned, and knowledgeable with this resource.

I hope you will keep Marine Resource regulations, or the lack thereof, in the Marine Resources Department, and not in this Legislature.

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

Senator SHUTE: Briefly, Mr. President, I think to just comment on a couple of the remarks by the good Senator from Washington, Senator Brown. It is more difficult to lobby 184 people than it is to lobby 7. I can see why those that favor regulations would want the Advisory Council to make regulations rather than this Body that's elected to make laws for the State.

I guess, to get down to another issue, I'd like to read a couple of paragraphs of a letter I received from a sporting goods place awhile ago, a couple of days ago. It says the purpose of this letter is to express this person's support of a regulation on the Atlantic salmon. That was a bill we had a year ago, but we have another one this year. They pointed out several things why we ought to have regulations on the Atlantic salmon.

One was "to establish a regulation requiring a permit to fish for salmon in both fresh water and salt water". Of course we've never had that before, salt water licensing for fishing salmon. "Establish a season bag limit of five salmon, to increase the present permit fee schedule". We don't have any license for striped bass, but a year ago, when we were going through this Bill, I called Mr. Meister, he's the executive secretary of the Atlantic Salmon Commission, he said that after they got their regulations through, to have a sport fishing license for Atlantic salmon in the salt water, the next thing they were depending on the citizen's advisory council to come up with a striped bass stamp, or a sport fishing license for striped bass in the salt water.

This is the way it goes. First you make regulations. Then, of course, you've got to have people enforce those regulations. I suppose the clam diggers and the lobstermen, the license fee that they pay is supposed to enforce the re-

gulations on the striped bass. The wardens spend time to regulate the striped bass. So the clam diggers and the lobstermen have to pay a little higher license fee, to regulate the striped bass, because we have to have wardens to enforce the laws that we make.

I guess probably the most important reason for this additional regulation on salmon fishery was, additionally, the salmon fisheries has helped increased tourism with the resulting increase in the guide fees, and added business for restaurants, motels, sporting goods stores in Maine. So we must have those regulations along with the striped bass regulations.

I don't see why anyone feels that the committee is not capable of making laws to regulate striped bass. I haven't heard anyone say that they wanted the commissioner to make the regulations to regulate lobsters, tuna fish, herring, any of those fisheries. The Legislature makes those regulations. They make it through statutes. Soft-shelled clams. A week ago, we made regulations on the scallop industry. It isn't unusual that this Legislature should take on a little responsibility.

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

Senator TRAFTON: Mr. President, Men and Women of the Senate, I've listened with interest to the debate this morning. It appears that some are concerned about rules and regulations and how they're promulgated. Some are concerned about some personality conflicts that apparently have occurred in the debate on this issue. Some are concerned about principles involved here.

I would say to you this morning that I only have one concern in this issue, and that's about the fish, the striped bass. Unlike the good Senator from Washington, Senator Brown, I have seen a striped bass, in fact, up very close. I am a fisherwoman myself. This morning I stand with, really, sort of a selfish interest. That is that I am one of those weekend fisherspersons who go down to the shore occasionally to catch a striped bass so that I can have a little fish fry.

It concerns me to hear the good Senator from Waldo, Senator Shute, talk about people pulling out 36 fish at a time, and 76 fish at a time. It concerns me to hear people pulling that large number out, because I know that the individual, such as myself, may not be able to go down to the shore anymore and catch the one striped bass, or the three striped bass that would be allowed under this Bill. Which would allow me, I figure, about 5 pounds of fillets, which sounds like a pretty good fish fry to me.

I would hope that you would consider some reasonable limits this morning. It seems to me that this is an important natural resource. We should allow the sports fishermen an opportunity to also enjoy this resource.

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

Senator SHUTE: I guess my statement was not very clear on the people that were catching the 36 fish and the 76 fish. They weren't keeping those fish. They were catching them for sport, throwing them back, 10 percent were dying, this is the great American sportsman. Those people could still keep 3 fish, plus probably killing 6 or 8 fish. The people that don't make fishing their whole life, sport fishing their whole life, they go down and catch 3 or 4 fish. I don't think those people should be regulated when you're not regulating the people that are hooking fish.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Waldo, Senator Shute, that the Senate Accept the Majority Ought to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Majority Ought 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, Carpenter, Collins, Devoe, Dutremble, Emerson, Gill, Hichens, Kerry, McBreairey, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Wood.

NAY—Brown, Bustin, Charette, Clark, Conley, Huber, Minkowsky, Trafton, Violette.

ABSENT—Najarian.

A Roll Call was had.

22 Senators having voted in the affirmative and 9 Senators in the negative, with 1 Senator being absent, 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 Define a Loose Cord of Wood for Fuel Wood Sold on that Basis." (H. P. 1319) (L. D. 1517)

Bill, "An Act to Allow Savings Banks and Savings Associations to Accept Demand Deposits of their own Funds." (H. P. 519) (L. D. 585)

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory. (H. P. 931) (L. D. 1102)

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

Bill, "An Act to Clarify and Make Corrections in the Liquor Laws." (Emergency) (H. P. 669) (L. D. 773)

Which was Read a Second Time.

