

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

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

April 27, 1981

Senate called to order by the President.

Prayer by the Reverend Edgar Jones of the Winthrop Congregational Church.

REVEREND JONES: Let us be at prayer. Eternal God, Creator and Sustainer of this earth and of our lives, grant to this Body the power of Your presence. Help all gathered in this place to be ever mindful of the democratic principles and processes for ordering our common lives together.

Grant common sense in dealing with the information attained. Grant compassion as the needs of all people are served. Grant wisdom to preserve a heritage which has made life noble and creative for the many people who have gone before us. Grant integrity, that special interests and causes will not overshadow the greatest good for the greatest number.

Assembled here as representatives of Your people, with many divergent views and differing faiths, enable these Your servants to see that the common interests and common problems of each group may be served, that this place, this State, and this world may be a better place to live.

To these purposes and for Your glory, O'God, we ask Your prayerful guidance. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Paper From the House
Joint Order**

An Expression of Legislative Sentiment Recognizing:

The Bangor Baptist Church which will celebrate its 14th anniversary in special ceremonies on May 3, 1981. (H. P. 1369)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

**Communication
Senate Chamber
President's Office**

Augusta, Maine
April 21, 1981

Honorable Barbara A. Gill
Honorable Sandra K. Prescott
Chairmen, Joint Standing Committee
on Health and Institutional Services
State House
Augusta, ME

Please be advised that Governor Joseph E. Brennan is nominating David Cluchey of Cape Elizabeth for reappointment to the Health Facilities Cost Review Board.

Pursuant to Title 22, MRSA Section 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 581)

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

Sent down for concurrence.

Senate Papers

Study Report — Education

The Committee on Education to which was referred the Study relative to the revision of the Education Law, pursuant to S. P. 580, of the 108th Legislature asks leave to report that the accompanying Bill, "An Act to Revise the Education Law" (S. P. 561) (L. D. 1554) be referred to this committee for public hearing and printed pursuant to Joint Rule 18.

Which Report was Read and Accepted and

the Bill referred to the Committee on Education.

Sent down for concurrence.

Study Report

The Committee on Energy and Natural Resources on Bill, entitled "An Act to Amend the Site Location of Development Law to Protect Ground Water." (S. P. 583) (L. D. 1559) (Filed under Joint Rule 17 pursuant to P&SL 1979, chapter 43 of the 109th Legislature and approved for introduction by a majority of the Legislative Council under Joint Rule 18.) asks leave to report that the same be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Which Report was Read and Accepted and the Bill referred to the Committee on Energy and Natural Resources.

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

Norma Cole, of Sedgwick, winner of the Hancock County Spelling Championship for 1981. (S. P. 577)

presented by Senator PERKINS of Hancock (Cosponsor: Representative PERKINS of Brooksville).

Charles A. Kilbride of Portland, 1981 winner of the Jefferson Award for outstanding public service to all communities. (S. P. 578)

presented by Senator USHER of Cumberland (Cosponsor: Senator NAJARIAN of Cumberland).

Dr. Peter C. Hoppe, of Bar Harbor, 1981 Overall Distinguished Alumnus and Distinguished alumnus for the School of Agriculture, California State Polytechnic University, Pomona. (S. P. 580)

presented by Senator PERKINS of Hancock (Cosponsor: Representative SALSBURY of Bar Harbor).

Which were Read and Passed.

Sent down for concurrence.

Committee Reports

House

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

Bill, "An Act to Repeal the Statute Dealing with Failure to File Campaign Finance Reports on Time." (H. P. 57) (L. D. 70)

Bill, "An Act Requiring Certain Price Information on Certificates of Title Applications and Certificates." (H. P. 968) (L. D. 1159)

Bill, "An Act Concerning Plea Bargaining for Cases Involving Operating under the Influence of Intoxicating Liquor or Drugs." (H. P. 1123) (L. D. 1340)

Bill, "An Act Forbidding Questions which Invade Privacy During Public Benefit Program Screening." (H. P. 1124) (L. D. 1341)

Bill, "An Act to Require Restitution by a Criminal Offender to his Victim." (H. P. 1151) (L. D. 1372)

Leave to Withdraw

The Committee on Legal Affairs on, Bill, "An Act to Effect Changes in Daylight Saving Time." (H. P. 962) (L. D. 1153)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Require Reasonable Notice of Rent Increase for Residential Dwelling Units." (H. P. 283) (L. D. 322)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Define Eviction Procedures During the Winter Months." (H. P. 278) (L. D. 331)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Amend the Conditions under Which a Tenant May File a Complaint Concerning the Habitability of a Dwelling Unit." (H. P. 378) (L. D. 416)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Prohibit Unjust Retaliatory Evictions." (H. P. 409) (L. D. 448)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Providing for Equitable Treatment of Security Deposits." (H. P. 421) (L. D. 468)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Prohibit Rent Increases for Dwellings in which there are Violations of the Warranty of Habitability or Housing, Building, Health or Safety Codes." (H. P. 461) (L. D. 511)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Relating to Clarification of Notices for Rental Arrearages." (H. P. 495) (L. D. 547)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Providing an Alternative to the Warranty of Habitability Law where Dangerous Conditions Require Minor Repairs to a Dwelling Unit." (H. P. 498) (L. D. 550)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Concerning the Habitability of a Rental Unit under the Rental Property Law." (H. P. 561) (L. D. 637)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Relating to Theft of Services under the Maine Criminal Code." (H. P. 598) (L. D. 675)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Relating to Rental Increases." (H. P. 635) (L. D. 725)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Concerning Writ of Possession." (H. P. 662) (L. D. 766)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Relating to Property Abandoned by Tenants." (H. P. 663) (L. D. 767)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Relating to Sums Due for Rent and Claims for Damages." (H. P. 683) (L. D. 797)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Concerning Availability of Remedy." (H. P. 774) (L. D. 919)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Prohibit the Charging of Users Fees When a Person Purchases a Mobile Home Already Located in a Mobile Home Park." (H. P. 422) (L. D. 469)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Relating to Certain Types of Indemnity Provisions in Construction Contracts." (H. P. 341) (L. D. 389)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Provide for the Registration of Trail Bikes by the Department of Inland Fisheries and Wildlife." (H. P. 1286) (L. D. 1501)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Amend the Benefit Option Provided upon Death of a Former Member who was Receiving a Disability Retirement Allowance." (H. P. 1114) (L. D. 1331)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Energy and Natural Resources on, Bill, "An Act to Ensure that those Homes Receiving Fuel Assistance are Winterized." (H. P. 1067) (L. D. 1270)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Provide Notice to Cosigners and Others Similarly Situated in Consumer Credit Transactions." (H. P. 448) (L. D. 495)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-219).

