

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION
January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION
April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION
May 13, 1982

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July 16, 1982

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

Augusta, Maine
February 25, 1982

Senate called to order by the President.

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

CHAPLAIN BURBANK: Almighty God, may there be a spirit of peace penetrating this room and every one of our lives. Give us a quietness and a confidence amidst the unsteadiness of our world.

We come to You this morning with a deep concern for the people of Maine, with anxiety about the problems of our nation, and troubled over the conditions of the world. But we also come with hope, praying that we may have a deeper wisdom and insight, that our decisions may be wise and just in Your sight.

We pray that we may have Your peace relaxing us to the core of our being, quieting our minds, that it may produce Your kingdom on earth as it is in heaven.

We pray now these ancient words of the psalmists of several thousand years ago. Out of the depths I cry to Thee, O Lord. Hear my voice. Let Your ears be attentive to the voice of our supplications. If Thou, O Lord, shouldst mark our inequities, who could stand? But there is forgiveness with Thee, and Thou mayest be feared. I wait for the Lord, my soul waits. And in His Word, I hope. My soul waits for the Lord more than watchmen for the morning, more than watchmen for the morning. Let us hope in the Lord, for with the Lord there is steadfast love, with Him, plenteous redemption. And He will redeem us from all our inequities.

O Lord, we ask Your blessing on this gathering this day, and as we journey to our places at the end of the day. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Committee Reports
House

Divided Report

The Majority of the Committee on Legal Affairs on, Resolve, Authorizing David Condon to Bring Suit Against the State. (H. P. 1830) (L. D. 1812)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

CHARETTE of Androscoggin
VIOLETTE of Aroostook

Representatives:

McSWEENEY of Old Orchard Beach
TREADWELL of Veazie
STOVER of West Bath
SWAZEY of Bucksport
PERRY of Mexico
BOISVERT of Lewiston
STUDLEY of Berwick

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-599).

Signed:

Sensor:

SHUTE of Waldo

Representatives:

COX of Brewer
SOULAS of Bangor
DUDLEY of Enfield

Comes from the House, the Resolve Passed to be Engrossed as amended by Committee Amendment "A" (H-599).

Which Reports were Read.

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

Senator SHUTE: I move the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Waldo, Senator Shute, now moves that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee?

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, I would hope this morning that we would reject the Minority Ought to Pass Report and Accept the Majority Ought Not to Pass Report.

We had similar legislation relative to the David Condon case before the Committee on Legal Affairs in the last session of the Legislature. It was a little different in the sense that it was not a Resolve authorizing David Condon to bring suit against the State, but it was asking for a general appropriation in the same amount as he is requesting this year.

We rejected that piece of legislation last year. I would hope that this Senate would once again reject this type of legislation again this year. I do not believe that this particular piece of legislation merits our removing the liability of the State and exempting it from that liability. And so I would hope that you would vote against the Minority Ought to Pass Report. Thank you.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, we did have this Bill last year, and as the good Senator from Aroostook said, it did ask for an appropriation. This year it asks to bring suit against the State, I believe, it's \$50,000 for damages.

The reason the Resolve was put in this year, and of course last year, is that Mr. Condon had not contracted with the State Police, but had agreed to work for the State Police in making a drug bust in the Wiscasset-Bath area. Prior to that he had worked to solve an arson case in the Lubec area. Then he moved to the Searsport-Swanville area, and the State Police contacted him and asked him if he would work with them to break up a drug ring in the Wiscasset area, which he did with the understanding that he would take a State Police officer to the dealer, make a purchase, and then the State Police officer would, through the summer months, take five or six other people to that dealer, so that dealer couldn't trace back to Condon.

It seems that the dealer had decided to leave the State, so the State Police immediately after Condon took the State Police to the drug dealer, went in and made the bust. Of course, at that time, the dealer knew Condon was the one who put the finger on him.

So, the dealer was put in jail, but let out on a bond. Then the dealer and his brother went to Swanville, looking for Condon to do away with him. They did find his house, shot his two Doberman Pinscher dogs, was going to shoot his wife but they ran out of ammunition. When Condon and another fellow did come home, finally, with another gun, they shot him and he ran through the woods and the other fellow got away. Finally they got hold of the police.

The reason I felt this should go to court is, I felt the State Police broke faith with the people they were dealing with. If we can't have faith with the people, our State officials or the bureaucracy here in Augusta, I don't think we're going to get much help from the public in any similar instance.

