

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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

May 5, 1981

Senate called to order by the President.

Prayer by Dr. Richard Cleaves of the Augusta Mental Health Institute.

Dr. CLEAVES: May we pray. Eternal God, in these days of stress, we call upon Thee for help and guidance, and for strength for ourselves as well as we seek to find solutions to problems for those whose welfare we are responsible for. Give us courage to listen to Thee, and then to dare to act according to Thy guidance and Thine leadership. Bless those who are in positions of responsibility, and help us all. Amen.

Reading of the Journal of yesterday.

Communications

Committee on Health & Institutional Services
May 4, 1981

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 36 of the 110th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of David P. Cluchey of Cape Elizabeth as a member of the Health Facilities Cost Review Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:
Senators 2
Representatives 9

NAYS:
Senators 0
Representatives 0

ABSENT:
Senator 1; Sen. Gill
Representative 1; Rep. McCollister

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of David Cluchey as a member of the Health Facilities Cost Review Board be confirmed.

Sincerely,
S/ Senator BARBARA A. GILL,
Chairman
S/ SANDRA K. PRESCOTT,
Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of David P. Cluchey be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEA—None.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce,

Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT—Dutremble.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent, and none being less than two-thirds of the membership, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of David P. Cluchey is confirmed.

Committee on Education

May 4, 1981

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Dr. Stanley Evans of Bangor for appointment of the Board of Trustees, University of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
Senators 3
Representatives 10

NAYS:
Senators 0
Representatives 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. Stanley Evans of Bangor to the position of member of the Board of Trustees of the University of Maine be confirmed.

Sincerely,
S/HOWARD M. TROTZKY
Senate Chairman
S/LAURENCE E. CONNOLLY, Jr.
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Dr. Stanley Evans be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of yes will be in favor of overriding the recommendation of the Committee. A vote of no will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

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

ROLL CALL

YEA — None.

NAY — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Gill, Hichens, Huber, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — Emerson.

No Senators having voted in the affirmative and 32 Senators in the negative with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Dr. Stanley Evans is confirmed.

**Committee Reports
House**

Ought to Pass

The Committee on Labor on, Bill, "An Act Relating to Injured State Workers." (H. P. 765) (L. D. 902)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Local and County Government on, Bill, "An Act to Amend the Fee Schedule for the Payment of Appointed Forest Fire Wardens." (H. P. 506) (L. D. 557)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-282).

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 Limit Liability Regarding Donations to Food Banks." (H. P. 1010) (L. D. 1206).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-278).

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

The Committee on Marine Resources on, Bill, "An Act to Regulate the Taking of Mahogany Quahogs." (H. P. 17) (L. D. 11)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-281).

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 Transportation on, Bill, "An Act to Regulate Motorized Bicycles." (H. P. 906) (L. D. 1073)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-287).

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

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

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

Senator MINKOWSKY: Mr. President, reading over very quickly this morning, this particular Bill relevant to motorized bicycles, I was wondering possibly, if I could get some comment from a member of the Transportation Committee as to why they agree upon age 16 for a person who will be qualified to ride a motorized bicycle, even though it's a special category. Also, it makes it very clear that they can not exceed more than 25 miles per hour. Has there been any necessity to create, number one, this particular category? Why can't youngsters under 16 years of age use a motorized bicycle? Some of our 10 speed bicycles go in excess of 25 miles per hour on regular roads at the present time. It seems a little ludicrous to have this stipulation in there. I was wondering if I could have an explanation to it.

On motion by Senator O'Leary of Oxford, Tabled until later in today's session, pending Adoption of Committee Amendment "A".

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide 75%

Reimbursement to a Municipality for General Assistance Costs." (H. P. 701) (L. D. 826)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 246).

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

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

Divided Report

The Majority of the Committee on Agriculture on Bill, "An Act to Require Legislative Confirmation of Harness Racing Commission Members." (H. P. 734) (L. D. 872)

Reported that the same Ought Not to Pass.

Signed:

Senator:

WOOD of York

Representatives:

MAHANY of Easton
SMITH of Island Falls
SHERBURNE of Dexter
LOCKE of Sebec
LISNIK of Presque Isle
MCCOLLISTER of Canton

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

Signed:

Sensors:

HICHENS of York
SHUTE of Waldo

Representatives:

MICHAEL of Auburn
NELSON of New Sweden
CONARY of Oakland
CALLAHAN of Mechanic Falls

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

Which Reports were Read.

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

Sensor HICHENS: I now move that we Accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from York, Senator Hichens, moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Wood.

Sensor WOOD: Mr. President, I would ask for a Division and would urge the members not to Accept the Ought to Pass Report so that we can Accept the Majority Ought Not to Pass Report.

