

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

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

April 28, 1981

Senate called to order by the President.

Prayer by Chaplain Robert A. Burbank of the Veterans Administration Center at Togus.

CHAPLAIN BURBANK: "I will lift up mine eyes unto the hills from whence cometh my help, my help cometh from the Lord who made heaven and earth." Our gracious, heavenly Father, we come to You this day as humble people living in the most difficult of times. We come concerned about the nations of the earth and its conflicts and potential dangers. We come anxious for our own United States of America, as it continues to struggle to make more perfect a democracy. We come to You this morning concerned about the people of the State of Maine. We come in quietness, and in confidence, asking a large measure of the peace that passes all understanding, and the wisdom necessary to face each hour, and to live each day.

Bless us in each of our endeavors, and give us now Your eternal peace. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Recover Amounts Retained by Distributors under the Beverage Container Law." (S. P. 564) (L. D. 1537)

In the Senate, April 14, 1981, referred to the Committee on Business Legislation.

Comes from the House, the Bill Indefinitely Postponed, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

Non-concurrent Matter

Bill, "An Act to Create a Department of Corrections." (S. P. 376) (L. D. 1134)

In the Senate, April 16, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-115).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-115) as amended by House Amendment "A" (H-224), Thereto, in non-concurrence.

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

Senator GILL: I move we Adhere.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves that the Senate Adhere.

Is this the pleasure of the Senate? The motion prevailed.

Non-concurrent Matter

RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs." (H. P. 454) (L. D. 501)

In the House, April 15, 1981, Passed to be Engrossed.

In the Senate, April 2, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H-198), in non-concurrence.

Comes from the House, that Body Having Insisted and Asked for a Committee of Conference.

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

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Rumford High School Mathematics Team, winners of the State Math Bowl in the medium school division for the 3rd consecutive year. (H. P. 1376)

Kelly Reynolds of Farmington, who represented Maine in the slalom and giant slalom at the United States Eastern Ski Championships. (H. P. 1377)

Jill Sickels of Farmington, who represented Maine in the down hill, slalom and giant slalom at the United States Eastern Ski Championships. (H. P. 1378)

Constance L. Lougee, daughter of Mr. & Mrs. Toby Lougee of Island Falls, 1981 valedictorian of Southern Aroostook Community High School, Dyer Brook. (H. P. 1379)

Christine Colbath, daughter of Mr. & Mrs. William Colbath of Presque Isle, who was crowned Miss Presque Isle on April 18, 1981. (H. P. 1384)

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

Communications
House of Representatives

April 27, 1981

Honorable May M. Ross
Secretary of the Senate
110th Legislature
Augusta, Maine

Dear Madam Secretary:

House Paper 845, Legislative Document 1011, An Act to Implement Certain Cost Savings while the State's Unemployment Compensation Fund Remains in Debt, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

0 voted in favor and One-hundred and forty-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Health Facilities Cost Review Board

April 27, 1981

To: Members of the 110th Legislature
From: David P. Cluchey, Chairman
Re: Transmittal of Annual Report

The Health Facilities Information Disclosure Act directs the Board to report annually to the Legislature and the Governor. Pursuant to Title 22, section 361 of the Maine Revised Statutes, I am enclosing copies of the Board's Annual Report for 1980.

Which was Read and with accompanying Report, Ordered Placed on File.

Order

An Expression of Legislative Sentiment recognizing:

Mr. & Mrs. Alvin Whitten, of Winter Harbor, who celebrated their 50th Wedding Anniversary. (S. P. 584) presented by Senator PERKINS of Hancock (Cosponsor: Representative SALSBUURY of Bar Harbor).

Which was 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 Relating to Fish and Game Licensees as Issued by Licensing Agents." (H. P. 1269) (L. D. 1496)

RESOLVE, Authorizing Nancy Huber to Bring Suit Against the State of Maine. (H. P. 1127) (L. D. 1344)

Bill, "An Act Concerning the Transmission of Rabies by Unvaccinated Dogs." (H. P. 919) (L. D. 1090)

Bill, "An Act to Increase the Salaries and the Limit of Compensation for the Several District

Attorneys." (H. P. 1264) (L. D. 1479)

Bill, "An Act to Provide Group Medical-Health Care Insurance Benefits to Judicial Employees." (H. P. 1234) (L. D. 1459)

Bill, "An Act to Provide Funding for Respite Care for the Families of Physically and Emotionally Handicapped and Retarded People." (H. P. 788) (L. D. 942)

Bill, "An Act to Preserve Intact Low Income Families by Allowing them to Participate in the Aid to Families with Dependent Children Program." (H. P. 979) (L. D. 1167)

Leave to Withdraw

The Committee on Fisheries and Wildlife on Bill, "An Act to Require Fishways in all New Constructed Dams." (H. P. 762) (L. D. 899)

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 Create a Resident Small Game Hunting License." (H. P. 316) (L. D. 346)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Appropriations and Financial Affairs on, RESOLVE, Appropriating Funds for Attorneys' Fees and Costs in the Case of Thiboutot v. Maine. (Emergency) (H. P. 1032) (L. D. 1220)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Amend the Spruce Budworm Suppression Act." (H. P. 1005) (L. D. 1251)

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 Maine Juvenile Code Concerning Emancipation." (H. P. 31) (L. D. 36)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Agriculture on, Bill, "An Act Relating to Dog Licensing Funds." (H. P. 94) (L. D. 124)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act Concerning Search and Rescue Operations." (H. P. 1133) (L. D. 1350)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Repeal the Status of the Office of Sheriff. (H. P. 1016) (L. D. 1226)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Counties which have Adopted a Home Rule Charter to Provide for an Alternate Manner of Selecting the Register of Probate. (H. P. 1015) (L. D. 1225)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act to Allow for Voters Registering on

Election Day to Cast Absentee Ballots in Certain Situations." (H. P. 792) (L. D. 946)

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 Sums Due for Rent and Damages." (H. P. 741) (L. D. 879)

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 Conveyance of Assets to Qualify for Public Assistance Programs." (H. P. 1292) (L. D. 1505)

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 Covering Degree Programs for Real Estate Agents." (H. P. 1119) (L. D. 1336)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Legal Affairs on, RESOLVE, Authorizing Rodney W. Ross, Jr. to Bring Civil Action Against the State of Maine." (H. P. 849) (L. D. 1012)

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 Require an Examination for Real Estate Brokers Seeking Credit for Continuing Education Attendance." (H. P. 489) (L. D. 541)

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 Eliminate Rule-Making Authority under the Bottle Bill and to Repeal Changes made in the Bottle Bill since it was Approved by the Voters." (H. P. 95) (L. D. 125)

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 Concerning Cancellation of Individual Health Insurance Policies." (H. P. 1228) (L. D. 1447)

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 Concerning Television Receiving Equipment." (H. P. 933) (L. D. 1103)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act to Require Retention of Prescription Records." (H. P. 1208) (L. D. 1423)

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.

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

Paper from the House Joint Order

ORDERED, The Senate concurring, that the Joint Standing Committee on Fisheries and Wildlife report out a bill to the House to estab-

lish the open season on bear. (H. P. 1388)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: Is it the pleasure of the Senate that this Joint Order be Passed, in concurrence?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I would ask for a Division on this. It seems to me that this is the resurrection of a similar bill that we've been debating at length here, which has been ruled against in the other Body.

I would ask for a Division and hope you would all vote against this Joint Order.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of H. P. 1388 being Passed, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 14 Senators having voted in the negative, H. P. 1388 Failed of Passage in non-concurrence.

Sent down forthwith for concurrence.