The money, the \$35,000 plus \$15,000 for court, is merely to replace the damage done of the Doberman Pinschers, his house and other things. Thank you.

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

Senator CHARETTE: Women and Men of the Senate, again, I repeat, as the prior two Senators have spoken on is that this is the second year that we have heard this case, except now we are asking for a day in court.

I look at David Condon as a professional paid

informant. This is what this hearing brought to my attention. Paid informants are not guaranteed 24 hours around the clock protection. I think it's quite clear and understood that he was not to get 24 hours around the clock protection.

Time and time again he was approached by law enforcement people dealing in arson, drugs, et cetera, et cetera. It was very clear in the hearing that David Condon was a professional informant. My understanding is that David Condon had a disability pension. This probably was not enough money for him to live a comfortable life. Therefore, he chose a second profession and that was to become a professional informant.

The Commissioner of Law Enforcement testified, presented us evidence, receipts of monies paid to David Condon. My understanding is, that beyond agreements as to being paid, there were no guarantees of the 24 hour protection.

So I would urge you to vote with the Majority Report.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending the motion by the Senator from Waldo, Senator Shute.

Divided Report

The Majority of the Committee on Legal Affairs on, Resolve, Authorizing the City of South Portland to Bring a Civil Action against the State. (Emergency) (H. P. 1782) (L. D. 1772)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-600)

Signed:

Sensor:

VIOLETTE of Aroostook

Representatives:

SOULAS of Bangor
McSWEENEY of Old Orchard Beach
STOVER of West Bath
PERRY of Mexico
DUDLEY of Enfield
STUDLEY of Berwick

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

Signed:

Sensors:

SHUTE of Waldo
CHARETTE of Androscoggin

Representatives:

COX of Brewer
TREADWELL of Veazie
SWAZEY of Bucksport
BOISVERT of Lewiston

Comes from the House, the Resolve Passed to be Engrossed as amended by Committee Amendment "A" (H-600).

Which Reports were Read.

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

Senator COLLINS: I move this matter be Tabled until later in today's session.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that this item be Tabled until later in today's session.

Is this the pleasure of the Senate?

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

(Off Record Remarks)

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

Senator COLLINS: Mr. President, I move that the Senate stand in Recess until 4:00 o'clock this afternoon.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate stand in Recess until 4:00 o'clock this afternoon.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, a Parliamentary Inquiry. Have we yet Tabled the previous item, which Senator Violette interrupted with his unanimous consent?

The PRESIDENT: I think the motion to Recess would take priority over the Tabling of a single item.

On motion by Senator Collins of Knox, Recessed until 4:00 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

(Off Record Remarks)

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, to Table until later in today's session, Resolve, Authorizing the City of South Portland to Bring a Civil Action against the State. (H. P. 1782) (L. D. 1772) pending Acceptance of Either Committee Report.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I request leave of the Senate to withdraw my motion to Table L. D. 1772 until later in today's session.

The PRESIDENT: The Senator from Knox, Senator Collins requests Leave of the Senate to withdraw his motion to Table L. D. 1772 until later in today's session.

Is this the pleasure of the Senate?

It is a vote.

The Majority Ought to Pass, as amended, Report of the Committee Accepted in concurrence and the Resolve Read Once.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Charette. Senator CHARETTE: A question, Mr. President. Did I understand that a motion has been passed for the Ought to Pass?

The PRESIDENT: The Senator understood correctly.

Senator CHARETTE: I beg your pardon?

The PRESIDENT: The Senate Accepted the Ought to Pass, as amended by Committee Amendment "A", Report of the Committee, the Majority Report.

Senator CHARETTE: Would I be in order to ask for a motion on the Minority Report?

The PRESIDENT: The Chair would answer in the negative. At this point, the motion is in progress to Accept the Committee Report. However, the Senator could object to the Adoption of Committee Amendment "A".

The Senator has the floor.

Senator CHARETTE: Then I'd like to speak on the motion.

Committee Amendment "A" Read.

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

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Mr. President, Men and Women of the Senate: As a member of the Legal Affairs Committee to which this Bill was heard, I feel it my duty today, as part of the Minority Report, to rise and speak on this issue.

I've studied this issue at great length. I've reviewed both sides, as it was presented to the Committee, and did further research of this Bill. I have passed on some documents to each Senate desk yesterday. I know it was a lengthy piece of document, and I don't intend to read all of it either. I just would like to highlight a few of the issues that were taken in Committee.