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

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

The Committee on Labor on, Bill, "An Act to Provide for Recovery of Unemployment Compensation Overpayments over a Reasonable Period of Time." (H. P. 664) (L. D. 768)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-215)

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

Which Report was Read.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Acceptance of the Committee Report.

The Committee on Business Legislation on, Bill, "An Act to Require a Record of Sales to be Kept by Dealers in Used Merchandise." (H. P. 423) (L. D. 470)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-208)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A", as amended by House Amendment "A" (H-222), Thereto.

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Creating a Student Seat on the University of Maine Board of Trustees." (H. P. 836) (L. D. 1002)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-206).

Signed:

Senator:

CLARK of Cumberland

Representatives:

CONNOLLY of Portland

THOMPSON of South Portland

ROLDE of York

GOWEN of Standish

BROWN of Gorham

LOCKE of Sebec

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

Signed:

Senators:

TROTZKY of Penobscot

PIERCE of Kennebec
Representatives:

BROWN of Livermore Falls

MURPHY of Kennebunk

MATTHEWS of Caribou

THERIAULT of Fort Kent

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-206).

Which Reports were Read.

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

Senator TROTZKY: I move the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Members of the Senate, obviously we have a Bill before us which has been before Legislatures in the past. The Committee Report, unfortunately, tends to reflect, or fortunately, tends to reflect a non-partisan position, if one looks closely.

I would simply share with you, perhaps why the majority of the Committee on Education has recommended to the 110th Maine Legislature that the issue of a student seat on the Board of Trustees of the University of Maine is, indeed, appropriate at this time and place. There has been special arrangements proposed by the sponsors of this measure. There are universities in New England who are currently enjoying the impact and the communication with an official member of the Board of Trustees on their universities. There are private colleges in the State of Maine who have made room, if you will, and on some of those Boards of Trustees, reluctantly initially, for a student trustee with full voting rights.

It is alleged by the opposition to this student seat on the University of Maine Board of Trustees that it would be difficult indeed for a student member to represent the diversity which is reflected in the seven campuses of the University of Maine system.

I would suggest to you that, regardless of the diversity of the seven University of Maine campuses, indeed, the citizens of this State still tend to view the University of Maine, and particularly, its Board of Trustees, as a single super-University system. The intricacies and the administration of this Bill, I find, are not administratively unfeasible, but in fact, reflective of the current state of the University.

I serve on a Board of Trustees of a private college in Bangor, Maine, Husson College. My initial term on that Board of Trustees coincided with the initial term of a student trustee, who was given full voting rights and privileges on that Board. The arrangement whereby that student trustee becomes a voting member of the Board of Trustees at Husson is a wee bit different structurally than that which is incorporated into this L. D., but I would suggest to you that all of the trustees, and there were many, who resisted the input of a student trustee, applaud with vigor the input and the contributions that that student trustee makes at every single meeting of the Board of Trustees.

It was only the 17th of April when we met last, and the sensitivity and responsiveness, and the education which occurs as a result of a student sharing with the, perhaps, more in part impartially, position trustees of that Board, are always welcome, and frequently tend to lend substance to an issue before us, and a sensitivity to the impact on the student life and participation within that college, that would not be available were that student not a member of that Board.

I suggest, for all of those reasons, with which I support the position of a student trustee on the Board of Trustees at Husson College, are

equally transferable to the University of Maine Board of Trustees.

It's interesting to note at the public hearing on this Bill, that there was no official position taken on behalf of the University of Maine Board of Trustees, because the University of Maine Board of Trustees is peopled, if you will, with perhaps more activities politically than has traditionally been the case in the past. We now have, I understand, because I've been lobbied heavily, we now have members of the Board of Trustees at the University who have formed their own subcommittee on legislative matters so that the University of Maine Board of Trustees' position on bills, which would effect the University will be shared, perhaps, more visibly by members of this Legislature. That subcommittee of the current Board of Trustees is in and of itself, not fully supportive, nor fully opposed, to this student trustee position.

I think it's time that the Maine Legislature recognizes that even though it's unpopular in today's economy to refer to consumers, that indeed the students of this State are not only contributors to their tax dollars, but consumers of the product, if you will, of the University, and do lend, and can share with the Board of Trustees because of the manner with which they will be placed on the Board of Trustees, which is different, different than the normal seven year term, can provide valuable, positive contribution to that Board.

I would hope that you would join with me, rather than with the Chair of the Joint Standing Committee on Education, this late afternoon, and vote against the pending motion, so that we may Adopt the Majority Report.

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

Senator TROTZKY: Mr. President and Members of the Senate: First of all, the Trustees of the University are appointed to represent the interests of the public at large. They're not delegates from any special interest group. They don't represent the professors, they don't represent the students, they are appointed to represent the public at large.

The Governor has it within his ability to nominate a student to the University of Maine Board of Trustees any time he'd like to. There's no law prohibiting a student from being appointed to the Board of Trustees. In fact, the House Chairman of the Committee sent a letter to the Governor, and the Governor's answer was: "I have reviewed your recent request in which you," that means the House Chairman, "ask me to consider the possibility of appointing a student member to the University Board of Trustees. Although I'm not going to make a commitment to appoint a student to the Board of Trustees, when the next vacancy occurs, I will certainly be glad to consider appointing a member of the student body."

We received more requests for appointment to this Board than any other appointment I make. There are indeed many qualified people who would like to serve, but it is simply not possible to accomplish everyone's wishes. Signed, Governor, Joseph Brennan."

The University Board of Trustees did take a position I have a letter here from former Senator Harrison Richardson. "At its recent meeting at Presque Isle, the Board of Trustees discussed this and other legislative proposals and decided to take a position, in opposition to this legislation."

I also have a letter from Doctor Stanley Evans, Chairman of the Board of Trustees, where he also opposes this piece of legislation.

The Bill itself, what the Bill does, essentially, it says a student will be appointed, will come from one campus, and the next time around has to come from a different campus. So you might have someone from Orono this time around, someone from Fort Kent the other time around, someone from Farmington, someone from the University of Maine-Farm-

ington, Portland campus, and so on.

The issue is, I think, that the Board of Trustees gets more input when it has members of the student Senate's at their meetings, when it has a meeting of the student Senate's representing student bodies as a whole, at their subcommittee meetings. I think that there's absolutely no need that I can see to mandate that one spot be a student trustee. Thank you.

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

Senator CLARK: Thank you, Mr. President. Mr. President and Members of the Senate: while it is true that the Board of Trustees is appointed by the Governor for seven year terms, and while it is true that currently they do not represent any special interest groups, even a cursory view or overview of the Board of Trustees would result in one obvious omission, that the 25,000 taxpaying students of the University of Maine are not represented. They are represented in the appointments by the Governor, and indeed, the Governor is not precluded from appointing a student, as governors have in the past.

