

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 3, 1980 to May 1, 1981**

KJ PRINTING  
AUGUSTA, MAINE

STATE OF MAINE  
One Hundred and Tenth Legislature  
First Regular Session  
JOURNAL OF THE SENATE  
April 29, 1981  
Senate called to order by the President.

Prayer by Captain Charles Brant of the Salvation Army in Augusta.

**CAPTAIN BRANT:** Let us pray. Our Father God, we thank You again for the opportunity to meet in this Chamber and to again have the privilege in this country to discuss the issues before us and to make the laws which govern our people. We thank You, Father, for this free choice that we have. We pray now that You will lead each one of us in guiding what we say and what we do, that we may realize that it will be done for the betterment of all mankind in our State and in our Country.

I pray now Father God, that You will bless these that have been chosen to represent the people of our State, that You will help them and guide them today in the issues before them that, indeed, they may truly represent all of their voters, that they may represent all of the people who have chosen them today. Bless them, I pray, in Jesus' name. Amen.

Reading of the Journal of yesterday.

**Papers from the House  
Non-concurrent Matter**

Bill, "An Act to Permit Free Licenses to Trap Fur-Bearing Animals to Persons 70 Years of Age and Older." (H. P. 772) (L. D. 917)

In the House, April 21, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (H-211).

In the Senate, April 27, 1981, Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

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

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

The **PRESIDENT:** The Senator from York, Senator Hichens, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

**Non-concurrent Matter**

Bill, "An Act to Limit the Storage of Spent Fuel at Nuclear Reactors." (H. P. 1007) (L. D. 1203)

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

In the Senate, April 16, 1981, Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator **COLLINS:** Mr. President, I move the Senate Adhere.

The **PRESIDENT:** The Senator from Knox, Senator Collins, moves that the Senate Adhere.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Mr. President, I would oppose that motion and further move that the Senate Recede and Concur.

As you folks all undoubtedly remember, last week we debated this Bill at some length. This is the Bill that would attempt to have the State take back possession of its rightful place, if you will, in determining how much nuclear fuel, spent fuel, may be stored at Wiscasset.

I've heard a lot of arguments about this Bill flying in the face of the referendum last fall. I think if you will dig out L.D. 1203, you will see that, in fact, it does not interfere with the will of the voters last fall.

If you want to talk about that sort of thing,

you might note that Maine Yankee, Central Maine Power Company, had a request in to the Nuclear Regulatory Commission for a small increase in storage capacity until the referendum. Three days after the referendum, they then put in a much larger request for much more storage of spent fuel. If you want to talk about keeping faith with the voters, it washes both ways.

I would hope that you would vote this morning to Recede and Concur, and send the message to Washington that we talked about here last week, that the State of Maine is ready, willing, and able to take control over its own destiny, when it comes to determining how much of this highly radioactive material will be stored at the plant in Wiscasset.

Mr. President, I would request when the vote is taken, it is taken with the Yeas and Nays.

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

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

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

The pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur with the House.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEA**—Bustin, Carpenter, Charette, Clark, Conley, Kerry, Najarian, Pray, Trafton, Usher, Wood.

**NAY**—Ault, Brown, Collins, Devoe, Gill, Hichens, Huber, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Violette.

**ABSENT**—Dutremble, Emerson.

A Roll Call was had.

11 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators being absent, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator **COLLINS:** Having voted on the prevailing side, I move Reconsideration and I would urge the Senate to vote against my motion.

The **PRESIDENT:** The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate Reconsider its action whereby it voted to Adhere.

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

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

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

**Non-concurrent Matter**

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

In the Senate, April 28, 1981, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-130)

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

On motion by Senator Huber of Cumberland, Tabled for 2 Legislative Days, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act Creating a Student Seat on the

University of Maine Board of Trustees". (H. P. 836) (L. D. 1002)

In the House, April 21, 1981, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-206).

In the Senate, April 27, 1981, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Senator **TROTZKY:** I move the Senate Adhere.

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

Senator **CLARK:** Mr. President, I move that the Senate Recede and Concur.

The **PRESIDENT:** Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** 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 Cumberland, Senator Clark, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur.

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, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

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

**ABSENT**—None.

A Roll Call was had.

15 Senators having voted in the affirmative and 17 Senators in the negative, with No Senators being absent, the motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

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

Senator **PIERCE:** I move Reconsideration.

The **PRESIDENT:** The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce, that the Senate Reconsider its action whereby it voted to Adhere.

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

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

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

**Communication**

**Department of Transportation**

April 29, 1981

To the Honorable Senate and House of Representatives of the 110th Legislature

In response to a Resolve of the 109th Legislature (L. D. 1128), the Maine Department of Transportation has completed a study of the feasibility to provide additional river crossing capability across the Kennebec River between the City of Bath and Town of Woolwich.

A copy of the report has been transmitted to the leadership of both Houses, the Joint Stand-

ing Committee on Transportation, and Cosponsors of the bill. Additional copies of the study are available, upon request, from the Bureau of Planning, Tel. 289-3131.

Sincerely,  
S/GEORGE N. CAMPBELL, JR.  
Commissioner of Transportation

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

#### Orders

Expressions of Legislative Sentiment recognizing:

Macee Turcotte, of Durham Elementary School, winner of the 1981 Androscoggin County spelling bee championship. (S. P. 585) presented by Senator CLARK of Cumberland (Cosponsor: Representative HAYDEN of Durham).

Thomas S. Squiers of Hallowell, upon his retirement May 29, 1981, as Director of the State Tax Division of the Bureau of Taxation, after over 35 years of outstanding public service. (S. P. 586) presented by Senator TEAGUE of Somerset (Cosponsors: Senator BUSTIN of Kennebec, Representative POST of Owls Head and Representative REEVES of Pittston).

Which were Read and Passed.

Sent down for concurrence.