Ought to Pass

The Committee on Judiciary on, Bill, "An Act Concerning Certain Estates under the Control of Public Administrators." (H. P. 1122) (L. D. 1339)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act to Amend the Charter of the Maine Historical Society." (H. P. 1153) (L. D. 1374)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Election Laws on, Bill, "An Act Concerning the Inspection of Ballots on Municipal Questions." (H. P. 56) (L. D. 69)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-226).

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

The Committee on Judiciary on, Bill, "An Act Relating to Child Prostitution." (H. P. 1069) (L. D. 1272)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-227)

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

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

The Committee on Local and County Government on, Bill, "An Act to Clarify the Duties of the Register of Deeds." (H. P. 766) (L. D. 936)

Reported that the same Ought to Pass as amended by Committee "A" (H-217).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-217) and House Amendment "A" (H-228)

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

The Committee on Transportation on, Bill, "An Act to Provide for Deduction of Points from the Driver's License of a Minor Illegally Transporting Liquor." (H. P. 889) (L. D. 1058)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-204)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-204) as amended by House Amendments "A" (H-221) and "B" (H-225) 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, House Amendment "B" to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A" as amended by House Amendments "A" and "B" thereto, was Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

Eight Members of the Committee on Labor on, Bill, "An Act Providing Collective Bargaining Rights to Judicial Employee." (H. P. 823) (L. D. 979)

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

Signed:

Senator:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland

BAKER of Portland

McHENRY of Madawaska

TUTTLE of Sanford

HAYDEN of Durham

LAVERRIERE of Biddeford

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

Signed:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

Representative:

FOSTER of Ellsworth

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "A" (H-214).

Signed:

Representatives:

LEIGHTON of Harrison

LEWIS of Auburn

Comes from the House, Report A Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read.

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

Senate

Ought to Pass — As Amended

Senator HICHENS for the Committee on Agriculture on, Bill, "An Act to Provide Final Offer Arbitration for Collective Bargaining in the Potato Industry." (S. P. 466) (L. D. 1322)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-138)

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

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Include Services Performed by Chiropractors Under all Health Insurance Policies and Health Care

Contracts which Pay Benefits for Those Procedures if Performed by a Physician. (S.P. 329) (L.D. 959)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-136).

Signed:
Senator:

CLARK of Cumberland

Representatives:

BRANNIGAN of Portland
FITZGERALD of Waterville
GWADOSKY of Fairfield
MARTIN of Van Buren
RACINE of Biddeford
GAVETT of Orono
POULIOT of Lewiston
PERKINS of Brooksville
TELOW of Lewiston

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

Signed:
Senators:

SUTTON of Oxford
SEWALL of Lincoln

Representative:

JACKSON of Yarmouth

Which Reports were Read.

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

Senator SUTTON: I move the Senate Accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Oxford, Senator Sutton, 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: Mr. President, Men and Women of the Senate obviously I'm standing here before you this morning as the sole signer of the Ought to Pass, as amended, Report of LD 959 from the Joint Standing Committee on Business Legislation.

I would hope that we would defeat the pending motion which has been tended by our fine Chair of that Committee, so that we can Accept the Ought to Pass, as amended, Report.

L. D. 959, with a Committee Amendment, simply requires that health insured groups of 10 or more, rather than 50 or more, be offered the option to purchase coverage for chiropractic service. This Chamber, in a previous Legislature, immediately past, did amend that provision to include groups of 50 or more. It was the majority opinion of the Committee on Business Legislation that 50 or more present a barrier to these kinds of services for those who choose the services of a chiropractor rather than a member of the more established health services community.

I would hope that we would defeat the pending motion this morning.

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

Senator SUTTON: Thank you, Mr. President. Ladies and Gentlemen of the Senate, there is probably no one I have more respect for in the Senate than my good colleague from Cumberland, Senator Clark, who serves so fine with us on our Committee.

This is a little bit more than meets the eye. There is a reason for mandating that some types of insurance not be allowed for smaller groups. It's a very simple reason. The smaller the group, the more selectively the group may choose various items of insurance. Of course, if they choose it, they're going to be choosing it because they expect to use it more. We're going to see a rise in the cost of insurance.

I would simply ask you to leave the law the way it is now, and not change it to a smaller group, because the ones that are going to choose it in these groups of 10 or more are the ones who are going to be using the facilities the most in an area where health containment isn't always the prime reason for using them. I

would suggest that the costs of medicine are going up. I would ask you not to support this piece of legislation.

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

Senator HICHENS: Mr. President, I rise in opposition to the motion to Accept the Ought Not to Pass Report. As the good Senator from Cumberland, Mrs. Clark, has stated, this Bill was before us before, and then was amended to include groups of 50 or more, which definitely is a barrier. I don't even like the amendment that makes it 10. I think individual applications should be accepted.

I believe that a person has the right to go for treatment wherever they want to go, whether it's to a physician, an osteopath, or a chiropractor, and have the same rights for insurance on all three, as they do for just the physicians and the osteopaths.

Ten years ago, I fought just as hard to give the osteopaths recognition as far as insurance was concerned, and was met with a lot of opposition by people who just wanted the physicians to have that right. Now the osteopaths and the physicians are fighting against letting the chiropractors have insurance coverage or people who use chiropractic medicine.

I have faith in the chiropractors. I probably would be going around sort of hunchbacked today if it wasn't for the chiropractic surgery, not surgery, treatment, that I have had. I wouldn't even be here today if it wasn't for an osteopathic physician, which might have been agreeable to some of the people in the Legislature, or around the halls of the State House. Nevertheless, I am here. I am able to walk straight because of an osteopathic physician and a chiropractic doctor.

I believe that we should have the same rights for insurance coverage with the chiropractic medicine as we do with the others. I hope that you will vote against the motion.

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 Oxford, Senator Sutton, that the Senate Accept the Minority Ought Not 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.

7 Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion to Accept the Minority Ought Not to Pass Report does not prevail.

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

Divided Report

The Majority of the Committee on State Government on, Joint Resolution to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress. (S. P. 230) (L. D. 617)

Reported that the same Ought to be Adopted.

Signed:

Representatives:
VIOLETTE of Aroostook

Representatives:
KANY of Waterville
LISNIK of Presque Isle
DIAMOND of Bangor
MASTERTON of Cape Elizabeth
MCGOWAN of Pittsfield
SMALL of Bath
PARADIS of Augusta

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

Signed:

Senators:
AULT of Kennebec

GILL of Cumberland
Representatives:
WEBSTER of Farmington
BELL of Paris
DILLENBACK of Cumberland

Which Reports were Read.

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

Senator TROTZKY: Mr. President, I move Acceptance of the Majority Ought to be Adopted Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves that the Senate Accept the Majority Ought to be Adopted Report of the committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichen.

Senator HICHENS: I ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, this is a Bill which would allow Maine to ratify an Amendment to the Constitution of the United States to provide for full representation, voting representation, in the Congress for the District of Columbia.

The District of Columbia has approximately 650,000 people, which is more than seven states. The people in the District of Columbia pay taxes, income taxes. In the District of Columbia, 237 people were killed in Vietnam, which was more than that in eleven states in defending this country.

When the Federal Constitution was written, the District of Columbia did not exist. Today, in terms of representation in Congress, it's an anachronism that defies justice. It denies one of the most basic and cherished rights. That's representative government. It denies the right of taxation without representation.

This Senate, I'm proud to say, is a Republican Senate. If one looks over there on the wall, one sees one of the founders of our party, former President of the United States, one of the finest Presidents of the United States, Abraham Lincoln. This morning I went down to the Law Library and tried to take a look at what Lincoln might have said if he were standing in this Legislature today. I'd like to read some quotes from him: "No man is good enough to govern another without the other's consent." That was a speech he made in Peoria, Illinois in 1854.

