

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

SENATE

Thursday, March 17, 1977

Senate called to order by the President.

Prayer by The Honorable Joseph E. Brennan, Attorney General of the State of Maine.

Mr. BRENNAN: On this St. Patrick's Day, we ask for Your blessing and guidance for this Senate, that it might act with wisdom, justice and compassion. Amen.

The PRESIDENT: The Chair would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley, to the rostrum.

On this St. Patrick's Day I think it very fitting to award our favorite Son of Erin, Senator Conley, this token of our esteem and appreciation for all he has done in the Senate.

Senator Conley of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. CONLEY: Mr. President and Members of the Senate: I sincerely wish to thank you for this very lovely token. Every year as this time comes and there is always a question in my mind really as to which one of us is the most valid Son of Erin, whether it is the good Senator from Kennebec, Senator Katz or myself. He keeps claiming that he spent more time in Shannon back during the Second World War than my great-grandparents spent. But any way you look at it, I certainly want to wish each and every one of you a very joyous and happy St. Patty's Day, and I hope we are all around next year to enjoy the same. Thank you.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that when the House adjourns, it adjourns to 9:30 in the morning on March 22, and when the Senate adjourns, it adjourns to 10 o'clock in the morning on March 22. (S. P. 305)

Which was Read and Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

Papers from the House
Non-concurrent Matter

Joint Order (S. P. 277) Relative to the Hampden Academy Boys' Basketball Team. In the Senate March 15, 1977, Read and Passed.

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

The Senate voted to recede and concur.

Non-concurrent Matter

Joint Order (S. P. 276) Relative to Alta Rogers.

In the Senate March 15, 1977, Read and Passed.

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

The Senate voted to recede and concur.

Non-concurrent Matter

Bill, "An Act to Require Certain Criminal Justice Agencies to make Permanent Records of All Apprehensions and Arrests." (S. P. 258) (L. D. 781)

In the Senate March 9, 1977, Referred to the Committee on State Government.

Comes from the House, March 16, 1977, Referred to the Committee on Judiciary in non-concurrence.

On Motion of Senator Collins of Aroostook, the Senate voted to recede and concur.

Non-concurrent Matter

Bill, "An Act Relating to the Regulation of the Blueberry Industry." (H. P. 598) (L. D. 739) In the House March 8, 1977 Referred to the Committee on State Government.

In the Senate March 10, 1977 Referred to the Committee on Taxation in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion of Senator Wyman of Washington, The Senate voted to recede and concur.

Joint Order

WHEREAS, We, the Members of the 108th Legislature, have special feelings of honor and respect for those individuals who have walked these halls in the past; and

WHEREAS, a great debt of gratitude is owed to those notable figures who by their outstanding ability and foresight have fashioned the laws of this State; and

WHEREAS, it is our fond wish that these friends and former colleagues be appropriately received with special honor and distinction in the setting of their past accomplishments; now, therefore, be it

ORDERED, the Senate concurring, that Wednesday, April 20, 1977, be set apart and designated as "Welcome Back Day" at the Maine Legislature and that a special legislative committee composed of 3 members chosen by the President of the Senate and 10 members chosen by the Speaker of the House be hereby named and authorized to make all plans and arrangements to provide an appropriate homecoming for these returning individuals; and be it further

ORDERED, that all former presiding officers and members of the House and Senate are hereby cordially invited to be the guests of the 108th Legislature in session on that date; and be it further

ORDERED, that each member of the 108th Legislature be charged with the pleasant duty of urging all colleagues of former legislatures within their districts to make every effort to return on "Welcome Back Day" and share the friendship and pleasant memories of their years of service to this State. (H. P. 852)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

An Expression of Legislative Sentiment recognizing: Mrs. Blanche "Grammie" Howe of Kingfield, an active practical nurse for over 40 years, will celebrate her 100th birthday on March 24, 1977. (H. P. 853)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Albert E. MacPhail Sr., of Owls Head who served as a member of the House of Representatives and as Town Moderator in Owls Head. (H. P. 854)

WHEREAS, the Legislature has learned with deep regret of the death of W. Frank McWilliams Jr., Principal of Farrington School of Augusta. (H. P. 893)

Come from the House, Read and Adopted.

Which were Read and Adopted, in concurrence.