A student representing the students, over 25,000 of them, deserves some representation. I truly believe that the current members of the Board of Trustees and those that will be appointed in the future should not be threatened by the fact that indeed, yes, a student representative may reflect more closely and keenly the interests of the University of Maine students. Indeed, that student's term would only be for a duration of two years, and interestingly enough, while they do have advisors and are encouraged through student government to attend, they lack that one thing that lends credibility to student representation and that, my colleagues, is a vote. That's all we're asking. Personally, I don't find that threatening. I think it would lend credibility and enhance integrity of that Board of Trustees.

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

Senator DEVOE: Mr. President, I would like to direct a question through the Chair to the good Senator from Cumberland. I understand that she is a school teacher. I would like to inquire if, in her community, she has encouraged the appointment of high school students to the school committee, or has encouraged high school students to run for the school committee on the grounds that they are consumers of the services and ought to have a voice in the educational policy of the community that is educating them?

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: The response to the question as tendered by the good Senator from Penobscot, Senator Devoe, is Yes.

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

Senator TROTZKY: Mr. President, and Members of the Senate, you get the impression from listening to my good seatmate on the Education Committee, Senator Clark, that the Trustees don't care about the University, or the kids, or the students at the University of Maine. I mean, who do they represent, the mothers and fathers of the students? Who do they represent? They represent the public to make sure that students get a good education at the University of Maine. You get more input from representatives of student government as a whole than you do from one student coming out of Fort Kent, or one student coming out of Orono, or one student coming out of Machias.

There's also another issue. These are two year terms. There's no continuity in it. It takes a while to learn the workings of the University of Maine. It takes a while to learn how the Legislature operates. Consequently, you have to keep shifting every two years to a new student coming from a different campus. To me, this

doesn't make sense. I hold that the Trustees of the University of Maine, that we have on there right now, are sensitive to the students, and are listening to the students.

I'll pose another question. Who's representing women on the Board of Trustees of the University of Maine? Do we definitely have to say that someone has to be a woman on the Board of Trustees? We don't have any categories. We appoint people to the Board of Trustees who are capable of looking after the entire university, and representing the entire community, not one special interest group.

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

Senator CONLEY: Mr. President, occasionally I get a little tired of the good Senator from Bangor, via Brooklyn, Senator Trotzky, of telling me, as a native of this State, what is good for me and good for our people. I think there's one point that can be made to sum up part of this debate. I think if we look back at some of the history with respect to the student serving as Trustees at the University, that former Governor Ken Curtis appointed an outstanding student from the University of Maine, Steve Hughes, who served in that capacity as a student. There's only one problem with that situation, though. Under the current law, he would serve a period of seven years as a member of the trustees.

The Bill before us today is asking for a student to be appointed for two years then another student for a period of two years. There's nothing wrong with that, with people having a voice in a multimillion dollar educational system, as to what the students would like to see entertained by the trustees.

I see nothing wrong with this Bill. In the case of former Representative Hughes, he was a very bright, intelligent fellow, and it only took him four years to get out of the University. I don't think he intended to stay there for seven years as a student, but under the present law, that's the way it reads.

The Bill before us today would encourage the Governor to appoint a student for a period of two years, and to have them have a vocal opinion, voice, as members of the trustees, as to what they would like to see in the curriculum.

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

Senator TROTZKY: Mr. President and Members of the Senate: I would like to read a letter, here, which I received from a former trustee of the University of Maine. He states: "I'd hope that the University Trustees are spared the agony of a student as a voting member of the Board. Ken Curtis put a young man on the Board while I was a member, and a disproportionate part of our time was wasted in killing his efforts to cut tuition, along with board and room rate, and with his efforts to have the student Senate vested with a veto over any administration action of any existing governing agency."

The students individually or collectively have access to the Board. Any Board members who went through that experience was very pleased when the individual was elected to the Maine House, resigned, and Longley replaced him with retired Winthrop Libby."

The students do have access to the Board. The issue here is just simply designating one spot as a student spot. Again, I would hope you would vote against the Bill.

The PRESIDENT: The Chair will order a division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, that the Senate Accept the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A Roll Call has been re-

quested. 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 Penobscot, Senator Trotzky, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBrearty, Minkowsky, Perkins, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

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

ABSENT — Pierce.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 1 Senator being absent, the motion to Accept the Minority Ought Not to Pass Report of the Committee in non-concurrence does prevail.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Authorizing the Town of Lincolnville to Employ a Superintendent of Schools and Supervising Principal." (H. P. 167) (L. D. 191)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-207).

Signed:

Sensor:

PIERCE of Kennebec

Representatives:

CONNOLLY of Portland
MURPHY of Kennebunk
MATTHEWS of Caribou
BROWN of Livermore Falls
ROLDE of York
LOCKE of Sebec
BROWN of Gorham
THOMPSON of South Portland
GOWEN of Standish
THERIAULT of Fort Kent

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

Signed:

Sensors:

TROTZKY of Penobscot
CLARK of Cumberland

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-207)

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Permit Free License to Trap Fur-Bearing Animals to Persons 70 Years of Age and Older." (H. P. 772) (L. D. 917)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-211).

Signed:

Sensors:

HICHENS of York
USHER of Cumberland

Representatives:

DAMREN of Belgrade
GILLIS of Calais
CLARK of Millinocket
CONNERS of Franklin
SMITH of Island Falls
JACQUES of Waterville

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

Signed:

Sensor:

REDMOND of Somerset

Representatives:

MacEACHERN of Lincoln
PETERSON of Caribou
PAUL of Sanford
ERWIN of Rumford

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-211)

Which Reports were Read.

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

Sensor REDMOND: Mr. President and Members of the Senate, I move we Accept the Minority Ought Not to Pass Report.

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

The Chair recognizes the Senator from York, Senator Hichens.

Sensor HICHENS: I request a Division.

The PRESIDENT: A Division has been requested.

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

Will all those Senators in favor of the motion by the Senator from Somerset, Senator Redmond, that the Senate Accept the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Accept the Minority Ought Not to Pass Report, in non-concurrence, does prevail.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Legal Affairs, on, Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State to that of the Kittery Store." (H. P. 798) (L. D. 952)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-205)

Signed:

Sensors:

SHUTE of Waldo
CHARETTE of Androscoggin

Representatives:

COX of Brewer
STUDLEY of Berwick
TREADWELL of Veazie
SWAZEY of Bucksport
PERRY of Mexico
McSWEENEY of Old Orchard Beach
GWADOSKY of Fairfield
STOVER of West Bath
SOULAS of Bangor

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

Signed:

Sensor:

VIOLETTE of Aroostook

Representative:

DUDLEY of Enfield

Comes from the House, Bill and Accompanying Papers Indefinitely Postponed.