Another quote in a speech he made in Edwardsville, Illinois, in 1858, "What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling seacoasts, our army and navy. These are not our alliance against tyranny. All of those may be turned against us without making us weaker for the struggle. Our alliance is in the love of liberty, which God has planted in us." Liberty means justice. It means justice, by the way, this is my language, for all citizens.

In his first inaugural address, the founder of the Republican Party stated: "If by the mere force of numbers, a majority should deprive a minority of any clearly written Constitutional Right, it might, in a moral point-of-view, justify a revolution. Certainly it would if such a right were a vital one."

In his Gettysburg address, he states in the beginning: "Four score and seven years ago, our fathers brought forth to this continent a new nation conceived in liberty, dedicated to the proposition that all men are created equal."

This is a country of the people. There are 650,000 people in Washington D.C. who have no representative and no full voting representation in Congress. They have all the burdens and the responsibilities of full citizenship that we have. Therefore, they should have those basic rights.

I feel that this is a principle of both parties.

In fact, both party platforms in 1976 backed this Amendment. Even conservatives, for example, like Barry Goldwater, and I'll just quote from him: "We urge your support for this fundamental principal of justice for the citizens of the nation's capitol." This was a conservative Republican. We have a lot of new conservatives running around today, but this was basically the conservative in the Republican Party.

Some will say, why don't we retrocede? The arguments against this ratifying this amendment are, why don't we retrocede Washington to Maryland? Well, first of all, Maryland has ratified this amendment already. Secondly, probably the Legislature of Maryland will vote against taking the 650,000 people in Washington into Maryland for representation purposes.

If we look back at the Constitution of the United States, at one time, there were many people in this country who didn't have voting rights. The 15th Amendment extends, well let's go back to the colonies. There were only 13 states originally. We've kept adding and adding states. I don't think it's hurt the State of Maine in adding states. It only made for a stronger country.

In our Amendment to the Constitution, in the 15th Amendment, Universal Male Suffrage. The 17th Amendment, Popular Election of Senators. The 19th Amendment, Women Suffrage. On and on it goes, extending suffrage, extending justice to all people in this country.

There is an argument that will be made that Puerto Rico, Virgin Islands, Guam, that these will be the next people to get United States Senators. There's a difference between Washington, D.C. and these territories or commonwealths. The District of Columbia, first of all, is not a commonwealth like Puerto Rico. The people of Puerto Rico do not pay federal income taxes. The people of the District of Columbia do. The men of Puerto Rico have not been subject to the military draft. The citizens of Washington, D.C. do, 237 of them died fighting in Vietnam. The people of Puerto Rico have voted for commonwealth status. They chose that, whereas the citizens of Washington, D.C. do not have that choice. They bear the full responsibilities of citizenship.

Therefore, I hope, there will be another argument made, for example, that, well you have a lot of federal employees in Washington, D.C. That's not a basic issue. Federal employees have the right to vote as well as state employees. Everybody has a right to vote. Only 4 percent of our federal civilian employee work force lives in Washington, D.C. That's about a third of the people in Washington, D.C. Still, they have the right, as everyone else does, to vote.

So anyway, then there's another argument which might be made, and that's, well, the chances are if Washington gets full representation in Congress you're going to have two Democratic Senators. They might have two Democratic Senators, but, the first time around, but you might have six years later two Republican Senators. In fact, when I first entered politics in the State of Maine, we had two Democratic Senators up in this Republican State. We're switching back slowly.

Anyway, I would hope that the Senate in Maine here would look at that concept of justice for all citizens in our country. These are full citizens. I hope we would Pass this Resolution.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Just a parliamentary inquiry. Could you tell me how this piece of legislation passes through this Legislature? Does it come back for Enactment, etc., etc.?

The PRESIDENT: The Chair would advise the Senator in the negative. If this Resolution is Adopted here this morning, it will be the last

that the Senate will see of it.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, I am extremely proud to be a co-sponsor of this Resolution with the good Senator from Penobscot, Senator Trotzky. I think what we should keep in mind is that this Resolution was passed two-thirds of both Houses in Congress, and had been now sent out to the states for ratification.

I firmly believe that to deny 650,000 Americans a basic civil right, the right to have a voice in government, that makes decisions for them, is a gross injustice. For 161 years, the citizens of the District of Columbia have been denied such a right. The continued denial of representation to District residents defies the very fundamental principle upon which this country was founded, that of no taxation without representation. How can the integrity of this American principle proceed when there are Americans who, each year, pay over \$1.4 billion in federal taxes, yet have no voice as to how this money is spent? If this figure were calculated on a per capita basis, each resident pays between \$500 to \$2000 above the national average, or 11.7 percent of their income. Only one other state, Alaska, has a higher average. May I also point out that this \$1.4 billion paid in federal taxes is greater than taxes paid by eleven states.

I do not believe it was a conscious decision of the founding fathers of this nation, the framers of our Constitution, to deny the residents of the District of Columbia their full political rights.

The purpose of Article 1, section 8, Clause 17 of the Constitution, which gave Congress the authority for exclusive legislation over the Federal District, was not to disenfranchise D.C. citizens, but to avoid the necessity of our national government relying on a state government for protection. The omission of the word "state" in this Article was not premeditated for the specific purpose of excluding representation from areas that were not states, after all, since the Constitution was adopted, 37 new states have joined the original 13 from this union. All these new states enjoy the basic right of equal and fair representation in Congress. This Amendment will not alter the original intent of not having our federal government dependent upon a state government. The District is not asking for statehood. The people merely want a voting voice to represent their interests.

On many matters, Congress and the Supreme Court regard the District as a state. In 1820, the Supreme Court decided the federal government had the right to collect taxes, even though the Constitution declares direct taxes may be apportioned among the states. In 1889, the Supreme Court ruled boundaries. Constitutional language permits Congress to regulate commerce among the states. The 6th Amendment speaks of an impartial jury of the state, yet D.C. citizens are also granted jury trials. The 23rd Amendment gave D.C. the privilege of voting for the President and the Vice President, although the Constitution specifies electors for these offices are appointed by the states. What about the well-worn phrase that is included in nearly every federal statute? I quote, "for the purpose of this legislation, the term state shall include the District of Columbia".

How can we justify this double standard? Should we decree the District as a state only when it's convenient, or suits our purposes? No, I suggest we must be consistent.

The time has come to liberate the people of America's last colony, the colony of the District of Columbia, from the stigma of second class citizenship. I would urge the Senate to Adopt this Resolution.

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

Senator HICHENS: Mr. President and Mem-

bers of the Senate, the City of Washington represents only three-tenths of one percent of the United States population. Thirty percent of its residents are federal employees. Nearly half of its total budget is supported by federal funds. Does it really make sense to grant the full representative benefits of statehood, including two Senators and House members to a single city, which in no way resembles any existing state in makeup or structure?

Furthermore, is it right that a single city be given equal status with the 50 states in ratifying amendments to the Constitution? How would the city handle the process of rectification? The proposed Amendment doesn't specify, but conceivably the city council would act as state legislators not do. That's a big flaw.

Finally, if Washington is to be treated as a separate state, as far as Congressional representation is concerned, why should Congress retain veto control over the city municipal affairs, as it would under this Amendment? A far better way of handling the voting rights problems would be to retrocede all but the capitol area of the District to Maryland, it's original owner. Thus making Washingtonians citizens of that state. The good Senator from Penobscot said, Maryland doesn't want them. Well Maryland had them once, and Maryland could take them back. They would then enjoy the full benefits of any city voting for Senators or Representatives, as well as elected state officers, and at the same time, take complete charge of their own municipal affairs.