There are basically two reasons why I don't think, this Bill should be, we should Accept the Ought to Pass Report. First, there was no compelling evidence at the hearing to indicate that the process that's already in place is not working properly. The State Government Committee, in their wisdom, three or four years ago, when we Passed the Executive Council Bill, saw fit not to have this Commission regulated and confirmed in this manner. I don't think in those three or four years we've seen evidence that casts any doubt on their judgement.

I would point out that there are many commissions presently that are not confirmed, the Maine Milk Commission, the Equine Advisory Board, the Animal Welfare Board. All of these impact on our lives, just as the Maine Harness Racing Commission, and yet, we see no compelling reasons to bring them under the confirmation process.

Finally, I share the frustration that the good Senator from Kennebec shares in this confirmation process. I think it's a charade to say that we confirm, in a meaningful manner, and to add this Board to the confirmation process will just further that charade.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Sensor PERKINS: Mr. President, Ladies and Gentlemen of the Senate: I rise to support the motion of the Senator from York, Senator Hichens. Looking at the revenues from harness racing to date this year, \$733,718, which is \$150,000 above budget.

A year ago, the total budget for the year was \$870,000, so we're within \$100,000 of the total budget for the year. With this type of revenue coming in, and without some careful management, this could be a resource that could be bungled and perhaps, lost.

I mean no disrespect to those who are on the Commission at the present, but I do feel that this is a resource that we should carefully watch. Without some careful handling, there could be a chance for some error and loss of large amounts of revenue.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens, that the Senate Accept the Minority Ought to Pass Report of the Committee, please rise in their places to be counted.

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

18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass Report of the Committee, in non-concurrence, does prevail.

The Bill Read Once.

On motion by Senator Conley of Cumberland, Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Labor on Bill, "An Act to Repeal the Double Affirmation Rule under the Employment Security Law." (H. P. 411) (L. D. 450)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

DUTREMBLE of York

Representatives:

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

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

Signed:

Sensors:

SEWALL of Lincoln
SUTTON of Oxford

Representatives:

LEWIS of Auburn
LEIGHTON of Harrison
FOSTER of Ellsworth

Comes from the House, Passed to be Engrossed.

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act to Limit the State's Retail Liquor Operations." (H. P. 1346) (L. D. 1536)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SHUTE of Waldo
CHARETTE of Androscoggin

Representatives:

COX of Brewer
TREADWELL of Veazie
PERRY of Mexico
McSWEENEY of Old Orchard Beach
STOVER of West Bath
DUDLEY of Enfield

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

Signed:

Sensor:

VIOLETTE of Aroostook

Representatives:

SOULAS of Bangor
GWADOSKY of Fairfield
STUDLEY of Berwick
SWAZEY of Bucksport

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

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

Sensor SHUTE: Mr. President, Ladies and Gentlemen of the Senate: I move Indefinite Postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Senator from Waldo, Senator Shute, now moves that this Bill be Indefinitely Postponed.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Sensor VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate: I won't take much of your time this morning. I just wanted to explain briefly the underlying reasons for my support of this L. D. Basically, I believe that government should not do those things which can be better and more properly done by the private sector. Monopolies, especially government operated monopolies, are not inclined to be responsive to the cries of poor inventory selection, inconvenient hours and locations, unattractive stores, ineffective marketing, illogical pricing policies, and clerks who are prevented by bureaucratic and legal constraints from offering advice to consumers.

However, a free enterprise system, one in which store owners are dependent upon consumers for their very existence, must not only be responsive, but must be competitive. A privately operated retail outlet will be able to use many of the marketing techniques available to the private entrepreneur. Consumer satisfaction will be enhanced through a greater variety of selection, special sales, more convenient hours, attractive locations, and effective and helpful service.

Many of these advantages are not possible within the present system, due to the built-in constraint of the public sector, as well as the lack of incentive and dull uniformity inherent in a large state-wide monopoly.

Since the State will continue to operate the wholesale liquor distribution system, and control sale pricing operations, the State will continue to insure adequate revenues to the State, and enable the State to exercise sufficient control and authority over the private retail sector.

Basically, for these reasons, Mr. President and Ladies and Gentlemen of the Senate, I support this particular legislative Bill, and would hope that you would do so today. Thank you very much.

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

Sensor CONLEY: Mr. President, Members of the Senate, I stand to rise to support the remarks made by the good Senator from Aroostook, Senator Violette. It's sort of strange to me, in the sense that I evaluate my position on this particular Bill, because it seems to me that it's the Republican Party who stands for the free enterprise system. Here I am, up now standing, saying that I believe that is what this Bill will do.

It seems sort of ludicrous in a day and age, that we don't trust ourselves, we don't trust

ourselves as adults, to be able to go in and purchase a bottle of liquor. We have to go to someone from the U.S.S.R., a State store, that's operated by the State. They say, let me see your I.D., or let me see this. It's just absolutely ludicrous.

If you want to return private business to the free enterprise system, with the State still in control, I suggest you vote against the pending question.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Women and Men of the Committee, I supported the Ought Not to Pass Report out of Committee on this Bill. I think it's a very very bad Bill. I think we have to look at the fact that its been said that 180 employees, and possibly up to 250 employees, may be put out on the street. We've got to think about their families.