Reasonable caution and reasonable care are two important factors. I think the State Audit Committee certainly acted with reasonable caution and reasonable care.

The amount in question here was never re-

corded in the City records, was deposited in the local bank in the name of the City of South Portland. The City funds were reconciled to written bank verifications, which the package includes those verifications. At the hearing, it was pointed out as none of the verifications had been done. However, they were done.

Normally, verifications by auditors are done on cash balances, and not on investments. It's true enough that investments, totalling \$2 million, were done in some other banks. However, at the time of the audit, there were no cash balances in existence at that particular bank.

So, the State audit simply audited from the books that were provided them, and all cash balances at that time were confirmed.

The monies in question, which was the \$289,000 check that came from EPA, was for a project on a sewage treatment, which had just gotten off the ground. Very few expenses had come about. For some reason, no one expected this kind of check to come at this time.

It was the intent of the State Audit Department to do a follow through on this project in the 1976 audit, but as it was, the City of South Portland chose to go to a private firm.

Another issue that I was concerned about is that this financial controller was bonded for \$40,000. To me, this type of a bond for any one person, who might handle millions of dollars is certainly not significant.

I'm not using this as an excuse to say that the bond itself certainly would have covered this embezzlement. However, it is not common practice to bond people for a lot less than the amounts that they will be responsible to handle.

So, the whole hearing was hard to follow. In the original hearing itself, there were conflicts as far as some of the statements. It was said, that confirmations were not sent. At workshops, confirmations were shown to the Committee and proven to have been done.

There's a lot of misunderstanding, and I can see where the Committee Report ended up as it was. My understanding when we took a final vote at Committee, the vote was 8 to 5 for Ought Not to Pass. Now I see it here in front of me in the reversed order.

The City is asking for its day in court. Really, this is the pitch, is that all it's asking for is to have its day in court. I think it goes a little beyond than having just its day in court. The Attorney General will not be able to prosecute or to represent the State in this instance. The fact that it's already going to be prosecuting the individual, therefore being a conflict of interest. The Attorney General will not be able to represent the State, which means that the State will have to hire some private law firm to represent the State. This, to me, calls for some appropriations of some sort on this Bill. I kind of hate to see my City having to pay for that cost.

Therefore, I would urge the Senate to join me and vote on the Minority Report. Thank you.

The PRESIDENT: The pending question before the Senate is the Adoption of Committee Amendment "A" to L. D. 1772. This is the question before the Senate at the present moment.

Is it the pleasure of the Senate to Adopt Committee Amendment "A" to LD 1772?

The Chair is in doubt and will order a Division.

Will all those Senators in favor of the Adoption of Committee Amendment "A", 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 6 Senators having voted in the negative, Committee Amendment "A" is Adopted, in concurrence.

The Resolve, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Remove the Interstate Business Exemption from the Unfair Trade Practices Act." (H. P. 1920) (L. D. 1902)

Bill, "An Act to Establish a Uniform Hunting Season for Raccoons." (H. P. 1775) (L. D. 1765)

Bill, "An Act Relating to Control of Nuisance Wildlife." (H. P. 1722) (L. D. 1707)

Bill, "An Act to Define Open Firearm Season on Deer." (H. P. 1723) (L. D. 1708)

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

House — As Amended

Bill, "An Act to Amend the Maine Traveler Information Services Act." (H. P. 1907) (L. D. 1882)

Bill, "An Act to Protect Maine Milk Producers from Abrupt Loss of Markets." (H. P. 1726) (L. D. 1711)

Bill, "An Act to Provide for Withdrawal of Certain Lands from the Spruce Budworm Suppression Program." (H. P. 1750) (L. D. 1740)

Bill, "An Act to Amend Certain Provisions of the Elevator Laws." (H. P. 1732) (L. D. 1717)

Bill, "An Act Concerning the Preservation of Archaeological Sites." (H. P. 1840) (L. D. 1854)

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

Bill, "An Act to Clarify Variable Rate Disclosures in the Maine Consumer Credit Code." (H. P. 1752) (L. D. 1742)

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

Sent down for concurrence.