I firmly believe that the citizens of Washington, or any others place in the United States, deserve to get the same voting rights as other Americans, but this Constitutional Amendment doesn't give them that right.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, first let me state that sufficient material has been distributed to the Members of this Senate, as to the Members of the Legislature. I first want to express my grateful thanks to the League of Women Voters for everything they've done in this particular piece of legislation. It was very comprehensive. It has many compelling arguments on both sides of the issue, which basically substantiates the views that are expressed by the League of Women Voters, as well as, I would say, several telephone calls from Maryland, Virginia, Washington, and other states, New Jersey, also, to me relevant to this particular piece of legislation.

You know, I was leaning very strongly towards going along with this piece of legislation this morning until the good Senator from Penobscot, Senator Trotzky, pointed out on the wall President Abraham Lincoln. It brought back many fond childhood memories of my in-depth evaluation of politicians at the time, and what I placed them on a very high pedestal. As I worked through the years, and through high school and college, I started to have a different perspective of politicians. What really finalized this was I read an article in the Maine Sunday Telegram last Sunday, of the law partner of Abraham Lincoln, and it gave me a different perspective of the man that never told a lie. I would just bring your attention to that particular factor.

At this particular point, Mr. President and Members of the Senate, I still feel strongly that the District is a district until they are compelled to go to statehood, would be the only time I really could feel comfortable in endorsing them. If you look at the legislation itself, under Article 1, section 1, it specifies very clearly, the President, Vice President, Article 5 of this Constitutional District, constituting that seat of the government of the United States shall be treated as though it were a state. Ladies and Gentlemen of the Senate, it is not a state. I can not accept that particular

evaluation at the present time. If there's some other mechanism that can come forth, other than the explanation that's been given by the good Senator from Cumberland, and the good Senator from Penobscot, I have to have more compelling reasons to change my position.

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

Senator TROTZKY: Mr. President, Members of the Senate, I think we want to read very carefully what Section 1 says, "for purposes of representation in Congress," just for purposes of representation in Congress, it shall be treated as though it were a state. It does not make Washington, D. C. a state. All it says is for purposes of representation that the citizens in Washington, D. C. shall be able to have representation in both the House and the Senate, which makes laws that govern their lives as well as ours. So it does not make Washington D.C. a state.

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

Senator NAJARIAN: Mr. President, and Members of the Senate, I think sometime last year between November and December I received in the mail this little pamphlet, along with those little stickers to put on envelopes saying "Vote for the D. C. rectification". My son, my 15 year old son happened to pick this up while reading by the fireplace one day, he went through it, questions and answers. In the end he said to me, who can be against this? I said, well, wait and see, there will be some people who will be against simple justice. We see already that those who have signed the report and some of those who have spoken against it, there are in fact people who can be against this for very picky, esoteric reasons, which sound like they are giving a very thoughtful analysis for this proposal, and yet their motives, I suspect, are a lot more narrow and a lot more selfish.

Congress understood that this was a matter of simple justice when they ratified this by 289 to 127 and in the Senate it was ratified by 67 to 32, and all four of Maine's Congressional Delegation voted for it. Seven states so far have ratified it.

This whole debate reminds me of the same picky argument that we heard on the Equal Rights Amendment. I hope that this Senate will rise above that kind of tactic and support the amendment.

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

Senator PRAY: Mr. President, I would like to pose a question through the Chair to the Senator from Penobscot, Senator Trotzky, in reference to his response and remark to the Senator from Androscoggin, Senator Minkowsky. Could you tell me, Senator, what difference, there would be if this is passed, between Washington, D. C. and a state, what is there left in the program out of Washington if they are given representation in both the House and the Senate, would there be varying that from the State of Maine for example?

The PRESIDENT: The Senator from Penobscot, Senator Pray has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, first of all Congress, still I believe will be controlling a lot of the laws which might come from the Washington city council, because Washington will still be under the control of Congress. It is not going to be independent.

I think that the founding fathers recognized that the Federal conclave should not be in the control of any state but in the control of the Federal Government. So Congress still will control.

There was a question asked before by Senator Hichens and that is in relation to Section 2. In other words what section 2 says, "the exer-

cise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government and as shall be provided by congress." In other words Congress has the authority, under this Amendment to determine the rights and powers conferred by the Amendment that will be exercised. For example, Congress can decide to call a special convention in the District to draw up the Congressional District lines, also, the District of Columbia will be able to approve Constitutional Amendments. The Congress can decide how they will do that. It still leaves it in the power of Congress. If there is a vacancy for example, Congress could direct D. C.'s mayor, to make that replacement the same way, let's say that Governor Brennan chose to make a replacement for Senator, that he did. They are not a state, they are still under the control of congress in many ways.

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

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate, just very briefly, the good Senator from Cumberland, Senator, Najarian made an interesting point, I read that brochure and I found it rather compelling also.

I think that there is more to this than just being picky or simple. I think the question of whether the people of D. C. should be represented is certainly not questionable. They should be. But the simple answer is not to make them and give them statehood status. The simple answer is to put them into one of the states.

I have found in my short political career that there hasn't been very many things that our founding fathers did that didn't turn out to have some pretty good reasoning behind them. Although our late Congress decided that they were wrong, I still would suggest that our founding Congress were much righter than the people are today. I would like to suggest that this is not the way to solve this problem and I would urge you not to support it.

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

Senator AULT: Mr. President, I've listened to the arguments with interest, all of them. Naturally, some I agree with and some I don't. There's no question that if this is passed, it gives the District special classification and not on an equal basis with the State of Maine and other states, as a state.

They are subsidized by the Congress. The Congress is going to retain its power to veto any acts of the District. If the District ratifies a Constitutional Amendment, the Congress can override it, if they don't agree with it. There are a number of other questions such as that, that will not be answered.

If we give the District of Columbia special status, it might be to Puerto Rico's advantage to apply as a special district, then as a state. There are too many unanswered questions.

My main reason, though, and it's done selfishly, could well be I'd like to read something to you. It says: "Article 1 of the Constitution provides that no state, without its consent, shall be deprived of its equal suffrage in the Senate." The frame of the Constitution intended this to mean that only representatives of states would have votes in the Senate. This Article was placed in the Constitution to implement the great compromise, which reconciled the dispute in the Constitutional Convention over allocating power between the large and the small states.

One purpose of the clause is to guarantee that power in the Senate would never be allocated on the basis of population. Granting representation in the Senate, as though they were states, to cities with large population, clearly violates this interpretation.

I'm a member of the Maine State Senate, and I'm proud of it. Maine is a small state, with small representation in Washington, 2 Senators and 2 Congressmen. In addition to all the other

arguments that tell us that we should vote against this ratification, I think it detrimental to my State of Maine and it will certainly dilute our representation in Washington.

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

Senator TROTZKY: Mr. President and Members of the Senate, I just want to correct one thing that Senator Ault said, the people of Puerto Rico do not have the full responsibilities of citizenship. There is a difference. They do not pay taxes. They do not fight wars. They've chosen not to have the responsibility of citizenship.

We have basic principles in this country. There are many arguments here. If you look at what's the basic argument, no taxation without full representation, full representation. Originally my thought was, let them only have representation in the House, but the more I thought about it, and tried to overcome some of the prejudices you have, because we are a state, they're not a state. The real basic principle of this country is equal representation and full representation, not second class citizenship.

Yes, we may be somewhat diluting Maine's strength in the United States Senate, if 38 states ratify this. One thing in this country, justice has always made the United States a stronger country.

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

Senator AULT: I agree that the people should have representation, also. These people that live in the District have alternatives. They can become part of Maryland. They can become part of Virginia. I'd also like to ask the Senator from Penobscot, why haven't they applied for statehood, if they want representation in the Congress?