#### Committee Reports

##### House

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

Bill, "An Act to Amend the Campaign Reporting Law." (H. P. 1149) (L. D. 1371)

Bill, "An Act to Insure the Establishment of Clear Standards by the Commission on Governmental Ethics and Election Practices and to Amend the Penalty Provisions for Late Filing." (H. P. 856) (L. D. 1019)

Bill, "An Act Relating to Class Size in Elementary Grades 1-3." (H. P. 243) (L. D. 277)

Bill, "An Act to Abolish the Office of Energy Resources." (H. P. 1134) (L. D. 1332)

##### Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Protect Works of Art." (H. P. 493) (L. D. 545)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act Concerning Disposal of Material by Certain Waste Disposal Systems." (H. P. 1229) (L. D. 1448)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act to Require Insulation Standards for New Electricity Heated Buildings." (H. P. 1179) (L. D. 1403)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act to Encourage Neighborhood Volunteer Programs to Keep Homes Warm." (H. P. 1036) (L. D. 1255)

Reports 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 to Expand the Forms of Deferred Compensation under the Deferred Compensation Plan." (H. P. 1033) (L. D. 1252)

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 to Include the Cost of Child Care or Day Care under the Laws Covering Reimbursement of Expenses to Citizens Serving on Boards and Commissions of the State." (H. P. 905) (L. D. 1072)

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide a Trade-in Credit for the Sales Tax on Camper Trailers and Camper Bodies." (H. P. 389) (L. D. 432)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act Concerning the Collection of Personal Property Tax on Objects which Require a Permit Prior to their Being Moved." (H. P. 583) (L. D. 663)

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.

The Committee on Taxation on, Bill, "An Act to Repeal the Sales Tax on Fuel Oil and to Enact in its Place an Excise Tax on Fuel Consumed in Industrial and Manufacturing Establishments." (H. P. 691) (L. D. 805)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Repeal the Sales Tax on Text Books and the Require a Sales Tax on Magazines." (H. P. 1098) (L. D. 1293)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide a Property Tax Exemption for Persons 70 years of Age or Older." (H. P. 785) (L. D. 930)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Grant a Sales and Use Tax Exemption for Wind Energy Equipment." (H. P. 191) (L. D. 204)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act

Concerning the Collection of Personal Property Tax on Objects which Require a Permit Prior to their Being Moved." (H. P. 583) (L. D. 663)

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 Aging, Retirement and Veterans on, Bill, "An Act to Separate the Funding of Old System Teachers in the Maine State Retirement System." (H. P. 1145) (L. D. 1367)

Reported that the same Ought to Pass.

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

The Committee on Aging, Retirement and Veterans on, Bill, "An Act Covering Cost-of-Living Increases for Teachers." (H. P. 918) (L. D. 1089)

Reported that the same Ought to Pass.

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Make Allocations from the Regulatory Fund, Public Utilities Commission, for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (Emergency) (H. P. 1362) (L. D. 1547)

Reported that the same Ought to Pass.

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Extend the Deadline for the Enactment of Legislation Concerning Education Allocations, Appropriations and Rates." (Emergency) (H. P. 1363) (L. D. 1548)

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 Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds to Support Regional Rideshare Programs." (H. P. 1087) (L. D. 1296)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 249).

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Exempt State Mandated Revolving Fund Accounts at the Maine State Museum from the State Cost Allocations Program." (H. P. 867) (L. D. 1036)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 247).

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.

#### Divided Report

The Majority of the Committee on State Government on,

Bill, "An Act Relating to the Appointment of the Assistant Adjutant General in the Department of Defense." (H. P. 904) (L. D. 1071)

Reported that the same Ought Not to Pass.

Signed:

Senators:

AULT of Kennebec  
GILL of Cumberland

VIOLETTE of Aroostook  
Representatives:

KANY of Waterville  
DILLENBACK of Cumberland  
PARADIS of Augusta  
SMALL of Bath  
MASTERTON of Cape Elizabeth  
DIAMOND of Bangor  
WEBSTER of Farmington  
McGOWAN of Pittsfield  
BELL of Paris

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

Signed:

Representative:

LISNIK of Presque Isle

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

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

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Provide for Enforcement Inspections under the Minimum Wage Rate on Construction Projects Law." (H. P. 432) (L. D. 479)

Reported that the same Ought to Pass.

Signed:

Representatives:

BEAULIEU of Portland  
MARTIN of Brunswick  
McHENRY of Madawaska  
HAYDEN of Durham  
BAKER of Portland  
LAVERRIERE of Biddeford  
TUTTLE of Sanford

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

Signed:

Senators:

SEWALL of Lincoln  
SUTTON of Oxford  
DUTREMBLE of York

Representatives:

LEIGHTON of Harrison  
LEWIS of Auburn  
FOSTER of Ellsworth

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

On motion by Senator Sewall of Lincoln, the Minority Ought Not to Pass Report of the Committee Accepted, in concurrence.

#### Divided Report

Ten Members of the Committee on Business Legislation on,

Bill, "An Act to Amend the Maine Consumer Credit Code." (H. P. 394) (L. D. 437) Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-241).

Signed:

Senators:

SUTTON of Oxford  
SEWALL of Lincoln

Representatives:

BRANNIGAN of Portland  
JACKSON of Yarmouth  
FITZGERALD of Waterville  
POULIOT of Lewiston  
TELOW of Lewiston  
PERKINS of Brooksville  
GWADOSKY of Fairfield  
MARTIN of Van Buren

One Member of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "B" (H-242).

Signed:

Representative:

GAVETT of Orono

Two Members of the same the Committee on the same subject matter reported in Report

"C" that the same Ought Not to Pass.

Signed:

Senator:

CLARK of Cumberland

Representative:

RACINE of Biddeford

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

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

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

Senator CONLEY: A Point of Order.

The PRESIDENT: The Senator may state his Point of Order.

Senator CONLEY: Mr. President, did we accept the Majority Ought to Pass Report A?

The PRESIDENT: The Chair would answer in the affirmative, the Ought to Pass, as amended, Report A, Accepted.

Senator CONLEY: Thank you, Sir.

#### Senate

##### Leave to Withdraw

Senator HICHENS for the Committee on Agriculture on, Resolve, Authorizing and Directing the Board of Pesticides Control to Study and Report on Urban Pesticide Usage. (S. P. 256) (L. D. 738)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

##### Ought to Pass—As Amended

Senator HICHENS for the Committee on Agriculture on,

Bill, "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975. (S. P. 373) (L. D. 1115)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-143).

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 State Government on, Bill, "An Act to Reduce the Length of the Maine Legislative Session." (S. P. 436) (L. D. 1265)

Reported that the same Ought Not to Pass.