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

Papers from the House

Joint Orders

Expressions of Legislative Sentiment recognizing:

Larry Bolduc, of Auburn, who has been elected State Grand Commander of the Military Order of the Cootie. (H. P. 2090)

Julie Fritz, a sophomore at Biddeford High School and daughter of Mr. and Mrs. Richard Fritz of Arundel, who holds the Girls' State Class A record for the 1,000-yard event and recently won the New England Indoor Championship in that event. (H. P. 2089)

The members of the "Le Regiment Soissonais," Rochambeau Expeditionary Corps., who reenacted the historic March of 1781 from Newport, Rhode Island, to Yorktown, Virginia, at the Bicentennial Observance of the Battle of Yorktown, October, 1981. (H. P. 2094)

The Gould Academy Boys' Basketball Team, which won the Western Maine Class D Championship for 1982. (H. P. 2091)

Debbie McQuire, of Hodgdon High School, who was selected for the Eastern Maine Class C Girls' Basketball "All Tourney" Team for 1982. (H. P. 2092)

Carol Bubar, of Hodgdon High School, who was selected for the Eastern Maine Class C Girls' Basketball "All Tourney" Team for 1982. (H. P. 2093)

Sherri Weeks, of Central Aroostook High School, who was selected for the Eastern Maine Class C Girls' Basketball "All Tourney" Team for 1982. (H. P. 2100)

Patti Brewer, of Central Aroostook High School, who was selected for the Eastern Maine Class C Girls' Basketball "All Tourney" Team for 1982. (H. P. 2101)

Wilfred and Theresa Saucier, of Fort Kent, upon their retirement following 35 years each of federal service, as custodians at the Canadian border station. (H. P. 2098)

Camilla Nicholas, of Central Aroostook High School, who received an Honorary Mention for the Eastern Maine Class C Girls' Basketball "All Tourney" Team selections for 1982. (H. P. 2099)

Mexico High School Pintos, winners of the Western Maine Class C Girls' Basketball Championship for 1981-1982. (H. P. 2104)

The Wells High School Boys' Basketball Team, and Coach Dufort, for winning a semi-finalist berth in their first year in the Western Class B Championship playoffs. (H. P. 2105)

Tripp Switzer, of Bangor, who has received the 1981 NEWS Thom McAn Football Trophy for Athletic and Scholastic Excellence. (H. P. 2106)

Barry Sweeney, of Dresden, on attaining the high rank and distinction of Eagle Scout. (H. P. 2107)

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

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

Papers from the House House Papers

Bill, "An Act to Revise the Military Laws of the State." (H. P. 2072) (L. D. 2020)

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

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

Bill, "An Act to Fund and Implement Collective Bargaining Agreements Relating to Vocational-Technical Institute Employees." (Emergency) (H. P. 2084) (L. D. 2023)

Bill, "An Act Enabling the Department of Educational and Cultural Services to Administer the Education Block Grant Program." (H. P. 2086) (L. D. 2028)

Bill, "An Act Enabling the State Planning Office to Administer the Community Development Block Grant Program." (Emergency) (H. P. 2085) (L. D. 2027)

Come from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Provide for Mandatory Jail Sentences for Repeat Offenders who Commit Certain Crimes on or to a Person 60 Years of Age or Older." (H. P. 2095) (L. D. 2029)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which was referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Bill, "An Act Authorizing the County of Cumberland to Raise Funds for the Construction of a Court House, Capital Improvements and Related Facilities." (H. P. 2087) (L. D. 2024)

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

On motion by Senator Perkins of Hancock, Tabled for 2 Legislative Days, pending Reference.

Orders

Expressions of Legislative Sentiment recognizing:

Erwin L. Knowlen and Helen G. Knowlen, of Holden, who celebrated their 50th wedding anniversary on February 25, 1982. (S. P. 891) presented by Senator DEVOE of Penobscot (Cosponsor: Representative GAVETT of Orono).

The East Grand High School Girls' Basketball Team and coach Brett Moores, for winning the Eastern Maine Class D Basketball Tournament for 1981-1982. (S. P. 892) presented by Senator BROWN of Washington (Cosponsor: Representative MOHOLLAND of Princeton).

The Lubec High School Girls' Basketball Team and coach Ray Rice, who for the first time in the history of the school made the East-

ern Maine Finals. (S. P. 893) presented by Senator BROWN of Washington (Cosponsor: Representative VOSE of Eastport).

Which were Read and Passed.
Sent down for concurrence.

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

Communications Maine State Retirement System

January 25, 1982

Honorable Joseph E. Brennan
Governor of Maine
State House, Augusta
Members, 110th Legislature
Dear Governor Brennan and Members of the Legislature:

The Board of Trustees of the Maine State Retirement System submit herewith a report of the financial transactions of the System, statements of the assets and liabilities for the year ending June 30, 1981, report of the Actuary, the Investment Consultant, the Executive Director and the Group Life Insurance Underwriter. This report is submitted in accordance with the provisions of 5 MRSA, Section 1031, subsection 9.