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

Senator TRAFTON: Thank you, Mr. President. Men and Women of the Senate, there have been several arguments raised this morning. I'd like to respond to a few of them. The Senator from Oxford, Senator Sutton, has told us that we should look to our past and rely on the wisdom of our founding fathers, which I think, in many instances, is a good thing to do. However, looking back on this particular instance, we see that the United States Capitol, the site of the United States Capitol was not even chosen until 1790, two years after the ratification of our Constitution. How could our founding fathers have envisioned that this problem would be facing us today in 1981, when the Constitution was in fact ratified before they even knew what the site of the Capitol would be? At the time, there were only approximately 14,000 individuals living in the area designated as the new capitol, too few perhaps, to warrant representation on their own.

We have heard from the Senator from Penobscot, however, that that is not the case now. Washington, D.C. is a thriving metropolitan area, with 635,000 people, more than many other states that we currently give full voting representation to. Although the growth of the District's population to these figures could not have been foreseen, the founders of our country, and the drafters of our Constitution, did indeed foresee the need for changes. If they had not foreseen the need for changes, they would not have provided for a very sound mechanism to make amendments in light of the changing eras in which we live. Today is another case where we should make an amendment.

I think Senator Najarian has so simply pointed out that this is a matter of simple justice. We are talking about voting rights for those people. Sometimes in the debate this morning, we've talked about the city, and I think we neglect to remember that these are individuals, almost three quarters of a million people who do not now have representation in Congress.

Someone has suggested that perhaps they

should become a state, perhaps they should join Maryland. I think we forget again, that the District of Columbia has a very unique character. Many of those people were born there, and raised there, and they consider themselves residents of the District. While it may be easy for us here in Maine to suggest that they should become a part of one of the adjoining states, I think this ruins the unique character of that area. Indeed, I think it ruins the District as envisioned by the framers of our Constitution, who specifically wanted a capitol that was independent of all the other states.

Senator Pray, the Senator from Penobscot, raised the question of full home rule. This Amendment in no way precludes future consideration of full home rule being given to the District of Columbia, however, that is a separate issue. The Home Rule Act of 1973 which granted partial home rule rights could certainly be amended in subsequent years to give a much fuller representation. That is an issue distinct from what we are voting on today. Today the issue is simple justice. Thank you.

Mr. President, I request when the vote is taken, it be taken by the yeas and nays.

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

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

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I would like to remind the Senate that this is an unusual vote, as the Chair has explained this is not a case where we have three or four different occasions to address the matter. This might be the only chance that the Senate would have. So that whatever our decision is, we ought to make it carefully and think of it as being a final vote. I hope that the Senate will vote "no".

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate Accept the Majority Ought to be Adopted Report of the Committee.

A Yes vote will be in favor of Adoption.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, McBreairey, Najarian, Pray, Trafton, Trotzky, Usher, Viollette, Wood.

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

ABSENT — None.

A Roll Call was had.

16 Senators having voted in the affirmative and 17 Senators in the negative, with no Senators being absent, the Joint Resolution, L. D. 617 Failed of Adoption.

(See Action Later Today.)

Second Readers

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

House

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

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

House — As Amended

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

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

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

Which was Read a Second Time.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I would like to direct a question through the Chair to any one on the Committee that dealt with this Bill. Whether this would apply to auctioneers, people who take in goods and hold them for a period of time and then have an auction, maybe two or three times a year, are they going to be required to keep this bound volume with the record of every single item of tangible personal property that comes into their possession pending the time that they would have an auction?

The PRESIDENT: The Senator from Penobscot, Senator Devoe has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, it has been a while since we have played with this thing. I think, the answer is yes, if you are a dealer and you are going to be dealing in used merchandise whether you are an auctioneer or not, the answer would be yes.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, Members of the Senate, before we vote on this, I would just like to ask you whether all of you, in casting your vote, think that it is necessary for all dealers in used property and I am thinking particularly of auctioneers. I happen to be an executor of an estate that is going to have an auction, and we have three or four rooms full of furniture, that an auctioneer will take into his possession some time in the next few weeks, and hold until some time late in June or July when he has an auction. I just wonder, and would like to pose the question to all of you, whether you think that this is a necessary law for us to have on the books?

If it is going to apply to auctioneers and it would seem to me that they might be dealers in used merchandise, then is this unduly burdening, a good many businessmen for no good reason?

Thank you very much, Mr. President.

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

Senator CLARK: Mr. President, Men and Women of the Senate, I would attempt in the same vain as the Chair of the Joint Standing Committee on Business Legislation, attempted, to provide some clarification to the concerns expressed by the good Senator from Penobscot, Senator Devoe, relative to the alleged undue burden on the auctioneers of the State of Maine, with reference particularly to maintaining bound books of records, bound record books, that would contain listings of those articles of used merchandise which they intend, whether tomorrow or next July to sell.

Unfortunately, I do not have the materials or my notes from the public hearing on this Bill before me, but I do remember that this Bill was introduced at the request of the law enforcement agencies, namely the Maine State Police, the State of Maine. In response to an area of obvious weakness relative to the enforcement of the current law, which requires dealers in used merchandise, which may or may not include auctioneers, if they are dealers of used merchandise, to keep records of the merchandise that they indeed sell.

The fact of the matter is, that they are currently required to do this, this simply says, that they are going to retain or maintain those records in a book that is accessible and predeter-

mined to the law enforcement officials of this State.

We all know that burglary, and trespass, breaking and entry is running a great increasing levels across the State. It is the dealers in used merchandise, who seem to be, according to the testimony that our Committee received, those agencies or points of resale. If we are going to talk about the burdens that maintaining records would have on small businesses, namely business which deal specifically in used merchandise, let's talk a little more specifically about the burden that is incurred by those people from whom merchandise and articles of value are stolen, and the difficulty of our law enforcement officials in tracking down those assets and, too frequently, finding that those articles of value have found their way to dealers of used merchandise across the State. Alas and alarm there are no specific receipts from the dealer of used merchandise to the person who brought the articles in.

Again, I remind you that current law requires that records be kept, the law is silent relative to the method in which the records be kept, and that is the intent of this measure is to make it specific, so that when law enforcement officials come in, to track down articles of value, which are "hot" so to speak, at least they will have access to a specific bound record book which should be kept on premise. Relative to the burden of auctioneers, historically, auctioneers have been, unfortunately, and the courts records will substantiate this, innocent or not so innocent victims or fences, if you will, of used merchandise. While I do not wish to burden auctioneers, I do think that any responsible person in business, dealing with used merchandise would indeed, yes indeed, maintain a specific listing, which probably could be developed through an assessment of an estate relative to this specific case, as illustrated by Senator Devoe; and then it would not be that burdensome. Certainly it would facilitate the full exercise of our law enforcement officials in the State.

Which was Passed to be Engrossed, in Concurrence.

Senate

Bill, "An Act to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals." (S. P. 582) (L. D. 1558)

Which was Read a Second Time.

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

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)

Bill, "An Act to Amend the Maine Human Rights Act." (S. P. 579) (L. D. 1555)

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

Sent down for concurrence.

Senate — Amended

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)

Bill, "An Act Relating to Pharmaceutical Services Provided at Rural Health Centers." (S.P. 411) L.D. 1215)

Bill, "An Act to Amend the Law Relating to Group and Blanket Health Insurance." (S. P. 360) (L. D. 1060)

Bill, "An Act to Provide a One month Grace Period for Expired Motor Vehicle Registration." (S.P. 356) (L.D. 1031)

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 Amend the Site Location Law. (H.P. 935) (L.D. 1105)

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

Emergency

AN ACT Relating to Seeking Work and Accepting Suitable work to be Eligible for Extended Unemployment Benefits. (H.P. 1190) (L.D. 1414)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, with No Senators having voted in the negative was, Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Senator HICHENS: Thank you, Mr. President.