Which Reports were Read.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Sensor HUBER: I move Acceptance of the

Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves the Acceptance of the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Waldo, Senator Shute.

Sensor SHUTE: Mr. President, Ladies and Gentlemen of the Senate, this is a very hefty report on the Ought to Pass side of the Report. I guess the reason that we got eleven signers on the Ought to Pass Report, is there are a lot of people in the State that feel discriminated against by the Kittery store. I guess, in the other monopolies in the State, like the liquor industry is a monopoly, we don't usually give lower power rates, lower water rates around Kittery, because New Hampshire is right next door, lower bus fares, lower truck rates, because New Hampshire is next door.

Ordinarily, we try to do for the people in this State what we feel would be fair. How you can say that the Kittery store is fair with the rest of the State, is beyond my imagination to say the least.

We did get a Fiscal Note on this Bill, the Department gave us a fairly hefty Fiscal Note, because they didn't feel anyone outside of Kittery and non-residents were buying at the Kittery store, evidently. That may be the case up in my area, because most of them do trade in New Hampshire. They don't stop at Kittery at all. Eleven hundred paper mill workers, I work with, none of them stop at Kittery, they stop at Portsmouth. I don't think there's going to be much loss of revenue there.

I suppose, if there was any other law on the books that discriminated against the people in the State, there probably, well, at least, 30 people in this Senate couldn't get down to the Legislative office quick enough to stop an act of discrimination. Here we have an act of discrimination and people have been going along with it for years.

I feel it is only right that everyone in the State pay the same price for a State monopoly product. Liquor is a State monopoly product. You have to buy it from the State warehouse. You can't buy it some other place. You buy it from a State warehouse and the State sets a price.

So, I would urge the Senate to go against the motion by the good Senator, Senator Huber, and Accept the Majority Ought to Pass Report.

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

Sensor VIOLETTE: Mr. President, Members of the Senate, to be very brief this evening. Yes, there is a Fiscal Note on this Bill. It's primarily for that reason that I objected to the Bill in the past, when I was a member of the House. I oppose this Bill again, now. The Fiscal Note on this Bill is somewhere in the vicinity of some \$10 million. The only way to make up that loss of revenue would be for an increase in consumption of approximately 36 percent. There's no doubt in my mind that this will lead to an increase in consumption and the problems presently present throughout the State with respect to problems of alcohol. It's for those reasons that I have always opposed this type of legislation that would lower the retail price of alcohol.

With respect to the situation in Kittery, this was a decision of the Legislature in the past. There has been legislation since that would have changed that policy relative to the prices at the Kittery store. That legislation has always been defeated in the past. It would be my feeling that if someone were to introduce legislation doing away with the Kittery store, which was created to compete against the New Hampshire liquor business, that they should do so.

I should certainly hope that today we will Accept the Minority Ought Not to Pass Report. Thank you.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, Members of the Senate, I'd like to make one minor correction, on the comments of the good Senator from Aroostook, Senator Violette. I believe the Fiscal Note is closer to \$20 million for the biennium than \$10 million. I think the Fiscal Note indicates just short of \$10 million each year.

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

Senator PRAY: Thank you, Mr. President. Mr. President, Members of the Senate, I understand the intent of the Legislature, a number of years ago, when they established the Kittery liquor store, because the people in the southern part of the State were going across the border into New Hampshire and purchase liquor at a cheaper rate. It's my understanding, though also on the northern border, that it's cheaper in Canada. I'm wondering perhaps if we shouldn't accept this Bill today and establish another one in Aroostook County, so those people wouldn't have close to 500 miles to drive to get to the State store that's located in Kittery, because alcohol is cheaper in New Hampshire. We have the same situation in Quebec and in New Brunswick, as well. They sell their alcohol cheaper than we do in the State of Maine. That's one point.

The second point, I think I have to agree with the Senator from Waldo, Senator Shute, that this is a State controlled sale. Since the State is setting the price and deciding what will be sold and how much, I think that perhaps if we can not go, because of the fiscal course, all the way of abolishing the liquor store in Kittery, that what we should do is Accept the Report. I'd be happy to take the responsibility of offering an Amendment tomorrow to establish a number of regional discount liquor stores throughout the State to at least, to some degree, offer some type of discount to people other than those who live in the southern part of this State.

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

Senator SHUTE: I don't want to belabor this Bill, but the Bill itself says to equalize the prices. It doesn't say whether the price should go up or down, as long as the price is equal. I don't care if they equal the prices to the Bangor store, or they equal the prices to the Kittery store, or halfway between. I think on that note, it would be hard to give a concrete Fiscal Note to this Bill.

I guess, New Hampshire is also in a State run lottery. I don't know if Kittery gives a discount on the Lottery system or not, because we are in competition with Kittery on the Lottery certainly. They do quite well on their Lottery. I think, if you're to be fair, either to equalize the price, or put a store into Eastport, Jackman, Fryeburg, Kittery, and at least one in the Bangor area.

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

Senator CHARETTE: I rise and endorse the Ought to Pass Report of the Majority Report. I do come from the area, Lewiston as we look at sales exceeding \$1.6 million, constituents in that area have been told that they've been discriminated upon for as many years as this law came into effect.

I agree that this legislation was passed a few years ago, but I stand today to say that it was bad legislation. We are discriminating amongst Maine people. My belief that the Kittery store, we do serve a lot of out-of-staters. Is this what we're here for, is to pass a law where out-of-staters will benefit and reap from Maine people's expenses?

So, I endorse this piece of Legislation, and I would hope that the Senate would vote for the Ought to Pass Report. Thank you.

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 Cumberland, Senator

Huber, that the Senate Accept the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I request a Roll Call.

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

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

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

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

Senator HUBER: Mr. President, I wish permission to pair my vote with the gentleman from Kennebec, Senator Pierce. If he were here, he would be voting No and I would be voting Yes.

The PRESIDENT: The Senator from Cumberland, Senator Huber, requests Leave of the Senate to pair his vote with the gentleman from Kennebec, Senator Pierce. If he were here, he would be voting Nay and the Senator from Cumberland, Senator Huber, would be voting Yea.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Collins, Conley, Devoe, Emerson, Hichens, Minkowsky, Najarian, Perkins, Redmond, Sewall, C.; Trafton, Trozky, Usher, Violette, The President J. Sewall.

NAY — Ault, Carpenter, Charette, Clark, Dutremble, Gill, Kerry, McBreairty, O'Leary, Pray, Shute, Sutton, Teague, Wood.

ABSENT — None.

Senator Hichens of York was granted permission to change his vote from Yea to Nay. A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 2 Senators pairing their votes, with No Senators being absent, the motion to Accept the Minority Ought Not to Pass Report does prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: 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 question before the Senate is the motion by the Senator from Cumberland, Senator Conley 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.