I think since prohibition days, we have had a good working liquor law, a good system in this State. I don't see any reason why we should want to change that. It has brought a lot of income to the State. We don't know just what this will look like with this new system. We know what it's doing today. We know we have good controls, we know we have a good income out of it. We have a good thing going.

I certainly support the motion made by the good Senator Shute. We talk about monopoly, and don't kid yourself, it doesn't mean that this will not happen under this new system. So let's be careful in opening the doors for out-of-staters to come in on a good thing here. Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate, I think the good Senator from Aroostook, Senator Violette, has given us some very good reasons why we should vote along with the motion that's been made. He had said that it's going to enhance the sales, it's going to make it more available throughout the State. I think that's just the thing that we are trying to avoid in this day and age in which we're living.

If you read the newspapers day after day, after day, people are getting killed on the highways. I have co-signed a bill which came from the Governor's office to crack down on drunken drivers. We have other bills on public drinking. Yet, we have this Bill before us that's going to promote the sales or make it even more available. I think its just like pouring gasoline on a fire to put it out.

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

Senator CONLEY: Mr. President and Members of the Senate, I am not going to belabor this particular issue, but I would address the issue of revenues in one area. One, how much does it cost the State presently to lease the liquor stores that they have in their operation? Secondly, when you get into the personnel, I'd like to state, it has been stated that these people will be absorbed within the confines of State government. There will be no loss of jobs. Thirdly, one thing to consider is the costs to the State through pensions, through the Retirement System, to the daily cost of the operations of these State employees.

As I stated, through attrition, that these present employees would be absorbed within the system. The fact is that if we continue it, it does become a significant cost in the leasing, the insurance, and everything right down the line.

If one is interested in the, again, as I say, the opening up the free enterprise system, and secondly, getting government off the backs of people, I think this is an excellent opportunity.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from

Aroostook, Senator Violette.

Senator VIOLETTE: Yes, Mr. President, Ladies and Gentlemen of the Senate, I think one of the fears that many of us have had has been one expressed by the good Senator from York, Senator Hichens, that concern relative to, the so-called concern relative to increase in consumption. With regard to increase in consumption, data from around the country as well as our own experience here in the State of Maine, that the system will not materially affect the apparent per capita consumption or the actual consumption of alcoholic beverages.

The national average per capita consumption is 2.03 gallons of distilled spirits per year. In Maine, the number is 2.07 gallons, which is basically the same. Two states which have systems similar to what we are proposing have had diverse experiences in this regard. The average per capita consumption of Wyoming is 2.5 gallons, while Mississippi is only 1.6. Material provided by the National Governor's Association, however, indicates, that accessibility and price are not important factors, in whether consumption will increase rather the people vary their drinking habits based on general economic factors.

For example, researchers have found that in difficult economic times, people tend to drink more. This Bill will not affect the general economic picture of the State or the Nation, and therefore, should not have an affect on the per capita consumption of alcoholic beverages.

Relative to another point raised by the good Senator from Androscoggin, with regard to revenue, the State anticipates \$20.8 million to the General Fund. This Bill guarantees to the General Fund, that the anticipated revenues will remain at least, if not above, those which have been budgeted for.

The sale of distilled spirits and wine, except table wines, per year. We are running about 6.1 percent of our gross sales in overhead costs, however, projections done by the Bureau of Alcoholic Beverages indicate that this figure will rise to 8.5 percent over the next three years.

One of the major reasons for this is because of the projection of a substantial increase in the amount of our leases. Presently, over the next two years, approximately 38 of our 70 leases will be coming up for renewal. These are relatively long term leases. They are very favorable rates, which are untenable now, because of rising costs of building capital and petroleum products.

Basically, what has been happening around the State is many of the leases in which we had been located, the State, because of financial constraints of the lessor have been forced to vacate the premise. It has been extremely difficult for the State to locate to other areas, or to find suitable quarters.

As I have said, the revenue to the State of Maine is not in question. This Bill will not increase consumption. It is simply a good government bill, as it gets the State out of a business which it should not be involved with. Thank you.

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

Senator CHARETTE: I don't want to delay this question, however, I still would like to point out that I believe that again, the State will not be out of the liquor business. It will wholesale and retail. It will add another thing to their thing already, okay? With the Kittery store, the State will end up now competing with all other retailers. Boy, those private retailers will have no chance to compete with the State. That's obvious.

I really have a lot of problems with that. The warehousing now, okay, we say we're going to have several warehouses throughout the community, or throughout the State. I think this is going to create some problems for the small business guy, the clubs, the small restaurants, who tends to go to the liquor store two or three times a week. They won't be able to do this, or

if they do, it might add that extra cost to them of traveling and purchasing. It's really going to create a problem.