The twenty-eighth of April means that May will soon be here

With all the trees in blossom and skies all blue and clear

The windows will be opened to let the fresh air in

And twill be hard to think aloud amidst the growing din

Of debate in both the branches at each end of the hall

As action on the many bills is taken once for all.

But e're we contemplate the end of the 110th First session and the 100 days that make of it its length,

Let's pause to greet a colleague and help him celebrate

Another Birthday on life's way — and let us contemplate that

This York County Senator is to the Senate new.

Who from the corridor's far end once had a different view

Of what transpired here — he's learned to fit into his place

And do the job elected to with candor and with grace.

Politics is nothing new to one who's changed to be

Born in the southern part of Maine in a political family.

His uncle served as sheriff of York County for awhile

Then moved up to a federal post — but didn't have long to smile

In that position for much time, a Republican replaced

Him and his name was suddenly erased.

His father very popular, serves very well as Mayor

In the York city — Biddeford, and with his son did share

A seat in the House, last session — though often they disagreed

On issues that they voted on — they strove to meet the need

Of all of their constituents and the one with us today

Gained for Himself a Senate seat — he may be on his way

To higher office; Time will tell but, this one fact we know

At 34 he has the chance his talent well to show

And on his birthday let us all in one accord assemble

To wish a Happy Birthday to our friend, Dennis Dutremble.

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

Senator Gill of Cumberland 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.

Orders of the Day

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

Bill, "An Act to Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution." (S. P. 427) (L. D. 1249)

Tabled—April 21, by Senator PIERCE of Kennebec.

Pending—Passage to be Engrossed.

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

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

JOINT ORDER — Relative to Recalling (H. P. 845) (L. D. 1011) Bill, "An Act to Implement Certain Costs Savings while the State Unemployment Compensation Fund Remains in Debt" from the Governor's Desk. (H. P. 1370)

Tabled—April 21, 1981 by Senator COLLINS of Knox

Pending—Passage

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, this matter having become moot, I move the Indefinite Postponement of the Order.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that HP 1370 be Indefinitely Postponed.

Is this the pleasure of the Senate?

It is a vote.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Education — Bill, "An Act Authorizing the Town of Lincolnville to Employ a Superintendent of Schools and Supervising Principal." (H. P. 167) (L. D. 191) MAJORITY REPORT — Ought to Pass as Amended by Committee Amendment "A" (H - 207); MINORITY REPORT — Ought Not to Pass.

Tabled—April 27, 1981 by Senator Collins of Knox.

Pending—Acceptance of Either Report.

On motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

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

SENATE REPORT — from the Committee on Agriculture — Bill, "An Act to Select Maine Potato Seed Board Personnel." (S. P. 409) (L. D. 1212) Leave to Withdraw.

Tabled—April 27, 1981 by Senator Collins of Knox.

Pending—Acceptance of the Report.

Which Report was Accepted.

Sent down for concurrence.

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

SENATE REPORTS — from the Committee on Election Laws — 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); MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass as Amended by Committee Amendment "A" (S - 132)

Tabled—April 27, 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

that the Senate Accept the Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now moves that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, is it proper at this time to move that this Bill and all its accompanying papers be Indefinitely Postponed?

The PRESIDENT: The Chair would advise in the affirmative.

Senator CONLEY: I would so move, Mr. President.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L. D. 363 and all of its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley to Indefinitely Postpone L. D. 363, please rise in their places to be counted.

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

15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Indefinitely Postpone does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Minority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Minority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the Minority Ought to Pass, as amended, Report of the Committee, Accepted. The Bill Read Once. Committee Amendment "A" was Read and Adopted.

On motion by Senator Conley of Cumberland, Under Suspension of the Rules, the Bill, as amended, given its Second Reading and Passed to be Engrossed.

On motion by Senator Conley of Cumberland, sent down forthwith for concurrence.

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

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

Tabled—April 27, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

The President laid before the Senate the seventh 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 27, 1981 by Senator Shute of Waldo.

Pending—Motion of Senator Trafton of Androscoggin to Reconsider whereby Bill and Papers were Indefinitely Postponed.

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

Senator DUTREMBLE: Mr. President, when this Bill was presented to the Committee,

we had all this information here to show why a bill like this should be passed. The Committee, after digesting a lot of this material and after listening to a long testimony voted 11 to 2 that this Bill should pass. There was a long testimony.

The two people who were opposed to this Bill originally were opposed to it because of the Commissioner. They didn't think that we should take the power away from the Commissioner. Whereby that didn't work they changed and now it's because of the magnificent creature the fish.

When I first got up here, the first time on this Bill, I got carried away. I told you there were a lot of things in here that weren't right. I can go through and tell you in every spot. Just sitting here this morning, I picked out seven spots. The testimony that was presented to you even yesterday contradicts itself from what was said in the minutes of the Regional Committee on striped bass.

Even in the communications between the Committee itself and the Commissioner, whereby the main regulations are stricter than what the regional people wanted. I just can't understand why Maine has been singled out.

They've opposed everything that I've said. I told you here at one point that they were waiting to see what Maine does. They are not going to do anything until Maine does something. They said it's not right. Yet it's right here in their own minutes. It's here in the minutes where they want a mandatory stamp act on the striped bass. It's here. Everything is right here. And the people on the Committee downstairs heard that. So I please ask you to go with the Majority Report of the Committee and do Reconsider this. Thank you.

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

Senator BROWN: Mr. President thank you. Ladies and Gentlemen of the Senate, I am a little hesitant here on the good Senator Dutremble's birthday to start to speak again on this issue, but I do want to remind you again we've gone from stipend bass to striped bass and I understand now we're at the stripers.

The good Senator Dutremble has talked about the hearings that were held and numerous other issues. I have here copies of the Journal Tribune dated January the 14th and January the 15th from the good Senator's own home town where he talks about the fishermen interviews on taking stripers. This one, "stripers friends" "angling for support", which supports the Commissioner's statements in terms of those hearings that were held.

There is an article in the April 19th New York Times, which was a Sunday issue, which was titled "Striper Bill Called Inadequate." That was written by the distinguished writer Nelson Bryant. He's talking there about the Legislation is pending in the New York Legislature at the present time to regulate the taking of stripers.

I'd like to also mention that there's another bill that's in the Committee right now, the Marine Resources Committee, which is to come along after this one, they didn't expect this one to get so far. There's another bill which will limit the size of the stripers. I understand the sponsor would have been very pleased to have that bill, and here we have this one. So I urge you let's finish once and for all on this particular Bill, the discussion of stripers, and defeat the issue to Reconsider it. Thank you, Mr. President.

(Off Record Remarks)

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I hope this will be the last time we discuss the steeper Bill this year. We've heard testimony about legislation pending in Maryland. We've heard testimony about

legislation in New York. You know those states have legislation pending every year, none is ever passed. Maryland hasn't cut down their commercial fishery, where all the stripers are, Chesapeake Bay area. We get ten percent of the stripers up here, yet Maryland, Virginia that area where all the stripers are there's no regulation on stripers nearly. I think they do have a 12 inch limit or 14 inch limit on the stripers, but they fish by gillnets, they take them commercially, they sell them commercially. It's the same in New York and Rhode Island. Why should the State of Maine, with what few stripers they get up here, put even more restrictive legislation on than those states that fish for stripers commercially. The State of Maine has gone a long ways in doing away with fishing for stripers commercially, and I think we have done our part.