Senate

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

Bill, "An Act Concerning Nongame and Endangered or Threatened Species." (S. P. 520) (L. D. 1450)

RESOLVE, Providing Support for the Port-

land West Neighborhood Foster Grandparent Program. (S. P. 335) (L. D. 963)

Leave to Withdraw

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Continue the Provision of Funding the Telecommunication Services for the Hearing Impaired." (S. P. 202) (L. D. 569)

Reported that the same be granted Leave to Withdraw.

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds toward Reconstruction and Renovation of Leavitt Hall at the Maine Maritime Academy." (Emergency) (S. P. 435) (L. D. 1264)

Reported that the same be granted Leave to Withdraw.

Senator HICHENS for the Committee on Fisheries and Wildlife on, Bill, "an Act to Provide a \$500 Fine for Hunting Turkeys." (S. P. 425) (L. D. 1247)

Reported that the same be granted Leave to Withdraw.

Senator USHER for the Committee on Fisheries and Wildlife on, Bill, "An Act Concerning the Keeping of Wild Animals Purchased from Dealers or Pet Shops." (S. P. 355) (L. D. 1030)

Reported that the same be granted Leave to Withdraw.

Senator AULT for the Committee on State Government on, Bill, "An Act to Provide for Competitive Bidding on Design of Public Buildings." (S. P. 263) (L. D. 745)

Reported that the same be granted Leave to Withdraw.

Senator VIOLETTE for the Committee on State Government on, Bill, "An Act to help Identify Lobbyists." (S. P. 445) (L. D. 1283)

Reported that the same be granted Leave to Withdraw.

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Prevent Requirements that Returned Beverage Containers be Separated." (S. P. 267) (L. D. 749)

Reported that the same be granted Leave to Withdraw.

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Prohibit Segregation Requirements Concerning Returnable Bottles." (S. P. 396) (L. D. 1189)

Reported that the same be granted Leave to Withdraw.

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Clarify the Status of Engineers Regarding the Design of Buildings." (S. P. 438) (L. D. 1266)

Report that the same be granted Leave to Withdraw.

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Permit a Draftsman to Perform Limited Work Without being Registered as an Architect." (S.P. 531) (L.D. 1471)

Reported that the some be granted Leave to Withdraw.

On motion by Senator Collins of Knox, the Reports were Read and Accepted.

Sent down for Concurrence.

Senator WOOD for the Committee on Agriculture on, Bill, "An Act to Select Maine Potato Seed Board Personnel." (S.P. 409) (L.D. 1212)

Reported that the same be granted Leave to Withdraw.

Which Report was Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

Ought to Pass

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Funds for the Provision of the State Cost Sharing of Telecommunication Typewriters for the Hearing Impaired." (S.P.

201) (L.D. 568)

Report that the same Ought to Pass.
Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Make Revenue Losses, Due to Tax Credits, Exemptions and Deductions, Part of the Budget Document." (S. P. 390) (L. D. 1148)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-131).

Senator HICHENS for the Committee on Health and Institutional Services on, Bill, "An Act Relating to Pharmaceutical Services Provided at Rural Health Centers." (S. P. 411) (L. D. 1215)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-133).

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

Senator CLARK for the Committee on Business Legislation on, Bill, "An Act to Amend the Laws Relating to Group and Blanket Health Insurance." (S. P. 360) (L. D. 1060)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-134)

Which Report was Read and Accepted, and the Bill Read Once. Committee Amendment "A" was Read.

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

Senator SEWALL: Thank you, Mr. President. I present Senate Amendment "A" with filing number S-139 and move it's adoption.

The PRESIDENT: The Senator from Lincoln, Senator Sewall offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-139) to Committee Amendment "A" Read and Adopted. Committee Amendment "A", as amended, by Senate Amendment "A" Adopted, The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Allow Reasonable Attorney's Fees as a Remedy in Actions under the Maine Human Rights Act." (S. P. 221) (L. D. 608)

Reported that the same Ought to Pass in New Draft under New Titles: "An Act to Amend the Maine Human Rights Act" (S. P. 579) (L. D. 1555)

Senator WOOD for the Committee on Agriculture on, Bill, "An Act to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals." (S. P. 110) (L. D. 239)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 582) (L. D. 1558)

Which Reports were Read and Accepted and the Bills, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Prohibit Voter Registration on Election Day and the 7 Business Days next Prior to Election Day." (S. P. 155) (L. D. 363)

Reported that the same Ought Not to Pass.

Signed:

Senators:

PRAY of Penobscot

CARPENTER of Aroostook

Representatives:

BENOIT of South Portland

ROBERTS of Buxton

NADEAU of Lewiston

DIAMOND of Bangor

BOISVERT of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S-132)

Signed:

Senator:

PIERCE of Kennebec

Representatives:

HANSON of Kennebunkport

CAHILL of Woolwich

WEYMOUTH of West Gardiner

BORDEAUX of Mount Desert

WENTWORTH of Wells

Which Reports were Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Provide a One Month Grace Period for Expired Motor Vehicle Registrations." (S. P. 356) (L. D. 1031)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-130).

Signed:

Senators:

EMERSON of Penobscot

USHER of Cumberland

O'LEARY of Oxford

Representatives:

FOWLIE of Rockland

MACOMBER of South Portland

MOHOLLAND of Princeton

REEVES of Pittston

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

Representatives:

CARROLL of Limerick

HUTCHINGS of Lincolnville

McKEAN of Limestone

STROUT of Corinth

McPHERSON of Eliot

HUNTER of Benton

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee Accepted. The Bill Read Once. Committee Amendment "A" (S-130) was Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

Bill, "An Act to Require Interagency Licensing of Residential Facilities and Programs for Children." (H. P. 232) (L. D. 269)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

House — As Amended

Bill, "An Act to Provide Equality Between Home Improvement Loans and Other Consumer Credit Loans." (Emergency) (H. P. 543) (L. D. 619)

Bill, "An Act Concerning the List Price of Vehicles under the Excise Tax Laws." (H. P. 759) (L. D. 895)

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

Bill, "An Act Relating to the State Valuation of the Town of Easton." (Emergency) (H. P. 688) (L. D. 802)

Which was Read a Second Time.

On motion by Senator Teague of Somerset, Committed to the Committee on Appropria-

tions and Financial Affairs, in concurrence.