Therefore, I think the whole Bill is going to create a lot of problems, and we're going to see more laws coming to these Senate floors in the next years to come. If you think we're getting laws from the Legal Affairs to do with liquor bills, pass this law, and that's all you're going to be hearing on Legal Affairs are new law bills coming in.

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

Senator CLARK: Thank you, Mr. President. Mr. President, and Men and Women of the Senate, I wonder how your constituents feel about this issue, many of us sent out questionnaires during the early months of this First Regular Session.

The question, that I asked on the questionnaire that was returned to me, in overwhelming numbers, was should the State of Maine get out of the retail liquor business, and let private business handle it? The answers, were overwhelmingly 2 to 1 Yes. There were only 3 people who were undecided. So that is the way that I am going to vote today, I am going to vote against the pending motion and would invite you to join me.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, it was just a couple of days ago, we had a bill in here to do away with the Kittery Liquor Store, and at that time, or equalize the prices on liquor in the State, and as I remember it there was debate entered into the Record at the time, that if we did that we might increase the sales of liquor in the Senate, and therefore, one of the members was going to vote against that bill, because it would increase the sale of liquor 37 percent, in the State.

When we put the table wines in the corner stores in the State, the consumption, or sale of table wine went up 60 percent in eight years. So it would seem to me that if you put liquor in every corner store in the State, and every grocery store in the State, that the consumption of liquor probably would rise in the same magnitude, probably 60 percent in eight years.

As far as the State employees, I wonder how the State is going to handle the State employees that would lose their jobs out of this Bill, a couple hundred State employees? Say the State employees down in Ellsworth liquor store, Belfast, Camden, are they going to be transferred into the auto registration offices that have been closed down in the State, or where would they go for a job, or would they travel from Ellsworth to Augusta work over here and drive back home at night?

Of course, this Bill does allow 17 year olds to sell liquor, right now we do not allow 17 year olds to sell liquor in the State liquor stores, but they would be in every corner store in the State, under this Bill.

It seems a little odd that we would have a bill in here to expand the sale of liquor in the State, and at the same time have a bill in here to have a mandatory sentence for people driving under the influence.

Now somewhere along the line you have to make up your mind, do you want stiffer penalties on liquor or do you want to cut down on the sale of liquor? It does not seem reasonable to me that you ought to have them both.

I hope that you will go along with the Ought Not to Pass Report. The State isn't getting out of the wholesale business, it is still going to be a monopoly, as far as the wholesale liquor operations go. The only thing that the State is doing is getting out of the retail business. The State still designates the location of the store, the storage facilities, the size of the facility and who will have the liquor in the State.

I do not think that this is going to do anything to help the State. The testimony that I heard at the Committee hearing was that this would not

make any great difference, as far as revenue to the State. I hope that you go along with the Ought Not to Pass Report.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: In order to present a balanced point of view, in reference to the City of Lewiston, long before this Bill was published, and long before it had its public hearing, I also, as the good Senator from Cumberland, Senator Clark, took a poll amongst my constituents. It was better than 3 to 1 in favor of the Governor's position.

In fact, there was an article that appeared in our local newspaper, relevant to this particular finding. There were several inquiries made from local businessmen who were vitally concerned that they have an opportunity to work within the confines of the free enterprise system, in which to sell liquor. In fact, we had one who had a store in excess of 5,000 square feet. Who maybe will employ more than 10 or 12 people. Who will be open longer hours than our regular State stores. There was another contractor in the City of Auburn, that called me relevant to this, wanting to build maybe 2 stores in that particular area, because they realize that the market is there.

I got a little apprehensive originally about this, and I further had clarification from the Governor's Office, to confirm the justified remarks made by the good Senator from Aroostook, Senator Violette.

I further made further inquiries about this, and found that the Governor's Office, in their appraisal was very accurate. That it would not create more excessive drinking, that per capita consumption per individual would not increase in any way at all. That the end result is that the State again would be out of this particular monopoly and we would be receiving somewhat near the same level of revenues. I do not anticipate really, in all sincerity, that the end result is that we will receive the same level of revenues.

As this thing has a chance to operate within the State of Maine, that Maine will derive these revenues, and maybe can be earmarked, for once, for rehabilitation of some of the problem drinkers in the State of Maine, which is not being done at the present time.

I would hope, Mr. President and Members of the Senate, that you would definitely Accept the Ought to Pass Report, projected by Senator Violette of Aroostook.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: I would ask for 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 was ordered.

The pending question before the Senate is the motion by the Senator from Waldo, Senator Shute, that L.D. 1536 be Indefinitely Postponed.

A Yes vote will be in favor of the motion to Indefinitely Postpone L. D. 1536.

A No vote will be opposed.

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

ROLL CALL

YEA — Ault, Bustin, Carpenter, Charette, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Najarian, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher.

NAY — Brown, Clark, Conley, Dutremble,

Kerry, Minkowsky, Pray, Violette, Wood.

ABSENT: None.