Signed:

Senator: VIOLETTE of Aroostook

Representatives:

KANY of Waterville  
DIAMOND of Bangor  
WEBSTER of Farmington  
MASTERTON of Cape Elizabeth  
McGOWAN of Pittsfield  
PARADIS of Augusta  
LISNIK of Presque Isle

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

Signed:

Senators:

AULT of Kennebec  
GILL of Cumberland

Representatives:

BELL of Paris  
DILLENBACK of Cumberland  
SMALL of Bath

Which Reports were Read.

On motion by Senator Ault of Kennebec, the Minority Ought to Pass Report of the Committee Accepted. The Bill Read Once and Tomorrow Assigned for Second Reading.

#### Second Readers

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

##### House

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

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

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

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

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

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

Bill, "An Act to Promote Greater Efficiency through Alternative Working Hours in State Government." (H. P. 1375) (L. D. 1556)

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

##### House — As Amended

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

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

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

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

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)

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

Bill, "An Act Relating to the Transport of State Prisoners in Knox County." (H. P. 1152) (L. D. 1373)

Bill, "An Act Concerning the Payment of Burial Expense for Certain State Wards." (H. P. 1008) (L. D. 1204)

Bill, "An Act Concerning Criminal Trespass by Motor Vehicles." (H. P. 563) (L. D. 639)

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

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

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

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

Bill, "An Act Clarify the Duties of the Register of Deeds." (H. P. 766) (L. D. 936)

Which was Read a Second Time.

On motion by Senator Devoe of Penobscot, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

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

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-144 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now offers Senate Amend-

ment "A" (S-144) to L. D. 1489 and moves its Adoption.

Senate Amendment "A" (S-144) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

#### Senate

Bill, "An Act to Prohibit the Sale and Promotion of Halogenated Hydrocarbons as Septic Tank Cleaners." (S. P. 452) (L. D. 1298)

Bill, "An Act to Appropriate Funds to the Maine Geological Survey for Ground Water Aquifer Mapping." (S. P. 453) (L. D. 1299)

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

Sent down for concurrence.

#### Senate — As Amended

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

Bill, "An Act in Support of Regional Library Systems." (S. P. 308) (L. D. 864)

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)

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

Sent down for concurrence.

Bill, "An Act to Include Services Performed by Chiropractors Under all Health Insurance Policies and Health Contracts which Pay Benefits for Those Procedures if Performed by a Physician." (S. P. 329) (L. D. 959)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Passage to be Engrossed.

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)

Which was Read a Second Time.

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

#### Orders of the Day

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

HOUSE REPORT—from the Committee on Labor—Bill, "An Act to Provide for Recovery of Unemployment Compensation Overpayments over a Reasonable Period of Time." (H. P. 664) (L. D. 768). Ought to Pass as amended by Committee Amendment "A" (H-215)

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

Pending—Acceptance of Report.

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

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

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)

Tabled—April 28, 1981 by Senator COLLINS of Knox.

Pending—Consideration.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty. Senator McBREAIRTY: Mr. President and Members of the Senate, I move we Adhere and would like to speak briefly to my motion.

The PRESIDENT: The Senator has the floor. Senator McBREAIRTY: Since it now appears that the Body has not chosen to Adopt the clarification of the private roads issue, which is contained in L. D. 501, I urge the Senate to adhere to its Acceptance of the Minority Report.

The effect of Adhering will be to leave intact

the guidelines passed by both Bodies last Session. These guidelines are contained in Land Use Handbook Number 6. As sponsor of the original legislation that adopted Handbook Number 6 as the guidelines to be followed for construction of private roads, I know that this handbook provides good general guidelines which those building roads in unorganized territories are accustomed to following.

This point is specially true for small contractors who have been following Handbook Number 6 guidelines. These guidelines are flexible recognition that road building techniques and requirements vary with location, terrain and other factors.

The Handbook allows such flexibility to road builders and is consistent with our intention last year to not establish specific hard and fast rules for the management district.

Adhering to our Minority vote on L. D. 501 simply assures that this handbook remains as the guidelines if the other Body is unwilling to accept the clarifications contained in the Minority Report. I would hope that you would vote to Adhere. Thank you.

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

Senator PRAY: Mr. President and Members of the Senate: I notice looking at the calendar that the other Body has Insisted and Asked for a Committee of Conference. I think that seldom do we get an opportunity to use this particular motion, seemingly the political lines have been drawn, not necessarily to parties, but on particular issues basically pro or con.

I am not sure that the action taken by the last Session is very bearing on a new Session, that was the 109th, and this is 110th. There are a number of new members, individuals who have changing ideas constantly.

I think, perhaps, the motion to Insist and Join in a Committee of Conference, which I will make at this time, will be one that perhaps may alleviate some of the concerns and problems that people have under the existing law, and perhaps the conflict between the two reports. I do notice that both reports were passage of some type of proposal.

Mr. President, I move that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President, I would like a Roll Call.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would pose a question through the Chair to any Senator who may care to answer. That is, if this is an issue that needs to be addressed, as was indicated by the remarks of the good Senator from Aroostook, Senator McBreairty, why is it we do not want to talk about it any more? Why is it that we want to Adhere and kill the whole thing? Why is it that we do not want to sit down with the other Body and try to iron, whatever small differences there may be, out?

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

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, the other body having acted in one manner, this Body

having acted in another manner, I believe that the appointees to the Committee of Conference, would be those in favor of and in opposition to.

I would ask that the Secretary of the Senate Read the Committee Report, please.

The Committee Reports were Read.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that the Senate Insist and Join in a Committee of Conference.

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

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, Hichens, Kerry, Najarian, Pray, Wood.

NAY — Ault, Collins, Devoe, Dutremble, Emerson, Gill, Huber, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette.

ABSENT — None.

A Roll Call was had.

11 Senators having voted in the affirmative, and 21 Senators in the negative with No Senators being absent, the motion to Insist and Join in a Committee of Conference does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

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

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)

Tabled—April 28, 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 fourth 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 28, 1981 by Senator PIERCE of Kennebec.

Pending—Acceptance of Either Report.

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

Senator TROTZKY: Mr. President, I move Acceptance of the Minority Ought Not to Pass Report of the Committee.

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I request 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, I would like to briefly explain the Bill. The Minority of the Committee was just Senator Clark and myself on this, the rest of the Committee was for the Bill.