The Board of Trustees is comprised of seven voting members and the State Treasurer who is an ex-officio non-voting member. The Board includes two members appointed by the Governor, subject to review and approval of the Joint Standing Committee on Aging, Retirement and Veterans, and confirmed by the Legislature, one member appointed by the Governor from a list of three nominees submitted by the Maine Retired Teachers Association, one member elected by the Maine Teachers Association, one member elected by the Maine State Employees Association, one member appointed by the Maine Municipal Association, and one member who is a recipient of a retirement allowance through the System and elected by the foregoing members.

Total investments of the System at June 30 amounted to \$346,806,884 based on book value. These investments had a market value at year end of \$364,724,813, a gain over cost value of \$17,917,929. This gain was reflected for the most part in the difference between the cost and market value of common stock, which had a market value of \$40,159,899 in excess of cost.

Net income from investments credited to the System totalled \$47,071,951 during the year, and was comprised of the gain on the sale of securities (\$18,441,734) and earnings on investments (\$29,306,260), which were reduced by investment management and custodial services (\$676,042). The time-weighted rate of return on investments under management by the several investment managers was 15.7% during the fiscal year, as compared to 14% in the previous fiscal year, and 11.1% in the fiscal year ended June 30, 1979. The time-weighted rate of return is based on the market value of securities at the beginning and end of the fiscal period, plus dividends and interest received on these investments. The rate of return on reserves of the System for the year ended June 30, 1981, based on the book value and cost of investments was 8.5695% as compared with 7.8799% for the previous fiscal year. At year end there was cash on deposit with the State Treasurer of \$33,892,717, which was invested in the State Treasurer's "Cash Pool." Interest is credited to the System monthly on these cash deposits and the average interest rate credited to these funds during the years was 14.54%.

Of particular concern to the Board of Trustees during recent years has been the continuing liability and use of the System's reserves to finance benefit payments "to non-contributory" teachers, whose benefit plan has not been funded. Prior to the last session of the Legislature the Board of Trustees repeated its request for funding for this group, and the Governor's budget included the funding that

the Trustees requested, i.e., \$12,100,000 in the first year of the biennium and \$13,200,000 in the second year of the biennium. This request was passed by the Legislature and included in the legislative appropriation act (Chapter 316, PL 1981). If funding for this group continues at this level the unfunded liability for this group will be amortized during the same funding period that the regular teacher group and the state employee group will be completed; that is 18.8 years.

Very truly yours,
S/WILLIAM G. BLODGETT
Executive Director for
the Board of Trustees,
Maine State Retirement System

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

Committee Reports House

Leave to Withdraw

The Committee on Agriculture on, Bill, "An Act to Increase the Potato Tax." (H. P. 1771) (L. D. 1761)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Adjust the Fees for Licenses of the Electricians' Examining Board." (H. P. 1728) (L. D. 1713)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-607).

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Require Removal of Motor Vehicles from Great Ponds, Rivers and Streams." (H. P. 1776) (L. D. 1766)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-608).

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" Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Senator SEWALL for the Committee on Business Legislation on, Bill, "An Act to Provide for Discount Automobile Insurance for 3 Years for Persons 55 Years Old or Older upon Completion of Motor Vehicle Accident Prevention Course." (S. P. 764) (L. D. 1822)

Reported that the same be granted Leave to Withdraw.

Which Report was Read.

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

Senator SUTTON: Mr. President, in connection with this particular Bill from the Business Legislation Committee, I would like to make just a couple of quick comments.

First of all, I would like to apologize to the two cosponsors of the Bill for not necessarily having discussed this Leave to Withdraw with them previously. The Committee had discussed it with the sponsor, and for whatever reason that they were discussed, I apologize to them.

Number two, the Committee had a lot of sympathy with this Bill, and I would like it just to be on record, and for all those who are interested, to know that we agreed basically with the concept. There was work to be done on the Bill, that we did not have time to do this ses-

sion. The insurance companies are already allowed to do this. We would like to put the insurance companies on record, that if they do not look carefully into this situation, it will certainly be before this Legislature again and be looked on in a different matter. Thank you sir.