Bills received from the House requiring reference to Committee were acted upon in concurrence.

Communications
Department of Audit

March 16, 1977

To Governor James B. Longley and Members of the One Hundred and Eighth Legislature

In compliance with statutory requirements, I submit herewith the 57th Annual Report of the State Auditor for the fiscal year ended June 30, 1976. The financial data presented are based on

the accounting records maintained in the Bureau of Accounts and Control.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc., during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the commentary and statistical information present fairly the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1976 in conformity and with generally accepted governmental accounting principles applied on a consistent basis.

This report has been reduced to commentary and statistical information in order to implement recommendations from the Maine Management Cost Survey Commission. Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1976 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the State officials for their cooperation with this department.

Respectfully submitted,

Signed:

R. RIDEOUT JR.
State Auditor 1971-1977
(S. P. 304)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

House of Representatives

March 15, 1977

Honorable May M. Ross
Secretary of the Senate
108th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to Adhere to its action whereby it accepted the "Ought Not to Pass" Report of the Committee on Performance Audit on Bill "An Act to Provide Funds to the Department of Inland Fisheries and Wildlife" (H. P. 129) (L. D. 163)

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Senate Papers

Mr. Katz of Kennebec, (Cosponsors: Mr. Pierce of Kennebec, Mr. Hichens of York) present, Bill, "An Act to Provide for the Prevention of Alcohol Abuse." (S. P. 306)

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

Sent down for concurrence.

(Off Record Remarks)

The PRESIDENT: The Senate will be at recess until the sound of the bell.

(Recess)

Senate called to order by the President.

Senator Hichens of York was granted unanimous consent to address the Senate on the record.

Mr. HICHENS: Mr. President and Members of the Senate: It is my understanding that at 5:00 a.m. this morning the Governor signed into law L. D. 577, "An Act Raising the Legal Drinking Age in the State of Maine."

As a result of that signing, I would like to share with you some verses that I had penned in anticipation of that signing yesterday afternoon.

Resurrection of L. D. 4

Two years ago I fathered you my Baby, L. D. 4,

And saw approval of your birth when you reached the Senate floor.

I watched you travel down the hall and saw you battered there

Then come back where we Senators again your life did spare.

New hopes arose within my breast as the House voted again

And breathed new life into your veins — but the joy did not remain

For long because they changed their minds and made the final kill,

And when the Senators concurred, you laid there cold and still.

"It's dead," my colleagues told me. "Not forever," my reply,

For bills to help our young folk will never die.

And when this session started — you came to life once more,

And with many new alternatives you reached the Senate floor.

Grandfathered you went on your way to get a House decision

And weathered hours of debate — and with a clean incision

Returned in your original form as of two years ago

And with a strong plurality — with greater hopes, we know,

You down the hall did travel, where following debate

And parliamentary gobbly doo, you faced your humble fate.

And with the pressure well-applied from people far and near

The representatives did speak in voices loud and clear.

Back here you came the victor o'er those who would defeat

Your purposes so true, sincere, and the job was made complete

When in the Senate chambers enacted you became,

And you went to see the Governor who quickly signed his name.

And made it law that one must reach his twentys to buy drinks,

Trusting that out of his teens, before he buys, he thinks.

Oh well we know that victory cannot come without cost

And many of Maine's young folk will claim that they have lost

The rights that they feel owed them — but it's a sincere hope

That with the passage of this law, like adults they will cope.

And if one life is salvaged by your passage, L. D. 4,

We who voted for you will have saved that life and more;

And feel that what we've done is best for everyone concerned

Who from original mistakes a great lesson have learned.

(Off Record Remarks)

Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act Prohibiting Candidates from being Present when an Absentee Ballot is being Marked." (H. P. 8) (L. D. 18)

Bill, "An Act to Appropriate Funds to Purchase Copies of 'Franklin Sesquicentennial 1825 to 1975' by Bruce Carter, and 'History of Franklin' by Henry Oberman for Sterling Douglas, Deceased." (H. P. 332) (L. D. 423)

Resolve, to Authorize the Purchase of 100 Copies of "Acadian and Van Buren History." (H. P. 234) (L. D. 297)

Resolve, to Provide for the Purchase of Copies of "A History of the Town of Hollis" by Olive Hannaford and Martin Jewitt. (H. P. 233) (L. D. 296)

Change of Reference

The Committee on Appropriations and Financial Affairs on Bill, An Act to Maintain General Assistance Reimbursements to Municipalities. (H. P. 605) (L. D. 742)

Reported that the same be referred to the Committee on Performance Audit.