Senate

Bill, "An Act to Include Health Education for the General Public as Medical Education Program Conducted by the Board of Registration in Medicine." (S. P. 484) (L. D. 1386)

Bill, "An Act to Concerning Approval of Graduate Educational Programs by the Board of Registration in Medicine." (S. P. 487) (L. D. 1389)

Bill, "An Act to Provide the Supreme Judicial Court with Rule-making Authority over Court Records and Certain Abandoned Property." (S. P. 506) (L. D. 1433)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Amend Certain Aspects of Post-Conviction Review." (S. P. 443) (L. D. 1281)

Bill, "An Act Concerning the Investigative Authority of the Attorney General and Related Provision." (S. P. 507) (L. D. 1434)

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 Relating to Winter Closing of Town Ways. (H. P. 643) (L. D. 733)

AN ACT to Establish a Transit License Plate for Movement of Special Off-road Vehicles and Equipment Weighing over 6,000 Pounds. (H. P. 693) (L. D. 807)

AN ACT to Authorize the Town of West Bath to Regulate Ice Racing on New Meadows Lake. (H. P. 751) (L. D. 888)

AN ACT to Require Availability of Municipal Ordinances. (H. P. 893) (L. D. 997)

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

RESOLVE, Authorizing the Exchange by the Department of Conservation of a Certain Parcel of Land in Rockport for a Similar Parcel of Land Adjoining the Marine Park with Gudrun H. Kononen. (S. P. 315) (L. D. 871)

Which was Finally Passed 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 Sagadahoc County for the Year 1981. (H. P. 1333) (L. D. 1526)

This being an emergency measure and having received the affirmative votes of 25 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 Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks." (H. P. 786) (L. D. 931)

Tabled—April 21, 1981 by Senator EMERSON of Penobscot.

Pending—Enactment.

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

Senator EMERSON: I move that the Rules be Suspended for the purpose of Reconsideration.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now moves that the

Senate Suspend its Rules.

Is this the pleasure of the Senate?

On motion by Senator Conley of Cumberland, Retabled until later in today's session.

The President laid before the Senate the second Tabled and specially assigned matter: Bill, "An Act to Deregulate the Bag Limit and Size Requirements of Striped Bass" (S. P. 369) (L. D. 1088)

Tabled—April 21, by Senator BROWN of Washington.

Pending—Enactment.

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

Senator BROWN: Mr. President, I move that LD 1088 and all accompanying papers be Indefinitely Postponed, and I wish to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator BROWN: Thank you, Mr. President. Men and Women of this Senate, that is some material that has been passed out to you, and I wish that you would look this over as we talk briefly about this subject.

I neither want to appear a fool or seem unreasonable. I have been accused of being both, if I continue this matter a great deal longer.

This is a bad Bill, just a bad Bill period. It ought to be killed and I want to try to muster up the votes today to do it, and have it Indefinitely Postponed.

When I first stood before this group on this issue, I said at the time that I did not know anything about the striped bass. I did not know what one looked like, I was not a fisherman. Well I am still not a fisherman, I am going to become one by the way, but I think that I do know a little bit about the striped bass now. I would like to talk to you a little bit about the striped bass.

First off, about the third paragraph down, and by the way this is not a prepared speech that I am reading off that someone else prepared for me, it is one that I prepared, so I want to make sure that every one understands that.

I want to tell you briefly about this fish, it was a landlocked creature originally, that during the glacial period was moved from the fresh water into the salt water. It adapted very, very well and has been used by the early colonist's in terms of even building schools, selling the products to build schools.

It was transported to the west coast in 1939, rather 1639 by the way, the Massachusetts Bay Colony had to outlaw the use of this fish as a fertilizer because it was that plentiful at the time.

I might say, also, that people have said to me: Why should I become involved in this issue, since it does not affect Washington County a great deal? Well, I had a chance to talk to some of the old timers up there, and at one time it was a fish that affected Washington County, as the blue fish do. We do not have them presently, but the hope is that someday we will have them again.

Now the stripers never lost their affinity for land, subsequently they live within 3 miles of the coast most of their lives. They go back yearly to the Chesapeake and the Hudson Bays to propagate the species, and then migrate up and down the coast from those areas.

The problem comes that we have got something that is in danger of being completely depleted. We have pollution in those 2 days which is unbelievable. I have listed some of the things that people can find in some of the fish that have been examined from those areas.

The second point I want to make is that we have over fished the stock. If you look on page 2, look at the catch since 1973 when it was 15 million pounds, in 1979 it was down to 3.5 million pounds.

Following it is a quote from several individuals who have spoken on this, "because of the high prices the incentive to search out this fish

is very high, current price trends, and regulatory approaches could lead to complete elimination of this species."

So what can be done to try to preserve this species for all of us to use, and by the way, you have been lobbied fairly heavy on this issue, I have not gone around and tried to get votes promised on this, because I do not appreciate it myself. I go ahead and try to appeal to reason at this point, and the people that have called you on this issue, they have not been lobbyists that have been paid. They are not asking for any kind of a special favor to a special group of fishermen. All they ask is that we go ahead and try to preserve this species of fish, so that we will have it to use for their children, and for the future generations.

In 1977 a striped bass work shop was held in Baltimore. A citizens advisory committee was formed, at that time, in each of the coastal states. One individual from that citizens advisory committee, would report back to the regional advisory committee. In every single state along the coast, there are efforts like the one that has been put forth in this State, to try to conserve this particular species of fish.

The two points, that will be made by the sponsors of this Bill, will be number one, they will make light of the fact that only females seem to be caught along the coast of Maine. There is a reason for that, before they get into that again, is that the females become sexually mature at about age 6. The males become sexually mature at age 2. Because of the characteristics of this particular species during propagation the males tend to stay in the bay area, while the females leave. So the young fish, it is the females that mostly we catch along the coast of Maine.

Now these fish also travel in schools, and because of that, with these schools of females moving up and down the coast we go out, since they are very susceptible to fishing, we can get an many as 100 fish at one time. You have heard stories, from some of the people that have called you and talked to you about young small fish being on the various dumps around, that is a fact.

The other thing is: Why should we preserve, this is the other argument that will be posed. Why should we preserve this particular species of fish for up and down the coast? For those that are seining, fishing by various means, why should we go ahead and try to preserve it for them? Let's get our share, the few that come up this way, let's grab them so that we can go ahead and finish off the species entirely. That is essentially what they are saying since the other states are presently not doing anything by legislation, they are saying let's just us go ahead and finish them off, all off. Get as many of the fish as we can.

All I am saying is let's regulate this creature that I have practically fallen in love with at this point, let's go ahead and conserve this species. It is not trying to get any special favors for anybody. Let's go ahead and have the same rules applying to everybody and conserve this magnificent creature that comes off of our coast. That is the whole point of it all.

The second thing, by the way, is that I did want to make, I lost that point, here we go, the point that I am not asking for your vote but for your rational consideration of this matter. You know, earlier today, the gentleman that led the prayer said: "for the greatest good for the most of us". That is essentially what this is. This Bill, and I have even attached a copy of the Bill to your handout, simply says that the Commissioner can not regulate, can not regulate in anyway the taking of striped bass.