A Roll Call was had.

23 Senators having voted in the affirmative, and 9 Senators in the negative, with No Senator being absent, the motion to Indefinitely Postpone, in concurrence, does prevail.

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 Index the Income Eligibility Levels Under the Elderly Householders Tax and Rent Refund Program." (S. P. 75) (L. D. 112)

Change of Reference

Senator TEAGUE for the Committee on Taxation on, Bill, "An Act to Establish a Limit on County Government Taxation." (S. P. 468) (L. D. 1324)

Reported that the same be referred to the Committee on Local and County Government.

Which Report was Read and Accepted and the Bill referred to the Committee on Local and County Government.

Sent down for concurrence.

Leave to Withdraw

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Arthritic Drugs to Low Income Elderly." (S. P. 419) (L. D. 1263)

Reported that the same be granted Leave to Withdraw.

Senator TRAFTON for the Committee on Public Utilities on, Bill, "An Act to Protect Consumer Rights in the Acts and Practices of Public Utilities." (S. P. 219) (L. D. 606)

Reported that the same be granted Leave to Withdraw.

Senator TEAGUE for the Committee on Taxation on, Bill, "An Act to Provide a Tax Exemption for Post-secondary Education Payments." (S. P. 442) (L. D. 1280)

Reported that the same be granted Leave to Withdraw.

Senator TEAGUE for the Committee on Taxation on, Bill, "An Act to Provide an Income Tax Credit for Geothermal Energy Systems." (S. P. 211) (L. D. 576)

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 HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Concerning the Transfer of Funds from One Appropriation to Another Appropriation." (S. P. 370) (L. D. 1112)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 163).

Senator SEWALL for the Committee on Labor on, Bill, "An Act Relating to the Employment of Minors and Overtime Pay." (S. P. 188) (L. D. 490)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 162).

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

Second Readers

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

House — As Amended

Bill, "An Act Relating to the Clarification, Consistency and Improved Administration of the Employment Security Law." (H. P. 950) (L. D. 1126).

Bill, "An Act Relating to Unfair Wage

Agreements under Employment Practices Law." (H. P. 915) (L. D. 1081)

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

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

Bill, "An Act to Revise the State Personnel System." (H. P. 1395) (L. D. 1566)

Which was Read a Second Time.

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

Senator AULT: Mr. President, Members of the Senate, I offer Senate Amendment "A" under filing number S-161, to L. D. 1566 and would speak briefly.

The PRESIDENT: The Senator from Kennebec, Senator Ault offers Senate Amendment "A" to L. D. 1566 and moves its adoption.

Senate Amendment "A" (S-161) Read.

The PRESIDENT: The Senator has the floor.

Senator AULT: Mr. President and Members of the Senate, L. D. 1566 is a new draft of L. D. 801, and it revises the State Personnel System. It is fairly simple and the changes in it are represented quite well in the Statement of Fact.

The controversial thing about the Bill, was that it provided for a new employee suggestion award program. It was an 11 to 2 report of the Committee, 11 to 2 Ought to Pass. The 2 that voted against it their concern being the way the suggestion system was going to be implemented. Everybody was in support of the suggestion system, but they had reservations about its implementation.

The amendment that I have just presented satisfies their problems with the Bill, in that it provides a funding mechanism and provides, also, for proper management of the system.

I would urge its adoption.

Senate Amendment "A" Adopted.

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

Sent down for concurrence.

(Off Record Remarks)

Senate

Bill, "An Act to Provide a Right-of-way to Pedestrians Against Drivers Entering Private Ways." (S. P. 457) (L. D. 1305)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Abolish the Position of County Treasurer in Penobscot County and Replace it with a Full Time Finance Officer." (S. P. 43) (L. D. 44)

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

Sent down for concurrence.

Orders of the Day

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

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

Tabled — May 1, 1981 by Senator COLLINS of Knox.

Pending — Enactment.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I move the Rules be Suspended for the purposes of Reconsideration.

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

Senator CONLEY: I object.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by Senator Devoe of Penobscot, to Suspend the Rules for the purposes of Reconsideration,

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 14 Senators having voted in the negative, the motion to Suspend the Rules does not prevail.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you very much, Mr. President. Mr. President, I would like to move that this Bill and all its accompanying papers be Indefinitely Postponed.

I'm a little concerned at this Bill because there is a provision in there which requires due diligence be used by banks to collect from co-makers or guarantors on promissory notes. The first section of the Amendment, and the Amendment, by the way, H-219, is the Bill. The first section of the Amendment, I think, has some constructive provisions in that it requires that a notice be given by the creditor to the debtor and to co-makers at the time that a signing takes place of a promissory note, explaining that certain legal consequences will flow from the act, of acting as a co-maker or a guarantor on a promissory note.

There is however, an additional provision which I found somewhat objectionable in paragraph 5 of the Amendment. That amendment says, "a creditor may not begin a legal action against the person entitled to notice, until he has exercised due diligence to collect the debt from the debtor."