Now, we talk about special interest legislation. That's what this is. We have two or three small groups of sport fishermen. That want restrictive measures put on stripers so that they can go out and catch 30, 40, 50, 60 fish and throw them back and then keep three. I think probably the 1000 signatures we had on petitions against the regulations, those people weren't anxious for these regulations. They far outnumbered the number of people that testified for the regulations. Of course, these were people that only get out to fish two or three times a year because they are working for a living. If they are lucky enough to have the weekend off, two out of three of those weekends it will rain so they won't go fishing. They might get fishing twice during the summer. They don't spend all summer out there fishing from a boat and casting with their Benson reel, Flueger rod and high water waders. ing with their Benson reel, Flueger rod and high water waders.

These people aren't asking too much from the people of this State for a resource we have here, and this fish isn't going to be extinct in a year, and I don't think there's any reason to think it would be. So I hope you would vote to Reconsider this.

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

Senator DUTREMBLE: I just have to clarify one thing here that the good Senator from Washington, Senator Brown said, that there was a second bill that came along later. The good Senator knows, both bills were presented at the same time, at the same hearing, on the very same afternoon. I don't know why he's saying that. It makes it sound like we're trying to pull something here. It was presented the very same afternoon.

The second bill goes for a 16 inch limit, and the reason for that, very clearly was that the people who were opposed to regulations, at that time wanted to compromise 16 inches to go along with the other states. We presented that at the hearing, but the people who were opposed to the bills, the bills as they are, said that 16 inches is no good. They'd rather not have the bill. Which is why the Committee went with this bill rather than the other one, and that is clearly what happened in the Committee.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion of the Senator from Androscoggin, Senator Trafton, that the Senate Reconsider its action whereby this Bill and its accompanying papers were Indefinitely Postponed, please rise in their places to be counted.

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

Senator SHUTE: I request a Roll Call please.

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 Androscoggin, Senator Trafton, that the Senate Reconsider its action whereby L. D. 1088 and its accompanying papers were Indefinitely Postponed.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

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

ROLL CALL

YEA — Ault, Carpenter, Dutremble, Gill, Hichens, Kerry, McBreairey, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Usher, Wood.

NAY — Brown, Bustin, Charette, Clark, Collins, Conley, Devoe, Emerson, Huber, Minkowsky, Najarian, Sewall, C.; Trafton, Trozky.

ABSENT — Violette.

A Roll Call was had.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 1 Senator being absent, the motion to Reconsider does prevail.

The PRESIDENT: The pending question is Enactment.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President, is it proper to ask for a Division on that issue?

The PRESIDENT: It is proper to ask for either a Division or a Roll Call.

Senator BROWN: For a Division on Enactment.

The PRESIDENT: The Chair would answer in the affirmative.

A Division has been requested.

Will all those Senators in favor of Enactment of L. D. 1088, please rise in their places to be counted.

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

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, L. D. 1088 Failed of Enactment.

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

Senator SHUTE: Is it proper to move Reconsideration at this time?

The PRESIDENT: I advise the Senator from Waldo, Senator Shute, that any Senator that is on the prevailing side, which in this instance is the negative side on this issue, can request a Reconsideration since it was a tie vote.

Sent down for concurrence.

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

Paper From The House Non-concurrent Matter

Joint Order relative to the Committee on Fisheries and Wildlife out a Bill. (H.P. 1388)

In the House, April 28, 1981, Read and Passed.

In the Senate, April 28, 1981, Failed of Passage, in non-concurrence.

Comes from the House, that Body Having Insisted.

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

Senator WOOD: A parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Senator WOOD: Before a Joint Committee can report out a bill does it have to have the positive response of both Bodies?

The PRESIDENT: The Chair would answer the Senator in the affirmative. It would have to be a joint affirmative action from both Branches.

Senator WOOD: We have a LD number 1565 which is reported from the Joint Standing Committee on Fisheries and Wildlife, and we have

not taken any action. How can this Bill be before us?

The PRESIDENT: The Chair would advise the Senator that action was taken by the other Body, and he would better pose his question to those in authority down there.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I move we Adhere, and I think they will get the message.

The PRESIDENT: The Senator from York, Senator Wood, moves that the Senator Adhere.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, I request a Division. I move we Recede and Concur with the House.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending the motion by the Senator from Somerset, Senator Redmond.

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

Senator AULT: Mr. President, having voted on the prevailing side whereby L. D. 617 Failed of Adoption, I move Reconsideration and urge you to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Ault moves that the Senate Reconsider its action whereby a Joint Resolution to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress. (S. P. 230) (L. D. 617) Failed of Adoption.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that L. D. 617 be Tabled 1 Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: 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 pending question before the Senate is the motion by the Senator from Kennebec, Senator Ault that the Senate Reconsider its action whereby L. D. 617 Failed of Adoption.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: A point of order, Mr. President. Is the pending motion Tabling 1 Legislative Day, pending Reconsideration?

The PRESIDENT: The Chair was in error. The Senator is correct. The pending question before the Senate is the motion to Table L. D. 617 for 1 Legislative Day.

A Yes vote will be in favor of Tabling for 1 Legislative Day.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT — None.

A Roll Call was had.

16 Senators having voted in the affirmative and 16 Senators in the negative, with no Senators being absent, the motion to Tabled for 1 Legislative Day does not prevail.

Is it now the pleasure of the Senate to Reconsider its action whereby this Resolution Failed of Adoption.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, a parliamentary inquiry. If the Senate fails to vote to Reconsider whereby this measure failed, is it correct that the proposal will not come back?

The PRESIDENT: The Chair would answer in the negative. It might come back in non-concurrence, which the Chair would suggest is highly probable.

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 Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, this issue, I believe, most of your constituents, don't care that strongly about one way or another, I think. There are issues that probably they do care about which affect them very directly such as maybe highway funding and other issues. This is a moral issue. It's an issue of the principles this country stands for.

You received a letter the other day from the League of Women Voters which gives you the organizations which are endorsing this measure. It cuts across lines all over the place. You have the Catholic Archdiocese in Washington, the Episcopal Church, the National Conference of Christian Jews, the United Methodist Church, Board, Church, and Society, the United Presbyterian Church. There are business groups endorsing it, the United States Jaycees, the Democratic Committee, the AFL-CIO. It's a moral issue and I think it deserves some kind of reconsideration here.

I hope the Senate would vote to Reconsider.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Reconsideration of L. D. 617.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, Pray, Trafton, Trotzky, Usher, Violette, Wood.

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

ABSENT — None.

A Roll Call was had.

15 Senators having voted in the affirmative and 18 Senators in the negative, with no Senators being absent, the motion to Reconsider does not prevail.

Sent down for concurrence.

There being no objections all items previously acted upon were sent forthwith.

Senator Bustin of Kennebec was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Recessed until 5:00 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

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 Provide Optional Local Funding of the State Retirement System Membership by School Administrative Units and to Allow Out-of-State Service Credits to Those Units." (H. P. 1385) (L. D. 1562)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Which was referred to the Committee on Aging, Retirement, and Veterans and Ordered Printed, in concurrence.