Comes from the House, the Report Read and Accepted and the Bill Referred to the Committee on Performance Audit.

Which Report was Read and Accepted in concurrence, and the Bill Referred to the Committee on Performance Audit in concurrence.

Leave to Withdraw

The Committee on Election Laws on, Bill, An Act to Provide for Columnar Arrangement of the General Election Ballot by Party. (H. P. 259) (L. D. 335)

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

The Committee on Judiciary on, Bill, An Act Relating to Powers of District Court Judges to Order Persons Produced for Trial. (H. P. 376) (L. D. 465)

Reported that the same Ought to Pass.

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

The Committee on Health and Institutional Services on, Bill, An Act Concerning the Administration of the Office of the Chief Medical Examiner. (H. P. 298) (L. D. 354)

Reported that the same Ought to Pass.

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

The Committee on Health and Institutional Services on, Bill, An Act to Expand Protective Services to Mentally Retarded Individuals. (H. P. 322) (L. D. 413)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, An Act Pertaining to Hospital Liens. (H. P. 379) (L. D. 468)

Reported that the same Ought to Pass.

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

The Committee on Local and County Government on, Bill, An Act Appropriating Funds for the Purchase of Sets of "The History of Old Broadway" by Jasper J. Stahl. (H. P. 286) (L. D. 368)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Local and County Government on, Bill, An Act Appropriating Funds for the Purchase of Copies of "Archaeological Excavations at Pemaquid, Maine, 1965-1974", by Helen Camp. (H. P. 334) (L. D. 425)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-62).

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

The Committee on Natural Resources on, Bill, An Act to Improve the Viability and Efficiency of Local Conservation Commissions. (H. P. 236) (L. D. 299)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-63).

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

The Committee on Taxation on, Bill, An Act to Remove Service Facilities from Tax Exemption Granted to the Maine Turnpike Authority. (H. P. 42) (L. D. 59)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-57).

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.

Ought to Pass in New Draft

The Committee on Natural Resources on, Bill, An Act Concerning Chemical Control of Vertebrate Animals. (H. P. 288) (L. D. 373)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 800) (L. D. 812)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-73).

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

Senate

Leave to Withdraw

Mr. Usher for the Committee on Fisheries and Wildlife on, Bill, An Act to Permit Sunday Hunting in the Southern District During Deer Season. (S. P. 78) (L. D. 186)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted. Sent down for concurrence.

Ought to Pass

Mr. Lovell for the Committee on Liquor Control on, Bill, An Act Relating to Maintaining Records on Premises under the Laws Relating to Alcoholic Beverages. (S. P. 133) (L. D. 308)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Hichens for the Committee on Local and County Government on, Bill, An Act Converting Rangeley Plantation into the Town of Haley. (Emergency) (S. P. 146) (L. D. 387)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-31).

Mr. Collins for the Committee on Judiciary on, Bill, An Act to Clarify the Responsibility for

Payment of Expenses on Rendition of Prisoners. (S. P. 155) (L. D. 395)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-32).

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, An Act Providing Legal Definition of Hunter Orange. (S. P. 100) (L. D. 229)

Reported that the same Ought to Pass.

Signed:

Senator:

USHER of Cumberland

Representatives:

PEARSON of Old Town

TOZIER of Unity

MASTERMAN of Milo

GILLIS of Calais

PETERSON of Caribou

DOW of West Gardiner

MILLS of Eastport

MacEACHERN of Lincoln

McKEAN of Limestone

ROLLINS of Dixfield

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

Signed:

Senators:

REDMOND of Somerset

PRAY of Penobscot

Which was read.

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

Mr. USHER: Mr. President, in all due respect to the Minority Floor Leader, I move the Majority Report.

The PRESIDENT: The Senator from Cumberland, Senator Usher, now moves the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, just rarely when things get kind of dull around here, I resort to the reading of legislation, and with all due respect to my good friend and Committee colleague, the Senator from Cumberland, Senator Usher, I would like the Senate to read the second paragraph of this Bill. I will read it.