My reason is this. Once a person signs, particularly with the notice provisions that were in the first four paragraphs of this Amendment, he should understand from that time on that certain legal consequences flow from acting as a co-maker, or a guarantor, or a co-signer on a note. One of those consequences always has been, as I learned in law school, that once you co-sign or act as a guarantor, you may end up having to pay the debt. If that is the case, then why not make it easier to collect the debt from the co-maker, or the guarantor.

For that reason, Mr. President, that's why I'm urging that this Bill be Indefinitely Postponed.

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

Senator CLARK: Mr. President, I rise this morning in opposition to the pending motion of Indefinite Postponement on L. D. 495, as amended, by the Committee Amendment "A", and would ever so gently remind the Members of this Body that this represents the unanimous Committee Report from the Committee on Business Legislation. It also represents the concerted efforts of dedicated members of the third House, representing their various interests, relative to the credit industry, who have actually devised the Amendment, which is, in fact, the Bill today.

I guess I'm a little bit surprised, perhaps, even dismayed, that the good gentleman from Penobscot, Senator Devoe, would have even the faintest sense of reluctance that adequate notice relative to the liability which is assumed, should one sign as a co-maker of a note. Perhaps, that's simply because I misunderstood his remarks.

I recognize his concern on the second page of the Amendment, under filing number H-219, Subsection 5, Priority for Collection, because it's my understanding we have on our desks, under filing number S-165, a proposed amendment which would remove that section from the Bill in its entirety. Subsection 5 does contain a requirement that a creditor use due diligence to collect a debt from the debtor before that creditor brings legal action against the co-maker or guarantor. I ask you, what's the matter with that? What's the matter with the creditor exercising that creditor's responsibility, as it is most frequently in this State, to seek to collect from the principal signer of the note, prior to taking action against the co-maker?

L. D. 495 emerged through a series of complaints received by agencies across the State, in which creditors proceeded against a co-signer, before making what is called, "significant effort to collect from the prime debtor." Subsection 5 says that due diligence will be exercised prior to taking, due diligence will be exercised against the prime debtor before you go after the co-maker to get the money.

There are many states who have adopted this language in statute and/or rules and regulations, with minor modifications, essentially the impact is the same. So when I say minor, I really mean minor. I'm sort of picking from my brain because that hearing seems to be quite a long time ago, and I don't have my Committee notes in front of me.

I do resist strenuously the pending motion of Indefinite Postponement, and urge you please not to support it.

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 Penobscot, Senator Devoe, that L. D. 495 be Indefinitely Postponed, please rise in their places to be counted.

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

4 Senators having voted in the affirmative, and 24 Senators in the negative, the motion to Indefinitely Postpone L. D. 495 does not prevail.

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

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

HOUSE REPORT — from the Committee on Agriculture — Bill, "An Act to Establish Truck Volume Labeling for Certain Wood By-Products." (H. P. 832) (L. D. 999) Ought to Pass as Amended by Committee Amendment "A" (H-262)

Tabled — May 4, 1981 by Senator COLLINS of Knox.

Pending — Acceptance of Report.

On motion by Senator Hichens of York, the Report was Accepted, in concurrence. The Bill Read Once, Committee Amendment "A" Read. House Amendment "A" to Committee Amendment "A" (H-273) Read.

On motion by Senator Hichens of York, House Amendment "A" was Indefinitely Postponed, in non-concurrence.

On motion by Senator Hichens of York, Committee Amendment "A" was Indefinitely Postponed, in non-concurrence.

On motion by Senator Hichens of York, under Suspension of the Rules, the Bill Read a Second Time.

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

Senator HICHENS: I now present Senate Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from York, Senator Hichens, offers Senate Amendment "A" to L. D. 999 and moves its Adoption.

Senate Amendment "A" (S-164) Read and Adopted.

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

Sent down for concurrence.

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

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

Tabled — May 4, 1981 by Senator CONLEY of Cumberland.

Pending — Enactment.

This being an emergency measure and having received the affirmative votes of 30 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.

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

SENATE REPORTS — from the Committee on State Government — Bill, "An Act to Provide for Legislative Review of Agency Rules." (S. P. 505) (L. D. 1432) MAJORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (S-154); MINORITY REPORT Ought Not to Pass.

Tabled — May 4, 1981 by Senator COLLINS of Knox.

Pending — Acceptance of Either Report.

On motion by Senator Gill of Cumberland, the Majority Ought to Pass, as amended, Report of the Committee Accepted and the Bill Read Once. Committee Amendment "A" Read and Adopted. The Bill as amended, Tomorrow Signed for Second Reading.

The President laid before the Senate the fifth 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—May 4, 1981 by Senator McBREAIRTY of Aroostook.