Put in out of anger because of the fact that the citizens advisory committee, which was trying to regulate the taking of bass, put in out of anger, we have this Bill to prohibit the Commissioner from regulating in any way. That is the source of the Bill. At the two hearings the Commissioner had, I have already told you

about those the previous time that I stood up, and again I do not want to appear foolish on the matter or unreasonable, but I ask you to please, I beg of you actually, to please give this matter some consideration, and use some rational judgment when it comes time to vote.

I request, Mr. President, that we have a Roll Call, when the vote is taken. Thank you.

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

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

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

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, striped bass is not the only species that the Commissioner does not regulate in the State. As I told you last week, he doesn't regulate lobster fishing, herring, tuna, smelts, atlantic salmon, coho salmon, striped bass, soft shell clams, scallops, worms. So it is not unusual that the Commissioner doesn't regulate a species in the tidal waters of this State. That is why, I guess, that they have a Marine Resources Committee, in the Legislature to have public hearings on this and not have the public hearing in one small section of the State, and forget about the other 2,300 miles of coast line, but take care of 200 miles of coast line.

Now, I guess, that it was mentioned here by the good Senator from Washington, Senator Brown, that down in the Chesapeake Bay area that this is a commercial fishery, the State of Maine did away with their commercial fishery a few years ago. We take striped bass by hook and line, only, in this State. We do not take it by gillnets, or all methods like they do in Virginia, or Maryland, or Rhode Island, or New York. All of these fish swim up by these areas. The State of Maine only gets about 10 percent of the striped bass up here.

I guess that they have a new method as we talked about lobbying. People that have been calling round may not be paid lobbyists, but they sure have been doing their work on this Bill.

The Marine Resources Committee listened to this Bill, for about two and a half hours, we listened to the opponents and proponents of it. We heard about as many facts as any Marine Fisheries Advisory Council could hear in the short hearings that they have held, of course these people are all commercial fishermen, there is no sports fishermen on there.

It was a Committee's feeling that it certainly would not hurt the State of Maine to at least have one species that the people in the State could fish without a license, and once you enter regulations the next thing that comes is a license.

I think that it might do the State of Maine as much good, it might do the children in the State as much good, if they are down there fishing for striped bass, without worrying about getting a license, or worrying about whether they are going to take 3 fish, so that some sports fishermen can go out and take 70 fish and throw 67 of them back, and kill 10 percent of those fish. They kill 10 percent of the ones that they throw back, so the big sportsmen they kill 10 fish a day, the kid down on the bridge gets 3 fish a day. He might as well be down on that bridge catching a few stripers as up town smoking pot or drinking beer or getting into some other trouble. I do not think that it is going to hurt him too much to go down there on the salt water, using one of our natural resources that we have that come into the State.

If the only reason for putting a lot of regulations on stripers in the State of Maine, is so that the commercial fishermen in Chesapeake Bay

can get a good landing of fish and as we say in testimony at the hearing, striped bass in the Chesapeake Bay area dropped by, I think it was 60¢ per pound, dropped because they were catching so many small fish down in the Chesapeake Bay area, fourteen inch, 12, 14 inch fish.

So I would hope that you would go against the Indefinite Postponement and pass this Bill. If we do need regulations on striped bass, to bring a bill in the Legislature and bring it before the Marine Resources Committee and let that Committee handle the striped bass just the same as they do about every other species of fish in the salt water.

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

Senator BROWN: Mr. President, I just want to point out that some of the species that my good friend from Waldo, Senator Shute, has mentioned, the clams and lobsters and all these various species of animals are not in danger of extinction, which is practically the case of the striped bass.

I also want to point out one other thing, he talked about the way the lobbyists had conducted themselves as far as doing the job. I want to point out again, that none of these fellows are being paid for this. None of them are asking for any special favors. All they are saying is let's conserve a species for all of us to use. These are avid fishermen. They are saying let's all be fair and go about it the same way.

I would like to point out, also, the handout that I gave you, where the Commissioner of Marine Resources is very much opposed to the Bill, and says that he does not understand why we are making an arbitrary and artificial distinction among species. Why are we taking this one as opposed to all of the others?

If DRM'S authority to regulate striped bass is removed, then also for no clear reason may its authority to regulate all the other species, maybe we should take all regulating power away from them altogether.

Fishermen kill them off as soon as we can, and we will not have to worry about the regulating of them in the future. We have got a real effort underway, in all the coastal states to clean up the Chesapeake Bay, to clean up the Hudson Bay, from the chemical pool, the filth pool that exists there. There is real efforts to go ahead and do something about that. A 25 percent reduction of those fish that get out of the bay, a 25 percent reduction in that catch can reduce the future generations, from what I read, upwards to 90 percent, as much as 90 percent.

I would like to draw your attention to chart number 2, which was passed out during the hearing on this to show you that Maine is the only state that does not have regulation on the taking of striped bass. The most recent one and I have written that in, because on 4/17/81, Massachusetts has also instituted a creel limit of 4 per day.

There is not a single state that has not taken care of this matter by regulation and there is not a single one that is not trying to do everything possible to conserve this magnificent creature.

I urge you to go ahead and not try to take anything away from children, not try to take anything away from keeping them off the street, or smoking pot, all I ask is that you let's see if we can go ahead and conserve this species of animal that is practically becoming extinct. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President and Ladies and Gentlemen of the Senate, I am as concerned about the striped bass population as Senator Brown is, although I would not go as far as to say the poor magnificent creatures are depleted. They are not. You still have many commercial fishermen in the State of

Maryland netting catches of 100,000 pounds at a catch. If there were such a tremendous problem with this, it would seem to me that the people of Maryland would take care of this problem.

My biggest concern is the fact that we are letting an advisory council, which is made up of commercial fishermen regulate a fish which is used entirely by recreational people. It is a recreational fish, and we are letting the Maine Advisory Council, on this, which is comprised completely of commercial fishermen, make the decision.

I think that that decision should be made here, and in the other body, where the people all along the coast will be represented fairly. The people who fish for the stripers will be able to call their Representatives and their Senators and tell them how they feel about this fish, whether or not there is a problem.

There are newspaper articles in the last two months that said that this could be the biggest year as far as the striped bass population, so you know that this suggested that there isn't a great shortage at all.

That is my biggest concern, I would like to see it in the hands of the Legislature, where we as elected people make a decision on this particular species.

Another point that I would like to make, is that Maine has done its job, we did pass a no netting law. I mentioned this last time, and I'll mention it again. We do have that regulation. We saw it 7 or 8 years ago, where there was a problem and we did pass no netting laws. Other states did not follow suit. The states that take them the most, the states over fish these particular species are the states that did not pass no netting laws. Subsequently they are the states that catch 90 percent of the fish, with 10 percent left for the remainder of the people.