I am particularly aware of this because way back a million years ago former Attorney General Jon Lund thought it would be a good idea to try blaze orange in the woods, and he had an awful time getting the House to agree with him, but we did try it, and this is the Third Generation Bill, and it defines hunter orange. Hunter orange is defined as a "daylight fluorescent orange color with a dominant wave length between 595 and 605 nanometers, excitation purity not less than 85 percent, and luminance factor of not less than 40 percent."

I move indefinite postponement.

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

Mr. SPEERS: Mr. President and Members of the Senate: As ridiculous as that paragraph may seem, I would submit that perhaps when we are in the business of writing laws as we are, that perhaps to try and come up with a very scientific, exact and definite statement as to what we mean by hunter orange might, after all, be somewhat more reasonable than simply saying to the wardens who must go into the woods in order to enforce this law, well hunter orange will mean whatever you feel it means, and you may enforce it to any degree you personally feel you may wish to enforce it.

Although it may seem somewhat scientific and a little exact to read that particular paragraph, the present situation simply does not provide an exact definition in the law, and I presume that the purpose of this Bill is to attempt to do just that.

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

Mr. PRAY: Mr. President and Members of the Senate: In case you are a little curious, there is a little card that game wardens carry around with them that shows the different orange that an individual can legally wear in the Maine woods while he is hunting.

I signed out the Minority Report with the good Senator from Somerset, Senator Redmond, of an Ought Not to Pass Report, and I tend to have second reservations about that, and I am sorry that the good Senator from Kennebec, Senator Katz, moved the indefinite postponement.

I think perhaps what I would rather see is the Bill make it to the Second Reading so that we could repeal the law requiring or mandating individuals to wear orange. As a Maine guide and an avid hunter who spends every hunting day during the fall in the woods, either occupationally or enjoying myself, I think anybody with any common sense would wear orange at that time.

I think we come down to the basic issue that was approached, that Senator Katz mentioned previously in this Legislature that has been addressed, should we or should we not mandate individuals to wear certain clothing. I think at that time it was feared that eventually they would be coming in here saying you have to wear a little bit more and a little bit more, and I think that is exactly what is going to be happening.

I hope that either Senator Katz will withdraw his Motion, or we would defeat that Motion so that we could put the Bill in Second Reading next week and repeal the whole Section.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that this Bill and all of its accompanying papers be indefinitely postponed. The Chair will order a Division.

Will all those Senators in favor of Indefinite Postponement please rise in their places to be counted.

Will all those Senators opposing Indefinite Postponement please rise in their places to be counted.

4 Senators having voted in the affirmative, and 25 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Majority Report was Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Allow Water Utility Rates Under Bond." (S. P. 79) (L. D. 187)

Reported that the same Ought Not to Pass.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

TARR of Bridgton

LUNT of Presque Isle

CUNNINGHAM of New Gloucester

KELLEHER of Bangor

McHENRY of Madawaska

WOOD of Sanford

PEARSON of Old Town

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

Signed:

Senators:

COLLINS of Aroostook
CUMMINGS of Penobscot

Representatives:

NADEAU of Sanford

SMITH of Mars Hill

BERRY of Buxton

Which Reports were read.

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

Mrs. CUMMINGS: I move we accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that we accept the Minority Ought to Pass Report.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Members of the Senate: I would hope, since we have had a few idle moments here, a little bit of fun here today, I hope we would indulge in that perhaps not too often pleasure the Senator from Kennebec, Senator Katz alluded to a few moments ago and read this Bill, L. D. 187. In my opinion it is a bad Bill. I think it would severely cramp the operational authority or the reason, really, for the Public Utilities Commission's existence.

We have established the Public Utilities Commission to establish fair rate of return on utilities, and this allows the water utility rates to become effective — I am reading now from the Statement of Fact, four months after filing with the PUC, and I would simply ask that a Division be taken on this vote, and I would hope that you would vote with the majority opinion of the Committee and the Ought Not to Pass Report. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is a Motion by the Senator from Penobscot, Senator Cummings, that the Senate accept the Minority Ought to Pass Report of the Committee. A Division has been requested.

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

Will all those Senators opposing the Minority Ought to Pass Report of the Committee please rise in their places to be counted.