RESOLVE, Reimbursing the Town of Madison under the Maine Tree Growth Tax Law. (H. P. 1386) (L. D. 1563)

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (H. P. 1387) (L. D. 1564) (Emergency)

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

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

Enactors

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

Emergency

AN ACT to Implement Certain Costs Savings While the State's Unemployment Compensation Fund Remains in Debt. (H. P. 1381) (L. D. 1560)

Emergency

AN ACT to Increase the Fees of the Bureau of Insurance. (S. P. 210) (L. D. 575)

These being emergency measures and having received the affirmative votes of 24 Members of the Senate, with No Senators voting in the negative, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Papers from the House Joint Orders

Expressions of legislative sentiment recognizing:

Bob Benson and Glenn Picher of Winthrop High School, Debate Team winners of the State Debating Championship for 1981. (H. P. 1390)

Scott Bailey Patterson, son of Mr. and Mrs. Chauncy Patterson of Sherman Station, recipient of a certificate of commendation while serving on the USS Guitarro SSN. (H. P. 1393)

Steve Martin of Bangor, who was named 1980 Maine Sports-caster of the Year by the National Association of Sportswriters and Sportscasters. (H. P. 1394)

Speech and debating coach Dan Bruneau of Winthrop High School, for an outstanding season during 1981. (H. P. 1392)

Kathi Richardson of Winthrop High School, winner of the girls' state title for Extemporaneous Speaking for 1981. (H. P. 1391)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Papers from the House
House
Leave to Withdraw**

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Require Disclosure of Contributions to a Retirement Account upon Request." (H. P. 1147) (L. D. 1396)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act Concerning Injuries to In-plant Truck Operators under the Workers' Compensation Act." (H. P. 982) (L. D. 1170)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Frequency with which Items can be Proposed by the Initiative Procedure. (H. P. 825) (L. D. 981)

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 Business Legislation on, Bill, "An Act to Amend the Law Prohibiting Law Enforcement Officers from Soliciting Funds." (H. P. 938) (L. D. 1108)

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

The Committee on Business Legislation on, Bill, "An Act to Regulate Entrance Fees Charged by Mobile Home Parks." (H. P. 779) (L. D. 924)

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.

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

Senator HICHENS: I move that this be Tabled for 1 Legislative Day.

The PRESIDENT: The Senator from York, Senator Hichens, moves that L. D. 924 be Tabled for 1 Legislative Day.

Would the Senator defer his motion until we have read the Bill and the motion would then be in order on its assignment for second reading, prior to that assignment?

The Chair understands that the Senator from York, Senator Hichens requests leave of the Senate to Withdraw his motion to Table at this time.

Is this the pleasure of the Senate?
It is a vote.

The Bill Read Once.

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

Senator CONLEY: A Point of Inquiry.

The PRESIDENT: The Senator may state his inquiry.

Senator CONLEY: How long is this being Tabled for?

The PRESIDENT: For 1 Legislative Day.

Senator CONLEY: Thank you, Sir.

On motion by Senator Hichens of York, Tabled for 1 Legislative Day, pending Assignment for Second Reading.

The Committee on Legal Affairs on, Bill, "An Act to Amend the Northern Maine General Hospital Charter." (H. P. 1338) (L. D. 1533)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act Concerning Qualifications of Law Enforcement Officials." (H. P. 1125) (L. D. 1342)

Reported that the same Ought to Pass.

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1981. (Emergency) (H. P. 1380) (L. D. 1557)

Reported pursuant to Joint Order (H. P. 264) that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence.

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

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Promote Greater Efficiency through Alternative Working Hours in State Government." (H. P. 578) (L. D. 658)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1375) (L. D. 1556)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Election Laws on, Bill, "An Act to Permit Additional Polling Places in Municipalities with Large Fluctuations in Voter Turnout." (H. P. 169) (L. D. 222)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 230).

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

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Transport of State Prisoners in Knox County." (H. P. 1152) (L. D. 1373)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 239).

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

The Committee on Health and Institutional Services on, Bill, "An Act Concerning the Payment of Burial Expense for Certain State Wards." (H. P. 1008) (L. D. 1204)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 240)

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

The Committee on Judiciary on, Bill, "An Act Concerning Criminal Trespass by Motor Vehicle." (H. P. 563) (L. D. 639)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 232).

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

The Committee on Judiciary on, Bill, "An Act to Define Force Under the Sex Offense Provisions of the Criminal Code." (H. P. 873) (L. D. 1042)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 231).

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

The Committee on Judiciary on, Bill, "An Act to Prohibit the Sale and Use of Drug Paraphernalia." (H. P. 67) (L. D. 104)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (H. 233).

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

The Committee on Legal Affairs on, RESOLVE, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine. (H. P. 286) (L. D. 333)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 237).

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

The Committee on Legal Affairs on, Bill, "An Act to the Sale of Alcoholic Beverages on Vessels." (H. P. 1274) (L. D. 1489)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 238).

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

Which Reports were Read and Accepted, in concurrence. The Bills and Resolve Read Once. Committee Amendment "A" Read and Adopted, in concurrence. The Bills and Resolve Tomorrow Assigned for Second Reading.

The Committee on Legal Affairs on, Bill, "An Act to Establish an R.B. Hall Day to Honor and Commemorate a Great Maine Composer." (H. P. 1093) (L. D. 1290)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 234).

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

Which Report was Read.

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

Senator TRAFTON: Mr. President, Men and Women of the Senate, I realize that the Hour is late, but this strikes me as something that we should have some explanation of before we Accept the Ought Not to Pass Report. I would hope that the Chairman of the Committee would give us that explanation.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, has posed a question through the Chair to any member of the Legal Affairs Committee who may care to answer.

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

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Permit Knox County to Withdraw from the Maine State Retirement System." (H. P. 487) (L. D. 539)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 128).

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

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

Senate

Leave to Withdraw

Senator CLARK for the Committee on Education on, Bill, "An Act Relating to the Time of Evaluation of Special Education Students under the Education Laws." (S. P. 512) (L. D. 1435)

Reported that the same be granted Leave to Withdraw.

Bill, "An Act Concerning Gypsy Moth Suppression." (S. P. 486) (L. D. 1388)

Reported that the same be granted Leave to Withdraw.

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act Concerning the Liability of Land Owners for Recreational or Harvesting Activities on their Land." (S. P. 336) (L. D. 964)

Reported that the same be granted Leave to Withdraw.

Senator VIOLETTE for the Committee on State Government on, Bill, "An Act to Amend the Personal Law as it Relates to Certain Policy-making Positions." (S. P. 375) (L. D. 1117)

Reported that the same be granted Leave to Withdraw.

Senator AULT for the Committee on State Government on, Bill, "An Act Concerning State Contracts for Firms Violating the Maine Human Rights Act." (S. P. 404) (L. D. 1209)

Reported that the same be granted Leave to Withdraw.

Senator TEAGUE for the Committee on Taxation on, Bill, "An Act to Encourage the Operation of Vending Facilities in Private Buildings by the Blind." (S. P. 65) (L. D. 92)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass

Senator O'LEARY for the Committee on Energy and Natural Resources on, Bill, "An Act to Prohibit the Sale and Promotion of Halogenated Hydrocarbons as Septic Tank Cleaners." (S. P. 452) (L. D. 1298)

Reported that the same Ought to Pass.

Senator O'LEARY for the Committee on Energy and Natural Resources on, Bill, "An Act to Appropriate Funds to the Maine Geological Survey for Ground Water Aquifer Mapping." (S. P. 453) (L. D. 1299)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Senator SHUTE for the Committee on Legal Affairs, RESOLVE, to Reimburse John W. Churchill of Presque Isle for Property Loss Suffered by John W. Churchill Because of Acts by a Ward of the State. (S. P. 543) (L. D. 1514)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-140).

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Support of Regional Library Systems." (S. P. 308) (L. D. 864)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-141).

Senator AULT for the Committee on State Government on, Bill, "An Act to Increase the Number of Signatures Required to Initiate Rule-making Proceedings under the Maine Administrative Procedure Act." (S. P. 522) (L. D. 1452)

Reported that that same Ought to Pass as amended by Committee Amendment "A" (S-142).

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

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