What the original Bill did, Lincolnville, by the way, and Appleton, and Hope are three small communities which each have elementary schools. They each hire their own princi-

pal. Then there's SAD 28, Camden-Rockport, which has a high school and, of course, elementary schools. They all together belong in something called the Supervisory Unit. All the communities pay for this central administration. Lincolnville, which only has an elementary school, as I said, hires its own principal. They pay \$12,000 to the Supervisory Unit, which administers, you might say, all those communities and the SAD with the high school. What the original Bill, we would have taken Lincolnville, out of the Supervisory Unit. Consequently, the other communities would have to pick up the \$12,000 that Lincolnville paid the Supervisory Unit. It would also mean if we took Lincolnville out, that Lincolnville, which has a small elementary school, and the principal would now have to hire a superintending principal, a person that had a superintendent's degree, certification, whatever it was. Consequently it would cost the State more money, as well as the community more money.

What the amendment does, which is what we are voting on now, the Committee Amendment, is this: it says, let's let the entire Supervisory Unit vote on whether to let Lincolnville out. Which means that the people of Hope would vote on it, Appleton would vote on it, and so would the people in SAD 28. Now, the Committee already has letters here, which I have here from the towns of Hope and Appleton, saying that they're opposed to this, they're happy with the Supervisory Unit as it is.

By passing the amendment what we're going to do is turn out something to the people of that Supervisory Unit, and the chances are very good that the people of Lincolnville will vote to get out, and all the rest of the people will vote to keep them in. The result of this is just going to create friction within that Supervisory Unit. So, it's my feeling, and it was the feeling of the representative of Maine School Management that what this amendment is going to do is just self-defeating for the town of Lincolnville. It just will create a great deal of friction within that Supervisory Unit. For that reason I oppose this Committee Amendment.

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

Senator PIERCE: Mr. President and Members of the Senate, I think Senator Trotzky has done a good job in explaining exactly what this Bill does propose to do, and why the people who wanted it so badly wanted to do it. Probably nowhere in the State of Maine are the people quite so fiercely independent as they are along our coast.

The people of Lincolnville, sometime ago, put a large addition on to their school, and instead of asking the State for funds, as they could have done, and as probably virtually every other school in the State has done, they did it all by themselves. They are very, very proud of their school, and they're very proud of their school system.

Now, the Senator pointed out that the other four towns in the District might not want to go along with letting Lincolnville out of this. On the other hand, the people of Lincolnville, think those people might be just as independent as they are, and they've talked to an awful lot of them, and they think there's a pretty darn good chance that the people of those other four towns will vote to let Lincolnville go its own way.

It's gone its own way in building its school and now would like to go its own way in having its superintendent devote all his time to them. They pay about \$12,000 a year toward a superintendent who only spends about a half a day a week in the Lincolnville school. They don't feel that's enough. They want more. They're willing to put more local dollars, they're willing to put more local time and effort as they have clearly demonstrated, by building their own school, right from their own localities. And I think that's great.

I think that's exactly where the decisions

belong, right with those local people. And if the other people in those surrounding towns agree with Lincolnville, that they should go their own way, then everyone is happy. I think that's something we should allow them to do. I think the citizens of Lincolnville already declared their independence and self-sufficiency by building their own building. I think they should continue to be allowed to control their own school programs with more control from within, and with less control from the State bureaucracy. I would hope that you would vote to accept the Majority Ought to Pass Report of the Committee.

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

Senator TROTZKY: Mr. President and Members of the Senate: When we talk about local control, they do have local control. They hire their own principal. They can do in that elementary school as they please, put in the programs they want. One of the persons who came to testify at the hearing said, we don't have a natural science program. We live in a beautiful area, I think there's a park down there, and so on, we'd like a natural science program. They can do it already. They hire their own principal. They can do it. It's a false argument to say that they don't have control of their program within their school.

They also have connection with the high school, which is important. Belonging to this Supervisory Unit they also have access, or are connected to SAD 28's high school, which is in Camden and Rockport. So, the kids from Lincolnville belong to a unit or a Supervisory Unit where they naturally can go to a high school there.

What the issue is here, if you let Lincolnville out, if Lincolnville were to vote themselves out, the other communities are going to pick up \$12,000. The other communities have the majority of people. So, if you're sitting in the other communities, and you're given a referendum to let Lincolnville go its own way, and it's going to cost you \$12,000 more, you're going to vote no.

Consequently, it's very probable that this is going to be defeated at referendum, and then all it's going cause is the people of Lincolnville, who voted to get out at referendum to have bad feelings towards the rest of the Supervisory Unit.

I don't see the need for this, and it's also going, if they do get out, to cost the State more, because they are going to have to go from a principal to a person who is a superintendent for a small elementary school.

If we start breaking up all our units all around, we are going to have to have more and more superintendents, which is going to cost the State more and more. And right now, with our education budget, if you take a look at our own school systems, and seeing what's happening to the general Education Laws in the State of Maine, they're all slipping. We're funding our schools less and less percentage wise from the State Level, because we're running out of tax dollars. So, this is the wrong approach, and it's self-defeating this amendment for Lincolnville because it's going to be defeated at referendum, people are going to vote it down, and it is going to create bad feelings within those communities.

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

Senator BROWN: Mr. President, may I pose a question to Senator Trotzky, if I may? Are we talking about one position, the principal and the superintendent, or is it two separate positions in Lincolnville?

The PRESIDENT: The Senator from Washington, Senator Brown, has posed a question through the Chair to the Senator from Penobscot, Senator Trotzky, who may answer if he cares to do so.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Mr. President, Men and Women of the Senate, first I would respond, simply to save time, to the question from the good Senator from Washington, Senator Brown. We're talking here about one position. Currently, the town of Lincolnville employs, within its union structure, a principal. Should this Bill pass, and the referendum pass, in that school union, they would be going it themselves, so to speak, and they would be employing a superintending principal.

I would like to speak to this body to reflect my position. Obviously, I am joining the Senate Chair of the Committee on Education in a very obvious Minority Report. My position is one of probably more technical nature than anything else. First of all, I recognize that fierce independence, which is indeed a worthy characteristic, which is reflected probably in greater degree in the town of Lincolnville, relative to my experience on the Joint Standing Committee on Education this year, than any other community. Also a worthy characteristic is frugality. But, I signed the Minority Report really for one simple reason, and that piecemealing may not necessarily be the intent of the Legislature when it passed that Bill, which would allow Lincolnville to do now what they came to the Legislature to do with a private and special act.