18 Senators having voted in the affirmative and 9 in the negative, the motion to accept the Ought to Pass Report does prevail.

The Minority Report was Accepted and the Bill read once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Appropriate Funds for Repair, Operation and Maintenance of Androscoggin Lake Dam." (H. P. 367) (L. D. 458)

Bill, "An Act to Amend the Charter of the Freeport Sewer District." (H. P. 439) (L. D. 546) (Emergency)

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

House — As Amended

Bill, "An Act Authorizing the Public Utilities Commission to Issue Temporary Contract Carrier Permits." (H. P. 130) (L. D. 164)

Bill, "An Act Authorizing the Public Utilities Commission to Use a Modified Procedure in Considering Certain Contract Carrier Permits." (H. P. 133) (L. D. 167)

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

Senate

Bill, "An Act Relating to Work Probation in Lieu of Fine." (S. P. 303) (L. D. 898)

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

Sent down for concurrence.

Enactors

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

"An Act to Provide that the Saturday Preceding the Open Deer Season shall be for Maine Residents Only." (H. P. 11) (L. D. 20)

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

"An Act Authorizing Municipalities to Raise or Appropriate Money for a Consumer Action Program." (H. P. 7) (L. D. 17)

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

Mr. JACKSON: Mr. President and Members of the Senate: I debated this Bill when it first came onto the floor of the Senate some, oh, approximately three weeks ago, and my mind still has not been changed that this is a function that municipal government should provide funds for.

At that time I stated the Attorney General's Office has a Consumer Fraud Division. We have a Consumer Protection Agency. These two organizations are funded by appropriations from State government, funds from the taxpayers of the State of Maine, and I feel to add another organization to this list, which would be competing for tax dollars at local level on many other much needed programs, would be useless.

The thing is, if this Bill is passed, it opens the door to not only one special interest on consumer action group, it opens it up to several. I guess this is probably one of the biggest concerns that I have, is that you just open the door to the property tax, expose the property tax to a multitude of organizations for consumer programs, or consumer interest, whatever the case may be. While we have these two offices that are being funded presently at State level, I do not see any need for this Bill, and I, therefore, move the indefinite postponement of the Bill and all its accompanying papers.

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

Mr. CURTIS: Mr. President, I rise to oppose the pending motion, and hope you join with me once again in voting to authorize the municipalities to do whatever they feel they would like to do with their own tax money. The Attorney General's opinion that has been referred to provides, included in the opinion is the following paragraph: "We have reviewed these latter sections, that is, the sections regarding what a municipality may spend money on and find, no authorization for the type of expenditures stated in your question, though these provisions do cover a broad range of permissible expenditure items. Therefore, the answer to your question is negative as a matter of statutory authority."

The question, of course was, may municipalities raise or appropriate money to contribute to a non-profit corporation that provides consumer action services, including processing, investigating and redressing consumer complaints and educating consumers in business practices. Now that is part of the Attorney General's opinion, or the Assistant Attorney General's opinion, signed by S. Kirk Studstrup and dated March 2nd, 1977.

So once again, Mr. President, I hope that we will support the concept of municipal decisions at municipal levels and not from Augusta.

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

Mr. COLLINS: Mr. President and Members of the Senate: I should like to support the motion of the Senator from Cumberland, Senator Jackson, to indefinitely postpone, and I think

there are some rather valid reasons for doing so.

First of all, while the Bill is enabling legislation only, it tends to increase the burden placed on municipalities to provide funds for programs or services not related to the operation of municipal government. Already local governments are being requested to provide funds for development corporations, chambers of commerce, and some communities receive requests, and in some instances do in fact fund social programs, such as homemaker services, home nursing care, Big Brother, Big Sister, Meals on Wheels, just to name a few.

Those communities that are governed by a town or city charter, or by a town or city council, have an undue amount of pressure from the various interest groups to fund their particular project. They do not need nor do they want legislation that further opens Pandora's box. Furthermore, it would seem to me that on the second page of the letter from the Attorney General that Senator Curtis referred to, it states that: "municipalities, through their individual charters, without recourse to the Legislature, may provide the authority to appropriate money for public purposes," such as proposed in this Bill.

Therefore, I would hope that you would support the motion to indefinitely postpone.