Pending—Motion of Senator HICHENS of York to Reconsider Whereby Bill was Passed to be Engrossed.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I'm sure by now you all realize that any bill that deals with animals can stir up the emotions of many people. I discovered, after our action last Friday, that L. D. 1558 is no exception. Rather than dealing with only one animal, like the moose and the bear bills this Bill deals with many animals and animal owners.

This Bill deals with all livestock, poultry, domestic rabbits, wild animals, and beehives. L. D. 1558, if Passed as written will authorize the Department of Agriculture during 81-82 and 82-83 to pay from dog licenses all damage done to livestock, poultry, domestic rabbits, and beehives, all damage done not only by dogs, but by wild animals as well.

L. D. 1558, if Passed as written, will require Inland Fisheries and Wildlife, after January 1, 1984, to pay all damage done to livestock, poultry, domestic rabbits, and beehives by bear. I'm sure, after the emotional debate we have had in the passed few months on the coyote, the moose, and the bear, we all know that all wild animals belong to all the people of the State of Maine.

As I stated on Friday, if Senator Hichens wants to offer another amendment to L. D. 1558, that will require the State of Maine to pay from the General Fund all damage done by our wild animals, I'll vote for it.

I feel it is ridiculous for anyone to expect the owners of dogs and sportsmen, who are already paying more than their fair share, to pay for all damage done by our wild animals.

L. D. 1558, as presently amended, will pay all damage done to livestock, poultry, and domestic rabbits by dogs, pay any licensed veterinarian, humane society, or shelter \$2.50 per day for 8 days for accepting a sick, stray, injured, or abandoned, dog. After the expiration of the 8 days, if the owner has not appeared to claim the dog, then the licensed veterinarian, humane society or shelter may give away, sell, or otherwise humanely dispose of the dog.

Presently the sportsmen are paying for all the protection of our wild animals that we all enjoy. I can't believe this Body will be so unfair as to single out dog owners and sportsmen and force them to pay the damage done by our wild animals, damage that they are in no way re-

sponsible for.

I urge you not to Reconsider so this Bill can go on its way and be Enacted. Thank you.

The PRESIDENT: Is the Senate read for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens, that the Senate Reconsider its action whereby L. D. 1558 was Passed to be Engrossed, please rise in their places to be counted.

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

2 Senators having voted in the affirmative, and 30 Senators having voted in the negative, the motion to Reconsider does not prevail.

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

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)

Tabled—May 4, 1981 by Senator Huber of Cumberland.

Pending—Final Passage.

On motion by Senator Huber of Cumberland, the Resolve was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Senator PRAY: Mr. President, is the Senate in possession of L. D. 924?

The PRESIDENT: The Chair would answer in the affirmative, the Bill, "An Act to Regulate Entrance Fees Charged by Mobile Home Parks". (H. P. 779) (L. D. 924) having been held at the request of a Senator.

Senator PRAY: Mr. President, having voted on the prevailing side, I move that the Senate Reconsider whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Senate Reconsider its action whereby L. D. 924 was Passed to be Engrossed.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending the motion to Reconsider.

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

Papers from the House House Papers

RESOLVE, Authorizing the Transfer of Certain Lands in Webster Plantation to the Heirs of Horace White. (H. P. 1412) (L. D. 1574)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Four-year Term of Office for Sheriff. (H. P. 1413) (L. D. 1575)

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

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

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

On motion by Senator O'Leary of Oxford, the Senate voted to take from the Table:

Bill, "An Act to Regulate Motorized Bicycles." (H. P. 906) (L. D. 1073)

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

Senator O'LEARY: Mr. President and Members of the Senate, in answer to the question by the good Senator from Androscoggin, Senator Minkowsky, if he would check Committee Amendment "A" under 287, he would find that we have stricken from the original Bill the 16 years of age requirement and it brings the age into conformity with the present law of 15 years of age.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I thank the good Senator from Oxford for his explanation. Could he further explain the necessity of having the emergency preamble on this particular Bill in the House Amendment 287?

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

Senator EMERSON: Mr. President, in answer to that, there are people who have these motorized bicycles, old people, who want to ride them this summer. That's why the emergency is on there.

Committee Amendment "A" Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

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

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:

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT Concerning Gifted and Talented Education. (H. P. 837) (L. D. 1003)

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

AN ACT Relating to the Used Car Information Act. (H. P. 718) (L. D. 850)

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Enactment.