I am not presuming that the member communities of that school union are going to vote either pro or con. I don't think that is for me to do here. I think it is for the citizens of those municipalities to determine. I simply joined the Senator from Penobscot, because the laws are such now that Lincolnville could have gone through that process and achieved, what they hoped to achieve, through this private and special act.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate. Ordinarily I don't get involved too much in the Education Bills, but this Bill does happen to affect a town in my district, the town of Lincolnville. As you already have heard, the town of Lincolnville did construct their own school building a couple years ago. They were allowed in the last Session of the Legislature, to withdraw from the school union, the Community School District of Appleton and Hope. They are now separate, so they are not in a School District with Appleton or Hope. Their high school students go to Camden-Rockport, and they're not in that district. It certainly isn't any precedent setting legislation to allow the town of Lincolnville to have their own superintendent. I notice, in the last few years, the town of Acton, the town of Arundel, the town of Freeport, the town of Pownal, the town of Lubec, the town of Islesboro, all have their own superintendents.

There are three reasons why a town can have their own superintendent. Either geographically isolated towns, employ more than 65 teachers, or other circumstances. And, other circumstances is the reason for this Bill. This is a unique situation and the town does pay \$12,000 for a superintendent's half a day's work for a week. That's fairly good money, at least where I work.

This is going to be a vote of the entire five towns; Camden, Rockport, Hope, Appleton, and Lincolnville. It will be by majority vote. If the majority of those people in those five towns want to let Lincolnville have their own superintendent, I don't see why this Legislature should be against that. I think those people in those towns are adequately qualified to determine whether their children are going to get a good education and whether they can do it, to continue to provide the excellent education that they have. If they were not interested in their children, certainly, they wouldn't have gone to the trouble of building their own school house. They now house about 200 students in that school house, all on their own, they would have



come to the State for help like every other town in the State does.

I would hope that we would go along with the Majority 11 to 2 Ought to Pass Report.

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 Minority Ought Not to Pass Report of the Committee.

Will all those Senators in favor of Accepting the Minority Ought Not to Pass Report, 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 Accepted in concurrence and the Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the fifth 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 28, 1981 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

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

JOINT ORDER — Relative to the Committee on Fisheries and Wildlife reporting out a bill to establish the Open Season on Bear.

Tabled—April 28, 1981 by Senator COLLINS of Knox.

Pending—Motion of Senator REDMOND of Somerset to Recede and Concur.

On motion by Senator Pierce of Kennebec, Retabled until later in today's session.

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

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

Tabled—April 28, 1981 by Senator HICHENS of York.

Pending—Assignment for Second Reading

On motion by Senator Collins of Knox, Retabled until later in today's session.

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

HOUSE REPORT — from the Committee on Legal Affairs — Bill, "An Act to Establish an R. B. Hall Day to Honor and Commemorate a Great Maine Composer." (H. P. 1093) (L. D. 1290) Ought to Pass as Amended by Committee Amendment "A" (H-234)

Tabled—April 28, 1981 by Senator TRAFTON of Androscoggin

Pending—Acceptance of Report

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

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President and Members of the Senate, I would like to address Senator Trafton's question regarding R. B. Hall Day, because I do think that, even though it isn't the most important issue that we will handle in this Body, it is something that we ought to be aware of.

R. B. Hall was Maine's foremost composer. He was second only to John Philip Sousa, as a world famous composer of marches. He was born in Richmond, Maine on June 30, 1858. He is a famous concert soloist. He had played with

many bands all over the country.

Many of his marches are extremely familiar to you. You may not be aware of who had composed those, but mostly marches that you hear are either Sousa's or R. B. Hall's. His famous Funeral March was played at J.F.K.'s funeral.

I'd like to just quote for you from the New England article entitled: "New England March King", there's a composer profile. It says: "The painfully thin, almost delicate man, sprang to his cornet case, and out came a pencil and manuscript paper in a musically gifted hand. Seemingly seconds later, with alto horn player, Henry Matthew, at work, an overture was being played in a never nicer or truer form by a find and musically disciplined concert band.

The scene, of course, is fictional. The fact is not, and could have taken place anywhere in the State of Maine, from Lubec to Jackman Station, or Kittery to Fort Kent, the instant part composer was R. B. Hall, one of America's most underrated band music composers, certainly in the author's opinion, the finest march writer America ever produced."

If the Senator from Androscoggin, Senator Trafton, has any more questions, I will be glad to answer them.

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

Senator MINKOWSKY: Mr. President, I'm overwhelmed with the very thorough explanation by the good Senator from Kennebec, Senator Bustin. It only goes to prove one particular point, Mr. President and Members of the Senate, that we certainly do have very, very many gifted people in my Senatorial District. Of course, as the good Senator said, Mr. Hall was born in Richmond, Maine, which is the other end of my particular Senatorial District, in the year 1858. Of course, I learned something this morning which I'm very grateful for.

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

Senator PIERCE: Mr. President, Members of the Senate, then I ought to put in one final word, that the R. B. Hall Band is from Waterville, Maine.

The Ought to Pass, as amended, Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" Read and Adopted.

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

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

#### Paper From The House House Paper

Bill, "An Act to Facilitate the Development of Hazardous Waste Management Facilities." (H. P. 1397) (L. D. 1568)

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

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

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

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

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

(Off Record Remarks)

On motion by Senator Pierce of Kennebec,

Recessed until 5:00 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:

#### Joint Orders

Expressions of Legislative Sentiment recognizing:

Jaye Churchill of Oxford Hills High School, who is included in the 1981 edition of Who's Who in Music (H. P. 1400)

Cheryl Broberg of Oxford Hills High School, who is included in the 1981 edition of Who's Who in Music. (H. P. 1401)

Susan Tame of Oxford Hills High School, who is included in the 1981 edition of Who's Who in Music. (H. P. 1402)

William Dunlop of Mechanic Falls, who, in the highest tradition of Maine seamanship, sailed solo from Portland, Maine to Falmouth, England, and returned; June-August 1980. (H. P. 1403)

Susan Hammons of York, State Spelling Bee Champion for 1981. (H. P. 1404)

Edna T. Ewen of York, on the occasion of the 100th anniversary of her birth. (H. P. 1405)

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

#### Committee Reports House

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

Bill, "An Act to Equalize Tax Treatment of Health Insurers." (H. P. 689) (L. D. 803)

Bill, "An Act to Provide Deductions under the State Individual Income Tax for Necessities and to Increase the Corporate Income Tax."