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

Mr. MANGAN: Mr. President and Members of the Senate: I rise to support the motion of the good Senator from Cumberland County to indefinitely postpone, but my rationale runs a completely different line than everybody else does. Primarily my philosophy is that of a home ruler and under Article VIII, Second part of the Constitution of the State of Maine, states that the "inhabitants of any municipality shall have the power to alter and amend their constitution on all matters not prohibited by the Constitution or general law, which are local and municipal in character. The Legislature shall prescribe the procedure by which a municipality may act."

The Attorney General's letter states, first paragraph of Page 2, that "We have reviewed the latter sections and find no authorization for this type of expenditure as stated in your question." L. D. 17, which is the current matter under consideration, states that Title XXX, Maine Revised Statutes Annotated, Sections 5105, Subsection 12, is enacted to read, and then they add a section which is an addition to the authority of the municipality to act.

It is my impression that this L. D. will solely give to the municipalities another authority, and thereby actually place a limitation on the municipality as to what they can or cannot expend. It is my impression that the only true form of municipal home rule that we have or should have in the State of Maine is that as expressed by the voters, by the taxpayers, at the town meeting each year, and that their decision is what they should be bound by. It is my impression that if we pass L. D. 17 today, that what you are actually doing is placing a limitation on the right of the taxpayers to provide funds for that which they themselves wish to provide funds for.

Therefore, I would move that this motion, as prescribed by the Honorable Senator from Cumberland be accepted today, because it really reflects an infringement on the municipal home rule powers of the citizens of the State of Maine.

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

Mr. CONLEY: Mr. President and Members of the Senate: I find it a little hard to believe that the good Senator from Aroostook, Senator Collins, would speak in a manner as he has relative to enabling legislation. You know what

we could do today is substitute ourselves for any local town or municipal government. If we recognize the fact that this Senate just recently enacted a law that sent \$50,000.00 to Aroostook County for the sole purpose of trying to preserve Loring, and I wonder how many taxpayers throughout the State, if we sent that Bill through town by town, how many would have approved of that action taken by this Legislature.

I defend it because I see that it is a right that we have to try to preserve those things that we hold as important. But I think on the other hand we must also — the general public must have faith in its elected officials.

We are talking purely about enabling legislation, and each year as a Member of the Portland City Council, I know it is my responsibility to sit down and try to pass a reasonable budget. If some of these consumer actions groups, which apparently appear to be distasteful to some segments of our society, on the other hand if you examine what has been accomplished over the years because of the fact that they have either been funded by local money or through Federal grant money, has awakened the conscience of many citizens in this State and many municipal bodies have conformed because of the fact that they recognized their wrong.

Now we debated this Bill at length some time ago and this Senate in its wisdom passed it to be engrossed. I would at least hope today that we would go along with the same actions that we have done in the past, and send this down to the Governor and allow municipalities or selectmen on the town level to make that decision themselves, and if they make a bum decision, those people on the local level have the right to turn them out of office.

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

Mr. SPEERS: Mr. President and Members of the Senate: Much has been said about the fact that this Bill is enabling legislation, and it is certainly enabling legislation. But it is enabling legislation that is not needed.

I think it should be pointed out to the Members of the Senate that the Attorney General's opinion said in part that "there is no statutory authority for the municipalities to adopt this kind of program at the present time." But the important aspect of that statement is that there is no statutory authority for the municipalities.

We have passed no broad statutory enabling legislation to this date. But the Attorney General's opinion does go on to say that the municipalities may themselves adopt the authority for themselves, if they so desire, each municipality, individually. So, really, the question boils down not so much to the question of enabling legislation, because in effect, each municipality does have that authority at the present time to enable itself to pass and expend funds for this kind of a program.

The question really becomes whether or not this Legislature wants to pass broad enabling legislation that will apply because of the general nature and the character of the laws that will apply to every municipality in the State, or whether we wish to leave it up to each and every single individual municipality to decide that question for itself.

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

Mr. CURTIS: Mr. President, the question here is one of approach and I appreciate the observations made by previous speakers that under home rule it is possible for a municipality to amend its own charter. I would suggest that if we took the point of view being expressed by the proponents of the pending motion to its extreme, what we might very well want to do is repeal that section of the Maine Statutes under

Title XXX, Section 5105 or perhaps 5106 also, which provides for specific authorization for municipalities to fund areas of activities that we do not think of usually as being in the area of municipal activities.