AN ACT Authorizing the Town of Lincolnville to Employ a Superintendent of Schools and Supervising Principal. (H. P. 167) (L. D. 191)

AN ACT to Amend the Eligibility Age for Preschool Handicapped Children. (H. P. 453) (L. D. 500)

AN ACT to Clarify the Length Restriction in the Definition of Camper Trailer under the Tax Laws. (H. P. 296) (L. D. 326)

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

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

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

Emergency

AN ACT to Allow the Export of Wood from Public Lands under Certain Circumstances. (H. P. 1359) (L. D. 1544)

This being an emergency measure and

having received the affirmative vote of 24 Members of the Senate, with 1 Senator having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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:

Scott Snively of Bangor, who won first place for boys in the Spear Speaking Contest held April 7, 1981, at the University of Maine at Augusta. (H. P. 1414)

Robert "Robby" MacDonald, Bangor High School swim coach, named corecipient of the 1981 "Coach of the Year" award by the Maine Interscholastic Swim League. (H. P. 1415)

Dianne Cormier of Bangor, who has been named to the 1981 Maine all-star girls' swim team. (H. P. 1417)

Ann Dean of Bangor, who has been named to the 1981 Maine all-star girls' swim team. (H. P. 1418)

Ann Farrington of Bangor, who has been named to the 1981 Maine All-star girls' swim team, 2nd team. (H. P. 1419)

Deb England of Bangor, who has been named to the 1981 Maine all-star girls' swim team, 2nd team. (H. P. 1420)

Danny Pelletier of Fort Kent Community High School, who received the John W. Pelletier Memorial Award as the Outstanding Wrestler at the 1981 Class A State Tournament. (H. P. 1421)

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

Joint Resolution

A Joint Resolution in Memoriam: WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Ralph W. Leavitt, Sr., of Old Town, member of the 90th-95th Maine Legislatures and a pioneer in the labor movement. (H. P. 1416)

Comes from the House, Read and Adopted. Which was Read and Adopted, in concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Labor on Bill, "An Act to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits". (H. P. 665) (L. D. 769)

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 Appropriating Funds to the Soil and Water Conservation Commission to Restore an Executive Budget Cut." (H. P. 541) (L. D. 602)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Provide for Imposition of Liens to Secure Payment of Water Rates of the Fort Fairfield Utilities District." (H. P. 963) (L. D. 1154)

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 Taxation on, Bill, "An Act to Authorize the Refunding or Crediting of Fuel Taxes Paid on Worthless Accounts." (H. P. 989) (L. D. 1177)

Reported that the same Ought to pass.

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

Which Reports were Read.

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

Senator COLLINS: May I inquire from the Committee on Taxation what the projected cost of this Bill might be?

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

On motion by Senator Teague of Somerset, Tabled until later in today's session, pending Acceptance of the Committee Report.

The Committee on Transportation on, Bill, "An Act to Enable Continuation of the Highway Safety Defensive Driver Program through an Increase in Student Registration Fees." (H. P. 1353) (L. D. 1539)

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.

Ought to Pass — As Amended

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

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 283).

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

Leave to Withdraw

Senator PIERCE for the Committee on Education on, Bill, "An Act Relating to the Calculation of State Average Per Pupil Operating Costs." (S. P. 266) (L. D. 748)

Reported that the same be granted Leave to Withdraw.

Senator CLARK for the Committee on Education on, Bill, "An Act Relating to the Calculation of State Average Per Pupil Operating Costs and the Basic Education Allocation for Operating Costs." (S. P. 330) (L. D. 960)

Reported that the same be granted Leave to Withdraw.

Senator EMERSON for the Committee on Transportation on, RESOLVE, to Designate Certain Parts of Routes 17 and 4 as Scenic Highway. (S. P. 107) (L. D. 237)

Reported that the same be granted Leave to Withdraw.

Senator USHER for the Committee on Fisheries and Wildlife on, Bill, "An Act to Change the Head of Tide on the Penobscot River." (S. P. 186) (L. D. 464)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read.

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

Senator TROTZKY: Mr. President and Members of the Senate: In relation to L. D. 748 and L. D. 960, the Committee on Education decided to give these Bills Leave to Withdraw. There is erosion going on in the School Finance Act right now. The State of Maine is actually not

funding education at 53 percent. We say continually we are funding education at 53 percent of cost, when in actuality, we're not. We're funding it at about 46 or 47 percent. The State expenditures, the average per pupil operating costs, do not reflect the true average per pupil operating costs in the Educational Finance Act.

These bills would have brought these more in line with reality. However, knowing the State's funding problems, the Committee did decide to have these Bills withdrawn. We will be addressing this issue in another bill coming before the legislature.

Which Reports were Accepted.

Sent down for concurrence.

Ought to Pass

Senator CHARETTE for the Committee on Local and County Government on Bill "An Act to Authorize the Extension of Old Orchard Pier." (S. P. 476) (L. D. 1359)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Amend the Maine Consumer Credit Code." (S. P. 172) (L. D. 422)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 167).

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Amend the Maine Nonprofit Corporation Act." (S. P. 542) (L. D. 1513)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 166)

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

The President laid before the Senate, Bill, "An Act to Authorize the Refunding or Crediting of Fuel Taxes Paid on Worthless Accounts." (H. P. 989) (L. D. 1177), Tabled earlier in today's session by Senator Teague of Somerset, pending Acceptance of the Committee Report.

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

On motion by Senator Pierce of Kennebec, adjourned until 8:30 o'clock tomorrow morning.