#### Change of Reference

The Committee on Agriculture on, Bill, "An Act to Protect Farmers' Right to Farm." (H. P. 1175) (L. D. 1399)

Reported that the same be referred to the Committee on Judiciary.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Judiciary.

Which Report was Read and Accepted, and the Bill referred to the Committee on Judiciary, in concurrence.

#### Leave to Withdraw

The Committee on Agriculture on, Bill, "An Act to Establish a Bounty on Coyote." (H. P. 346) (L. D. 394)

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 Requiring the Notification of the Specific Location of All Aerial Application of Pesticides including Herbicides." (H. P. 787) (L. D. 941)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide a Limited Exemption From Maine Income Taxes on Interest Earned on Accounts in Maine Financial Institutions and on Certain Dividends." (H. P. 86) (L. D. 115)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Increase the Veterans Real Property Tax



Exemptions." (H. P. 1237) (L. D. 1462)

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 Appropriations on Bill, "An Act to Make more Equitable the Computation of the Spruce Budworm Pre-project Excise Tax." (Emergency) (H. P. 1265) (L. D. 1480)

Reported that the same Ought to Pass.

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

The Committee on Education on Bill, "An Act to Simplify the Due Process Requirements of Special Education." (H. P. 14) (L. D. 8)

Reported that the same Ought to Pass.

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

The Committee on Education on Bill, "An Act to Amend the Incorporation of the Town of Poland School District." (Emergency) (H. P. 1118) (L. D. 1335)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on Bill, "An Act to Permit Open Burning of Brush and Demolition Debris." (H. P. 975) (L. D. 1163)

Reported that the same Ought to Pass.

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

The Committee on State Government on Bill, "An Act Concerning Property Deposited with Museums and Historical Societies." (H. P. 926) (L. D. 1097)

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 Hancock County for the Year 1981. (Emergency) (H. P. 1399) (L. D. 1570)

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

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

The Committee on Local and County Government on RESOLVE, for Laying of the Oxford County for the Year 1981. (Emergency) (H. P. 1398) (L. D. 1569)

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 Bills and Resolves Read Once, and Tomorrow Assigned for Second Reading.

#### Ought to Pass—As Amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize a School Nursing Health Coordinator in the Department of Educational and Cultural Services." (H. P. 909) (L. D. 1075)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 248).

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

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Funds to Upgrade Facilities of the Maine Center for the Blind." (H. P. 997) (L. D. 1196)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 255).

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

The Committee on Business Legislation on Bill, "An Act to Amend the Maine Consumer Credit Code to Increase the Availability of First Mortgage Residential Loans Funds." (H. P. 719) (L. D. 851)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 257).

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

The Committee on Business Legislation on Bill, "An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code." (H. P. 343) (L. D. 391)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 259).

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 Read Once. Committee Amendments "A" Read and Adopted, in concurrence. The Bills, as amended, Tomorrow Assigned for Second Reading.

The Committee on Election Laws on Bill, "An Act to Permit Persons who Register Voters on Election Day to Vote by Absentee Ballot." (H. P. 170) (L. D. 192)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 235).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-235) as amended by House Amendment "A" (H-254) Thereto.

Which Report was Read and Accepted, in concurrence. The Bill 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

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

Bill, "An Act to Provide Cost-of-living Adjustments to Retirement Allowances under the Maine State Retirement System to Parallel those granted to Active State Employees." (S. P. 181) (L. D. 459)

#### Leave to Withdraw

Senator DUTREMBLE for the Committee on Labor on, Bill, "An Act Relating to Employer Contribution to the Unemployment Compensation Fund." (S. P. 252) (L. D. 721)

Reported that the same be granted Leave to Withdraw.

Senator PERKINS for the Committee on Local and County Government on, Bill, "An Act to Increase the Salary of the Cumberland County Treasurer." (S. P. 44) (L. D. 45)

Reports that the same be granted Leave to Withdraw.

Senator CHARETTE for the Committee on Local and County Government on, Bill, "An Act to Increase the Salary of the Cumberland County Register of Deeds." (S. P. 123) (L. D. 288)

Reported that the same be granted Leave to Withdraw.

Senator GILL for the Committee of Health and Institutional Services on, Bill, "An Act to Allow a Licensed Boarding Facility to Charge a Resident or Other Responsible Party the Difference Between the State Maximum Reimbursement Ceiling and the Audited Rate." (S. P. 458) (L. D. 1306)

Reported that the same be granted Leave to Withdraw.

Senator TEAGUE for the Committee on aging, Retirement and Veterans on, Bill, "An

Act to Allow Maine State Retirement System Members a Cost-of-living Increase." (S. P. 368) (L. D. 1087)

Reported that the same be granted Leave to Withdraw.

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Place Restrictions on Closing Costs Charged by Banks on Real Estate Transactions." (S. P. 398) (L. D. 1191)

Reported that the same be granted Leave to Withdraw

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

#### Ought to Pass—As Amended

Senator SEWALL for the Committee on Labor on, Bill, "An Act to Ensure Worker Access to Information Concerning Hazardous Substances in the Workplace." (S. P. 321) (L. D. 911)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-147).

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

#### Orders of the Day

The President laid before the Senate: Bill, "An Act to Include Services Performed by Chiropractors Under all Health Policies and Health Care Contracts which Pay Benefits for Those Procedures if Performed by a Physician." (S. P. 329) (L. D. 959)

Tabled—Earlier in the Day by Senator PIERCE of Kennebec.

Pending—Passage to be Engrossed.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing number S-145 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now offers Senate Amendment "A" to Committee Amendment "A" under filing number S-145 and moves its adoption.

Senate Amendment "A" (S-145) to Committee Amendment "A" Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate:

JOINT ORDER — Relative to the Committee on Fisheries and Wildlife reporting out a bill to establish the Open Season on Bear. (H. P. 1388)

Tabled—Earlier in the Day by Senator PIERCE of Kennebec.