If I can suggest a few of these that exist in the present law already, funding community health facilities, funding anti-poverty community action program, funding boards of trade, or advertising or conventions. And I read a number of these previously, Section 5107 concerns celebrations and commemorations and includes anniversaries, holidays, Christmas, music and memorials for veterans. I would suggest that anybody might look at these and decide that a municipality ought to include those in its own charter.

But my suggestion at this time is that it is appropriate that those agencies which have been turned down by municipalities, because they are not authorized under existing statutory authority from the Legislature, to be given the opportunity to make their presentation to each of the municipal authorities that they care to make their presentations to as to why their activities might be just as advantageous to the citizens of their cities and towns as boards of trade or advertising activities. So it is a matter of approach, Mr. President, and I think we ought to give each municipality the best latitude and the easiest latitude available.

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

Mr. MORRELL: Mr. President and Members of the Senate: I would be delighted to vote on this Bill if I could be convinced there was a groundswell of interest or desire on the part of the community. I would like to pose a question for anybody who might care to answer as to whether or not such a groundswell was evident during the hearing.

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

Mr. JACKSON: In answer to the good Senator from Cumberland, Senator Morrell, there was one person that testified on that Bill.

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

Mr. O'LEARY: I would like to inform the Senate, Mr. President and Members of the Senate, that there was no one that appeared in opposition.

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

Mr. KATZ: You know I am embolden because of the extraordinary influence I wielded on the previous legislation to ask you to follow my extraordinary leadership on this Bill, too.

We have had three lawyers speak on this Bill so far. At least I have identified three lawyers. And when these three attorneys finished I was very, very much educated, but my mind was not clarified very much. And all the Bill says, and it is a Bangor piece of legislation, and I ask you to make this determination based upon this one narrow thing.

There is a consumer action program in Bangor, as I understand it. It has performed a useful function. The Chamber of Commerce has, in print, commended their work. There is an attempt to get authority to get tax support if Bangor wants it. It is really very simple. If you feel that Bangor should have the right to use tax money, if it chooses, to support this consumer group, you vote yes; and if you do not want them to, you vote no, and we will file the lengthy briefs later.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is a motion by the Senator from Cumberland, Senator Jackson, that Item 8-2, L. D. 17 and all its accompanying papers be indefinitely postponed.

The Chair will order a Division.

Will all those Senators in favor of indefinite

postponement, please rise in their places to be counted.

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

21 Senators having voted in the affirmative and 10 Senators in the negative, the motion to indefinitely postpone does prevail.

The Bill Indefinitely Postponed in non-concurrence.

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

Mr. WYMAN: Mr. President and Members of the Senate: Having voted on the prevailing side, I move reconsideration, and I hope everybody votes against me.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves the Senate reconsider its action whereby it voted to indefinitely postpone L. D. 17.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to speak briefly to the motion. I would like to have it understood clearly that on the part of this Senator, and I think the rest of the Senate, that the previous vote taken reflected the beliefs of the Senate that the power presently exists within our Constitution for the towns and cities to take this action, and in no way is this vote to be interpreted as a vote to limit the powers of the cities and towns in the future.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby it indefinitely postponed L. D. 17?

A viva voce vote having been had,

The Motion to Reconsider does not prevail.
Sent down for concurrence.

An Act Relating to Licensing of Theaters and Motion Picture Houses. (S. P. 152) (L. D. 269)
Comes from the House, Recommitted to the Committee on Legal Affairs.

Which was passed to be enacted in non-concurrence, and signed by the President.
Sent down for concurrence.

Emergency

"An Act to Exempt Turbojet Fuel used for International Flights from Sales Tax." (S. P. 9) (L. D. 14)

On Motion by Senator Huber of Cumberland, placed on the Special Appropriations Table.

(Off Record Remarks)

Orders of the Day

The President laid before the Senate, Bill, "An Act to Authorize the Commissioner of Public Safety to Empower Local and County Law Enforcement Officials with Statewide Jurisdiction." (H. P. 102) (L. D. 126) (Emergency)

Tabled — March 15, 1977 by Senator Conley of Cumberland.