One final point, out of the seven states that fish just recreationally, Maine ranks seventh, which means people already do a pretty good job in the State of preserving this particular product.

I would hope that you would vote against Indefinite Postponement. Thank you.

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

Senator BROWN: Thank you, Mr. President. I'd just like to correct one thing that the good Senator from York, Senator Dutremble, said. First off, the C.A.C., the Citizen's Advisory Committee, is not made up of commercial fishermen, exclusively, it's made of sport and commercial.

The second thing is that there is seven times the catch taken by recreational fishermen as there are by commercial fishermen. Seven times the catch, by recreational fishermen as by commercial fishermen. Thank you, Mr. President.

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

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I'm talking about the Advisory Council of the Marine Resources Committee, I'm not talking about the Maine Citizen's Advisory Council on Striped Bass. Also on the fact that there is more, I just can't figure out how many fish you catch recreationally. Do they ask everybody who fishes?

The PRESIDENT: Is the Senate ready for the question?

The pending question before that Senate is the motion by the Senator from Washington, Senator Brown, that the Senate Indefinitely Postpone LD 1088.

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 — Brown, Bustin, Charette, Clark, Collins, Conley, Devoe, Emerson, Huber, Min-

kowsky, Najarian, Redmond, Sewall, C.; Trafton, Trotzky, Violette.

NAY — Ault, Carpenter, Dutremble, Gill, Hichens, Kerry, McBreaity, O'Leary, Perkins, Pray, Shute, Sutton, Teague, Usher, Wood.

ABSENT — Pierce.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone LD 1088 does prevail.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

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

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

Senator SHUTE: I move the Reconsideration motion be Tabled one day.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I'd ask for a Roll Call, Mr. President.

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

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

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

The pending question before the Senate is the motion by the Senator from Waldo, Senator Shute, that the motion to Reconsider be Tabled for 1 Legislative Day.

A Yes vote will be in favor of the motion to Table.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Carpenter, Collins, Dutremble, Emerson, Gill, Hichens, Kerry, McBreaity, O'Leary, Perkins, Redmond, Sewall, C.; Shute, Sutton, Teague, Usher, Violette, Wood.

NAY—Brown, Bustin, Charette, Clark, Conley, Devoe, Huber, Minkowsky, Najarian, Pray, Trafton, Trotzky.

ABSENT—Pierce.

A Roll Call was had.

19 Senators having voted in the affirmative and 12 Senators in the negative, with 1 Senator being absent, LD 1088 was Tabled for 1 Legislative Day pending the motion by the Senator from Androscoggin, Senator Trafton.

The PRESIDENT: The Chair laid before the Senate, a Bill, An Act to Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks (H. P. 786) (L. D. 931), Tabled earlier in today's session, by Senator Conley of Cumberland, pending the motion by the Senator from Penobscot, Senator Emerson, that the Senate Suspend its Rules.

Is it now the pleasure of the Senate to Suspend its Rules?

It is a vote.

On motion by Senator Emerson of Penobscot, the Senate voted to Reconsider its action whereby this Bill, (LD 931), was Passed to be Engrossed.

On motion by Senator Emerson of Penobscot, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

Senator EMERSON: I now present Senate Amendment "A" to Committee Amendment "A" and move its Adoption, and would speak just briefly.

The PRESIDENT: The Senator from Penob-

scot, Senator Emerson, now offers Senate Amendment "A" (S-137) to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-137) to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.
Senator EMERSON: Mr. President, Ladies and Gentlemen, the original LD 931 supplements existing law. This Amendment would bring this Bill into conformity with existing law, and has been approved by the State Police.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I think most of the members of this Senate think I'm going to speak on this Bill, or this Amendment being proposed by the good Senator from Penobscot, Senator Emerson. I just want to apologize once more to the President, to the Secretary of the Senate, for being wrong. Mr. President, under the motion of the good Senator from Penobscot, Senator Emerson, when he asked to have the Rules Suspended. You learn something more every day. I've learned a little about this Amendment, but I've learned a little bit more about the operation of the Senate. Suspension of the Rules cannot be Tabled, cannot be laid aside, can't be done nothing. I guess the only thing you can probably do is Adjourn and I'll probably get a message in a few moments and I was wrong on that, too.

The PRESIDENT: The Chair accepts the apology on the part of the good Secretary and itself.

Senate Amendment "A" to Committee Amendment "A" was Adopted. Committee Amendment "A", as amended by Senate Amendment "A" was Adopted, in non-concurrence, and the Bill, as amended, was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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

Papers from the House House Papers

Bill, "An Act to Recover Certain Refund Values Retained under the Beverage Container Law" (H. P. 1382)

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 to Implement Certain Costs Savings While the State's Unemployment Compensation Fund Remains in Debt." (Emergency) (H. P. 1381)

Reference to the Committee on Labor suggested.

Comes from the House, Passed to be Engrossed without reference to Committee.

Under Suspension of the Rules, the Bill Read Twice.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be Passed to be Engrossed, in concurrence?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I think, just for the Record, the Senate should be informed as to exactly what this Bill is. This is a Bill that the Governor vetoed last week. Along with his veto message, he sent the accompanying legislation which corrects the error that was interpreted in the Bill which was passed last week.

The Bill Passed to be Engrossed, without Reference to Committee, in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County

Government report out the House a bill to increase the amount of the real estate transfer tax retained by counties. (H. P. 1383)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Senator O'Leary of Oxford was granted unanimous consent to address the Senate, On the Record.

Senator O'LEARY: Mr. President, and Members of the Senate, once again I find on my desk a Report of the Legislative Council that distresses me. For those of you who may have found your Report dated April 10, 1981, it was a motion by Representative Martin that moved that Study Orders from Committee should be submitted directly to the Council instead of going through the process of being introduced in each House and then before the end of each Session, the Council would notify both Houses of those approved or not approved, and also give the responsibility of ranking to the Committee. This policy would be outlined in a letter from the Council on the Committees.

Mr. President and Members of the Senate, it has been our past practice that Orders would be introduced in either the House or the Senate. I know, in the past few Legislative Sessions, they have been systematically killed, and then then Council has taken them up and voted which ones to approve.

I should submit to this Body that I disapprove of the way it's been handled in the past. I think at this moment I shall entertain my own thoughts, on another Joint Rule, where these Special Study Orders will be submitted and voted upon in both Bodies, and approved by the Legislature as a whole.

Mr. President, I'm disturbed at some of the actions of the Council and I shall say so when I am.

On motion by Senator Collins of Knox, Adjourned until 10 o'clock tomorrow morning.