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

Senator VIOLETTE: Yes, Mr. President, I present an Amendment with filing number S-108 to L. D. 773 and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator Violette, now offers Senate Amendment "A" (S-108) to L. D. 773 and moves its Adoption.

Senate Amendment "A" (S-108) was Read.

The PRESIDENT: The Senator has the floor.

Senator VIOLETTE: Yes, Mr. President. The Bill which came out of committee would have changed the practice whereby employees violating this particular section, which we are discussing would have been subject only to disciplinary action by the Director of the Bureau of Alcoholic Beverages.

This Bill will continue the practice whereby the State liquor store employees who violate the law will be violating a Class E crime for the sale of liquor to minors. Thank you.

Senate Amendment "A" (S-108) was Adopted. The Bill, as amended, was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act to Control Brucellosis in Cattle." (H. P. 309) (L. D. 341)

Bill, "An Act to Improve the Administration of Workers' Compensation Hearings and Appeals." (H. P. 523) (L. D. 589)

Bill, "An Act to Authorize County Commissioners to Charge Rent for Space Furnished to Other Governmental Entities in County Court Houses and Other County-owned Facilities." (H. P. 753) (L. D. 890)

Bill, "An Act to Increase the Surplus Account of the Kennebec Sanitary Treatment District." (H. P. 385) (L. D. 428)

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

Senate — As Amended

Bill, "An Act to Authorize a Bond Issue for Somerset County to Renovate the Existing Somerset County Detention Facility." (S. P. 337) (L. D. 965)

Bill, "An Act to Permit the City of Bangor to Increase the Number of Members on the Bangor School Committee." (S. P. 366) (L. D. 1085)

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

Sent down for concurrence.

Enactors

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

AN ACT to Require Equitable Treatment of Electric Charges for Common Areas of Multi-unit Rental Dwellings. (H. P. 558) (L. D. 633)

AN ACT Relating to the Availability of Joint Life Insurance in Connection with Real Estate Mortgage Loans. (H. P. 517) (L. D. 583)

AN ACT to Provide the Employment Security Commission Flexibility in Handling Administrative Appeals. (H. P. 667) (L. D. 771)

AN ACT to Ensure the Rights of Privacy of Recipients of Public Assistance. (H. P. 820) (L. D. 974)

AN ACT Concerning Health Insurance Plans under the State Retirement System. (S. P. 300) (L. D. 844)

AN ACT to Update and Revise the Validation of Defects Act. (H. P. 876) (L. D. 1045)

AN ACT to Provide for Payment of Interest to the Taxpayer on the Amounts Over-collected by Taxes. (H. P. 860) (L. D. 1023)

AN ACT to Allow for the State's Collection of Aircraft Excise Taxes and to Reimburse these Funds. (H. P. 996) (L. D. 1184)

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

Orders of the Day

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

SENATE REPORTS — from the Committee on Election Laws — Bill "An Act Relating to Political Fundraising by State Employees." (S. P. 258) (L. D. 740) MAJORITY REPORT Ought to Pass; MINORITY REPORT Ought Not to Pass.

Tabled — April 7, 1981 by Senator COLLINS of Knox.

Pending — Acceptance of Either Report.

On motion by Senator Collins of Knox, Retabled for 2 Legislative Days.

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

HOUSE REPORTS — from the Committee on Election Laws — Bill "An Act to Allow Voter Registration and Party Enrollment on the Same Form." (H. P. 520) (L. D. 586), MAJORITY REPORT Ought to Pass; MINORITY REPORT Ought Not to Pass.

Tabled — April 8, 1981 by Senator COLLINS of Knox.

Pending — Acceptance of Either Report.

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

Senator PIERCE: Mr. President, I move the Ought Not to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: This is a rather simple Bill which is intended to save the State some money. It would require that voter registration forms and party enrollment forms be done on the same card. This recommendation came from a bipartisan joint panel, of which the Senator from Kennebec, Senator Pierce was chairman. The chairman of both the Republican Party, Hattie Bickmore, and the chairman of the Democratic Party at the time, Hal Pachios, served on. It was, my understanding, a unanimous support of that panel that this

action be taken.

I think that the intent of the legislation is good, and I would hope that it would have bipartisan support today, and we would defeat the existing motion.

I would ask for a Division.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, just to get some sort of an idea, being a little bit naive around here, I request that when the vote is taken, it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would just pose a question through the Chair to anybody that can answer this, specifically the good Senator from Kennebec, Senator Pierce, as to what the opposition is to this Bill. Was it not the unanimous recommendation of that joint committee on party renewal? What has changed the situation since that time? If he would.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, Members of the Senate, to answer the Senator from Aroostook, Senator Carpenter's, question, the answer is yes, it was the unanimous recommendation of the joint committee.

I think Senator Pray really hit the nail on the head. The intent of this Bill is good. Initially we all thought it was a good idea, but it's one of those measures, the more you look into it, the worse it gets. It becomes a little bit more complex.