Pending—Motion of Senator REDMOND of Somerset to Recede and Concur.

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

Senator REDMOND: Mr. President, I withdraw my motion to Recede and Concur with the House.

The PRESIDENT: Senator Redmond of Somerset now requests Leave of the Senate to Withdraw his motion to Recede and Concur with the House.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending the motion by the Senator from York, Senator Wood.

The President laid before the Senate:

Bill, "An Act to regulate Entrance Fees Charged by Mobile Home Parks." (H. P. 779) (L. D. 924).

Tabled—Earlier in the Day by Senator COLINS of Knox.

Pending—Assigned for Second Reading.

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

Senator HICHENS: Mr. President, I now move that this Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that LD 924 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate: I wonder if the good Senator from York might provide some enlightenment as to why, reflecting the unanimous Committee Report, he would effectively move to kill the Bill.

LD 924 is one of two bills of similar content which would regulate the entrance fees as charged by mobile home parks in the State of Maine. And, while I believe all Members of the Senate are in receipt of a letter and a copy of the statutes dealing with mobile home parks in Maine, which was distributed by the Manufactured Housing Association and Institute for the Northeast, the Committee of Business Legislation received testimony from this organization, which represents mobile homes dealers, sales agents, and park owners in the State of Maine, and still reported LD 924 out with Unanimous Ought to Pass.

I guess I await some reasons for trying to kill this Bill from the good gentlemen from the County of York.

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

Senator HICHENS: I might respond to the good lady from Cumberland that I thought she'd never ask me.

This measure, if enacted, would prohibit park owners from charging "Entrance Fees" to a tenant moving into a home already situated in the park.

Current law requires full disclosure of all fees and charges **In Advance**.

Some park owners require an "Entrance Fee" for new tenants:

1. As a means of offsetting extra costs associated with investigating prospective tenants; providing copies of rules, law, etc.; contracts, and other costs unique to that situation.

2. To have an "Investment" on the part of the tenant so that they don't disregard rules of the park, destroy property, etc.

3. Obtain "Up Front" Costs from the persons creating "Up Front" Expenses.

4. To offset business losses from lost sales when the home remains in the park and the site is not available for customers who might otherwise buy or rent a home from the owner of the park if the site were open.

The bottom line—that is: The report of the Park owner, whether from this source—or sales—or rents—is the business of the park owner—not of the state.

The tenant knows, before hand, if there is a charge and how much. They have the right to ask for details about the charge. No one can force them to pay anything they don't want to. It is a contract relationship—a right of the Constitution. To restrict one party's rights in contract—violates the principal of contracts.

These are Businessmen;

They are property owners (and taxpayers)

The Housing shortage (and site shortage) is not of their liking—nor of their doing anything wrong.

For the state to step in and tell them how to run their business—how they will "enjoy" their property rights—what they may or may not charge for in their business—and to limit their contractual rights—is grossly unfair—unwarranted—

Passage of the act will result in higher rents—even for those who've already paid these fees.

It will also result in many park owners requiring people to remove their homes from the park upon sale instead of letting them sell their homes and leave them in the park. The home owners will lose money because the home has more value if it is located on a site in a park and the prospective buyer can live in the park. The sellers are now enjoying profits because the home remains on site. That will no longer be the case. All decent parks can fill empty lots very quickly....and can charge the entrance fees to persons moving homes in. Even worse: People already in the park will face higher rents and "shorter term—long term" tenancy classifications because the park owner can no longer impose the fee on the person generating the extra costs—but must have the revenue only in the form of rent from all tenants.

Property rights—contractual rights—free enterprise without state control of prices—permitting a variety in the marketplace—a choice even—these are the issues.

The sponsors (and supporters) claim they don't understand the reason for such fees—that such fees differ widely from one park to another and one part of the state to another—that tenants "may have to pay these fees" because of the shortage of housing—that they see no relation between the fee and any service rendered by the park owner.

If these same questions were posed about every business in this state: By people who make little or no effort to understand how a particular business operates—would this legislature pass a law prohibiting such a business—or restrict the ways in which such a business is run? Or fix the prices and fees for that business?

This bill will cause many problems—and will solve none.

The questions raised by the sponsors are unwarranted. The question raised by this bill—if we enact it—are very serious.

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

Senator CLARK: Thank you, Mr. President. Men and Women of the Senate, my goodness, it seems I've heard that testimony before, perhaps at the hearing on two bills of like nature before the Committee on Business Legislation.

The good Senator from York has alluded to the free enterprise system. I think we all subscribe to the free enterprise system, but the only thing that he said that perhaps he wasn't aware of, is that you pay or you don't get in. There's no free enterprise system, colleagues in the Senate, relative to siting for mobile homes in this State, because we all acknowledge and some of us even support restrictive zoning requirements that effectively exclude mobile homes, which represent 30 percent of the new housing starts in the State of Maine, from our communities.

In fact, people who can not afford stick built homes, or do not have access to private sites because of restrictive zoning laws, have only one place to site their trailers or their mobile homes, and that is in a mobile home park.

Testimony was received before the Committee that stated that service fees, or entrance fees, excuse me, range from \$100 in one part of the State to a high of \$800 in another part of the State. Where would you be if you had a family and you had no site to place your mobile home, and you had one choice, pay or don't stay. That's what it is, and that's not free enterprise.

Obviously, Members of the Committee on Business Legislation would like to let entrance fees alone, but we can't let them alone until the zoning laws are loosened up across the State. If entrance fees are being used as a tool to loosen up zoning laws, then let's address that issue directly.

Entrance fees are too easily subject to abuse. Tenants moving into a home already in a park are paying hundreds of dollars, for what? The mobile home is already sited, the services are already performed, but they have to pay or

they can't stay.

Entrance fees are potentially unfair, because they aren't uniformly assessed across the State. Entrance fees in parks where sites are restricted in number generally tend to be higher, or where increasing proportions of citizens of this State, or citizens from other States, must move to this State for the job market, whether it be Brunswick, Maine, with B.I.W. and Naval Air Station, or the University of Maine area where great hordes of students, literally, reside in mobile homes. That's where you see entrance fees varying.