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

Senator CONLEY: Mr. President, I love the dear Senator from Oxford, Senator Sutton, and I don't accept his apology. In fact, I hear rumors around the third floor today that he won't be back for the next session, and that he isn't going to have an opportunity to work on it at any time.

I know when the odds are against me, particularly with the good Senator from Cumberland, Senator Clark, eyeball to eyeball to me, so I will graciously sit down and allow the gavel to come down.

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

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, I would only point out to the good Senator from Oxford, Senator Sutton, that he owes no apologies here. Once a bill is before a committee, it doesn't belong to the sponsors.

Which Report was Accepted.

Sent down for concurrence.

Enactors

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

AN ACT to Provide Assistance in the Marketing of Maine Agricultural Products. (H. P. 1900) (L. D. 1885)

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

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 1739) (L. D. 1728)

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Final Passage.

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

Senate Paper Joint Resolution

Senator CONLEY of Cumberland (Cosponsors: Senator NAJARIAN of Cumberland, Senator USHER of Cumberland and Senator GILL of Cumberland) present the following Resolution and move its adoption:

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN
HUNDRED AND EIGHTY-TWO

JOINT RESOLUTION IN COMMEMORATION OF THE VISIT OF THE FRENCH NAVAL SHIP "R.H.M. CENTAURE"

WHEREAS, On April 13, 1778, the French Naval Frigate "Le Sensible" arrived in Falmouth Harbor, now Portland, for the purpose of delivering to the colonists the Treaty of Alliance advising the colonists that the Government of France had formally and openly acknowledged American Independence and pledged its aid and support; and

WHEREAS, word of France's entry into the war spread from Falmouth in the district of Maine through New England, to General George Washington and his troops in Pennsylvania; and

WHEREAS, the decision of France to aid American colonists was of particular importance to the eventual attainment of American Independence; and

WHEREAS, this historic occasion is an integral facet of the City of Portland's Celebration 350; and

WHEREAS, this historic occasion will be

commemorated in March of 1982, in the City of Portland and the State of Maine upon the arrival of the French Naval Ship "R.H.M. Centaure" on March 4, 1982; and

WHEREAS, the visit of the French Naval Ship "R.H.M. Centaure" is an occasion of great significance to Maine and its citizens; now, therefore, be it

RESOLVED: That, We the members of the 110th Legislature while duly assembled in the Second Regular Session at the Capitol in Augusta, do extend our welcome to the officers and crew of the "R.H.M. Centaure" upon the occasion of their visit to the State of Maine in commemoration of Portland's Celebration 350; and be it further

RESOLVED: That a duly authenticated copy of this Resolution of welcome to sent forthwith, on behalf of the Legislature and the People of Maine, to the City of Portland for appropriate transmittal to the commanding officer of the French Naval Ship "R.H.M. Centaure" upon the occasion of that vessel's arrival at Portland Harbor.

(S. P. 894)

Which was Read and Adopted.

Sent down for concurrence.

(Senate at Ease)

The Senate called to order by the President.

Orders of the Day

The President laid before the Senate:

HOUSE REPORTS — from the Committee on Legal Affairs — RESOLVE, Authorizing David Condon to Bring Suit Against the State." (H. P. 1830) (L. D. 1812)—MAJORITY REPORT, Ought Not to Pass; MINORITY REPORT, Ought to Pass as Amended by Committee Amendment "A" (H-599)

Tabled—Earlier in the Day by Senator COLLINS of Knox

Pending—Motion of Senator SHUTE of Waldo to Accept Minority Report.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Minority Report of the Committee?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate. Mr. President, I would just simply ask for a Division on the motion.

The PRESIDENT: A Division has been requested.

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

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

2 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass Report does not prevail.

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

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

(Off Record Remarks)

(Senate at Ease)

The Senate called to order by the President.

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

Paper from the House Joint Order

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

Government report out a bill to the House to extend the time for the apportionment of county taxes. (H. P. 2113)

Comes from the House, Read and Passed.

Which was Read.

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, as in past years we are forced this year to pass another order extending the time for apportionment of county taxes, I might just mention that I have now four counties who have not reported their county budgets to the Local and County Government Committee. Our last hearing date is March 4. Those failing, then the budget for the ensuing year will be 80 percent of last year's budget. I might warn you that the salaries and the budget, if not approved by March 4, or heard by March 4, will fall under the 80 percent bracket.

Which was Passed, in concurrence.

(Off Record Remarks)

On motion by Senator Pierce of Kennebec, Adjourned until 12:00 o'clock tomorrow afternoon.