First of all, there is dual system now in existence. You can't do away with that. There's always going to be that second system.

Secondly, if you go into a new system now, it probably is just going to confuse things, more than make them simpler. In talking with several registrars, most of them felt, including one member of the committee who's done it for many, many years, that this would not be a good idea, and really would confuse matters more than it would simplify matters.

Of course, you'd have the instances, where, even if you used one card, if somebody went in and registered, you would have one card on file. If later, they decided to enroll, you'd have the second card still on file. So you're always going to have a two card system. There's no way you can go to a one card system. In fact, I think most of us just felt better to leave the system the way it is now. Everybody understands it. It's simple. I think it's something that wouldn't be an improvement over the present system.

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

Senator PRAY: Mr. President, Members of the Senate, I would only make one observation. If an individual went in to register on a single form, which had on one side of the form an individual registered to vote, and on the other side he enrolled into a party. At the time he decided to go in and register and did not want to enroll in either party, then he would not fill out the other side of the card. At a later date, if he comes into the town clerk's office and says: "I want to enroll into a particular political party". The registrar first of all would check to see if the individual is a registered voter in the municipality. At which point, he would pull out the card, and look on the back of the card, and the person's not registered in either party, then they could use that card. It wouldn't be a duplication with a second card in the file.

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

Senator PIERCE: Mr. President, Members of the Senate, the comments of Senator Pray are well taken. It's all well and good if that's what happens, but of course, probably most of the new enrollments are done outside of the city hall or outside of the board of registration, so you still would have the second cards. So you'd end up with your old two card system in place. You'd end up with one card, in the instances that Senator Pray mentioned, and back to the two card system on people who didn't enroll at city hall.

So you're just creating more confusion, and not less.

The PRESIDENT: Is the Senate ready for the question?

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 Pierce, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept 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, 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, Viollette, 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 Accept the Minority Ought Not to Pass Report of the Committee, 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, now moves that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: I would only note that by looking at the vote, it was strictly by partisan lines. Usually the motion to Reconsider and urge people to vote against you is because you expect somebody to change their mind.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce, that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee.

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

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

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

Sent down for concurrence.

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

SENATE REPORTS — from the Committee on Health and Institutional Services - Bill, "An Act Promoting the Availability of Health Care

Services." (S. P. 303)(L. D. 847), MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (S - 105)

Tabled — April 8, 1981 by Senator Collins of Knox.

Pending — Acceptance of Either Report.

On motion by Senator Pierce of Kennebec, Retabled for 2 Legislative Days.

The President laid before the Senate the fourth Tabled and specially assigned matter: Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (H. P. 339) (L. D. 387) (Emergency)

Tabled — April 8, 1981 by Senator Conley of Cumberland.

Pending — Motion of Senator Conley of Cumberland to Reconsider Whereby this Bill Failed of Enactment.

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

Senator CONLEY: Mr. President, I would urge the Senate to vote in favor of Reconsideration.

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

Senator HICHENS: I would ask for a Division on that motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Reconsideration, 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 12 Senators having voted in the negative, the motion to Reconsider does prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I move Enactment.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this Bill be Passed to be Enacted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request when the vote be 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 Enactment of L. D. 387.

A Yes vote will be in favor of Enactment of L. D. 387.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Dutremble, Huber, Kerry, Minkowsky, Najarian, O'Leary, Pray, Teague, Trafton, Usher, Violette, Wood.

NAY — Devoe, Emerson, Gill, Hichens, McBreaity, Perkins, Pierce, Redmond, Sewall, C. Shute, Sutton, Trotzky.

ABSENT — None.

A Roll Call was had.

20 Senators having voted in the affirmative and 12 Senators in the negative, with No Senators being absent, L. D. 387 Failed of Enactment, in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Amend the Eating, Lodging and Recreational Place Licensing Law." (H.

P. 62) (L. D. 74)

Tabled — April 8, 1981 by Senator COLLINS of Knox.

Pending — Passage to be Engrossed.

On motion by Senator BUSTIN of Kennebec, the Senate voted to Suspend its Rules.

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

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

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" was Indefinitely Postponed.

Senator BUSTIN: Mr. President, I offer Senate Amendment "B" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Bustin, now offers Senate Amendment "B" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S - 107) was Read and Adopted. Committee Amendment "A", as amended by Senate Amendment "B", was Adopted in non-concurrence.

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

Sent down for concurrence.

Senator Wood of York was granted unanimous consent to address the Senate, On the Record.

Senator WOOD: Mr. President, Members of the Senate, during a hearing yesterday on a bill before Taxation on state mandates, it was pointed out that currently on the statute, there is a law requiring a financial statement when they impact on a municipality or a county.

I have looked through the various legislation we'd had this year, in fact, on the calendar today, there were five items, and none of them contain this information. I think that if we're serious about state mandates, we'd start having this information on the bills. Thank you.

On motion by Senator Pierce of Kennebec, Adjourned until 12:30 o'clock tomorrow afternoon.