There is a mobile home park in my Senatorial District, for which I have strong affinity, for I campaign there regularly door-to-door. I also seek the support of the owner of that trailer park. He happens to be a man of the loyal opposition. I spent an hour and a half on the phone with him last evening relative to the Committee's disposition, unanimous Ought to Pass on LD 924. He said: "Well, Nance, let me tell you, entry fees, we can get around them. This is how I'm going to do it." I said: "May I have your permission to share this with the colleagues in the Senate, for I understand that the good Senator from York is going to challenge the Committee Report." He said: "Sure, we aren't going to jeopardize those more permanent residents who tend to be of an elderly age group, who enjoy a reasonable rental for their sites. This is what we can do, as mobile home park owners across the State."

He said: "We can create, and I have, a transient status of monthly rental rates, and a permanent status of monthly rental rates. One is going to \$101 a month, that's for the transient rental rate per month. The other is going to be \$80 per month. In order to become a permanent renter, you have to pay two years of the difference in the rental structures between one rate and the other in advance, which totals a fee of \$408." That, by the way is down \$92 from his current entrance fee.

He said: "So you go ahead and stick with your Committee Report." I said: "Thank you, I will. I appreciate your candor and your honesty." He said: "We can circumvent the intent of the law, even though this will do nothing but hurt the consumer." I said: "Hurt the consumer? How can it hurt the consumer, if we remove service fees?" He said: "I just told you, Nance. You don't want to be a slow learner." I said: "Well, I guess, in some instances, I am."

That does nothing, Members of the Senate, to detract from the moral wrong that is incorporated into entrance fees. New tenants, because they have no other place to go, willingly pay unfair entry fees. Yes, it is up front. Yes, they are knowing it, yet they pay it, but they lack one thing, that is the freedom of choice. There is no other place to go.

Entry fees can easily become, in effect, unfair exit fees. If a park tenant tries to sell his or her home on its lot, and the buyer knows that they will be hit with a large entry fee, for example, \$300 to \$800, then the seller might easily end up paying for it in order to make the sale. The tenant can not dare to complain to the landlord, because if he does what does he risk? Eviction. Under current Maine law, of which we all have been distributed a copy, and have it at ready access, we know that that takes four months, for no reason. Why is it four months, in deviation to other landlord-tenant legislation in the State? Because, within the four month period, it is hoped, hoped, I tell you, that they will be able to find another site for that mobile home.

I would suggest that the landlords, or the mobile home park owners have an unfair advantage, that what is hopefully someday, will be truly a free market, when indeed, we recognize the need for mobile home parks and sitings on less restrictive basis than is today, then we will have a true free enterprise.

I hope we defeat the pending motion.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I should know better then to get up and argue against such as eloquent speech as has just been given by the good lady from Cumberland, but I believe that she has brought out some points that we need to consider.

These people do know what the charge is going to be, and though the choice might not be right at hand, there are other choices. There are other trailer parks that they might be able to go to. I do not have any extreme love for trailer park owners, because I've had a lot of trouble with the trailer park adjoining my own property. The people there have been very discontented, but it hasn't been on the entrance fees, it's been on the treatment they've had afterward. I think we have the same thing with landlords and tenants all along through the line. I don't know why we should make one example of the mobile home owners, if they want to charge an entrance fee and these people know very clearly what that entrance fee is going to be.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, we've heard some remarks this afternoon about the free market place, and it would seem to me that if the problem is as great as the Senator from Cumberland has suggested that the tenants in the mobile home park have a tremendous economic weapon available if the particular trailer park owner gets out of hand with charging entrance fees, and that is to go on a concerted non-payment of rent effort.

I think that the free market place, is going to, in the long run, regulate whatever problem there may be in isolated instances around the State. I happen to have a large trailer park, several large trailer parks, in my area, Veazie, 3 in Holden. When I've campaigned in those trailer parks, no one has ever talked to me about this problem. Now, if it's a problem in the Cumberland County area, that may be, but I have not encountered it in the trailer parks that I've campaigned door to door in, hundreds of mobile homes I've visited the last two campaigns for this Body I think the free market place can handle this problem, and I concur wholeheartedly with the Senator from York's motion that this Bill be Indefinitely Postponed.

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

Senator CLARK: Mr. President, Men and Women of the Senate, while I hate to prolong this debate because I'm suppose to be in Phippsburg at 6 p.m., I would respond to the good gentleman from Penobscot, Senator Devoe, and ask him if he would please check with the sponsorship of this measure, who happens to come, I'm sure from his Senatorial area, and who is speaking on behalf, probably, of some of those same trailer parks to which that good Senator is referring.

I guess I have problems with this whole issue of entrance fees, not because I am against mobile homes per se, or that I have any problems with mobile home dealers, or mobile home park owners because I don't.

The problem with the entrance fee is that, at the bottom line, some mobile park owners waive the so-called entrance fee. That waiver usually occurs if the mobile home is purchased from the mobile park owner's dealer lot. As my friend in Brunswick says: "I have to have my lot, and the control over my lot, because if I don't the broker will have a feast off my park. Why should they have this access to my park?"

I'll tell you my constituent in Brunswick says it, like it is. That's the bottom line, that so frequently the mobile home park owners are those people who also sell mobile homes themselves. This is their way of controlling access to the park.

Again, I wish we could address this a little more constructively by loosening up zoning laws, which do not recognize the housing crisis

in the State of Maine, and which restrict siting of mobile homes, which as I will repeat to you, represent a full third of the new housing start, so to speak, in the State of Maine today.

If there were a good reason for the existence of the entry fee, in the system that exists today, I wouldn't be standing here advocating repeal, or prohibition of entrance fees. I truly believe, that in the free market system, in the free enterprise, that we all speak so frequently of, in this Legislative Session, that the mobile home park owners can realize a fair, equitable, return through their rent per lot, or as my friend in Brunswick does it, their structured rent per lot. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens, that LD 924 be Indefinitely Postponed, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Indefinitely Postpone LD 924 does not prevail.

The Bill, Tomorrow Assigned for Second Reading.

The PRESIDENT: The Chair lays before the Senate Joint Order, Relative to the Committee on Fisheries and Wildlife reporting out a Bill to establish the Open Season on Bear. (H. P. 1388), Tabled earlier in today's session, by Senator Pray of Penobscot, pending the motion of the Senator from York, Senator Wood, that the Senate Adhere.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

(Off Record Remarks)

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

On motion by Senator Pierce of Kennebec, all items previously acted upon were sent forthwith.

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