Pending — Enactment

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

Mr. CONLEY: Mr. President and Members of the Senate: I call the Senate's attention to L. D. 126, and it seems to be a simple little measure. In fact, it contains one paragraph that states: "Temporary enforcement powers, that the Commissioner of Public Safety at his discretion is authorized to grant temporary state-wide enforcement powers to all personnel employed or assigned to the Division of Special Investigations who do not have these powers, for the duration of that assignment, according to procedures established for that purpose."

Mr. President and Members of the Senate, as I read that Bill, it gives a considerable amount of power to one individual. I do not like to speak in opposition, in a sense, to the Commissioner of

Public Safety, because that is not my intent. But I cannot support a measure that gives one person in this State such powers as is described in this piece of legislation.

Therefore, Mr. President, I intend to vote against enactment, and I would hope the vast majority of this Senate would do likewise.

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

Mr. COLLINS: Mr. President, 'tis a fine tradition we continue today. You see, the leprechauns have told me that ten generations of grandfathers before the era of our beloved grandfather from Cumberland, Senator Conley, his ancestor stood beside the Irish bog in County Wexford and had a discussion with me own grandfather, nine generations back, named O'Fennalan, about the best method of catching a horse thief.

This Bill today is not about catching horse thieves. It is about catching crooks that, in my judgment, are a lot worse than horse thieves, the pushers of narcotics, the drug traffickers. This Bill is before us because of an experiment that has been going on for the past year or so under the jurisdiction of the Maine State Police, and it is called the Division of Special Investigations.

This Division, which is headed by Captain Bruton, has been written up in newspapers. I am sure you have all seen it. It has been a great concern because the Federal funds that supported the operation are going to run out this summer unless some way is found to replace them. This operation is what we call a covert operation, and it is an unusual example of cooperation between different levels of law enforcement. Now to give you an illustration, suppose that the State Police think that there is an operation in illicit drugs going on in the Houlton area, and they want an undercover man to work on it. Capt. Bruton inquires around the State and he finds that the Town of Sanford has a sworn law enforcement officer with some experience that is willing to undertake this kind of assignment. He borrows this officer from the Town of Sanford. That officer goes up to Houlton in plain clothes and mixes with the community, and hopefully obtains the evidence that is needed to bring a case into Court to convict the trafficker in narcotics.

Now the usual situation is that as soon as this officer finds his prey and collects his evidence, is ready to bust the case, his cover is blown and he no longer is useful in Houlton. So he goes back to Sanford. In the meantime he has performed a very useful service.

Now the problem that has come along is this, up to now the manner in which the Sanford Police Officer was invested with arrest power was to go to the Sheriff of the county where he was assigned and be sworn in as deputy, and mostly in the State of Maine Sheriffs have cooperated with this and some of these undercover people have had to be sworn in in half a dozen counties in order to perform the work that they are assigned. But there are one or two Sheriffs that have not seen fit to fully cooperate with this, and in at least one county the Sheriff has said, well, I will swear in your man, but you will have to join the Sheriff's association and pay a fee of \$75.00 and so forth, and this sort of thing has put a real crimp in the program.

So this is a program that has been successful because of cooperation. But in a very few areas of the State it has had this little problem. So this Bill seeks to permit the Chief of the Maine State Police, who, of course, is also the Commissioner of Public Safety, to appoint and to invest this sworn and trained law enforcement officer with arrest power in a part of the State where he does not normally perform.

I think that the good Senator from Cumberland was reading from the original version of the Bill and I would recommend, if you

are interested in the exact language that you look in the big notebook at the engrossed copy of the Bill, because as it comes to enactment, the Bill has been amended.

The principal thrust of the Amendment was, first, instead of just saying personnel, we said sworn law enforcement personnel; and, second, we put in the requirement that this personnel had to have completed a basic training course at the Maine Criminal Justice Academy, or the equivalent by waiver of the Board of Trustees at that Academy. So we are not in this Bill foisting upon the State of Maine any greenhorn, any untrained person by any means.

The usual period of assignment of one of these officers is anywhere from a week to six months. Once in a while it has gone into a year, but it is a temporary thing, and, therefore, we have put into the language that it is for the duration of the assignment.

So while the original Bill, I will agree with the good Senator, did sound quite broad, it really is not that broad. It does protect the citizens of the State from inexperienced people, but it gives the State Police an important arm in undercover work in an area that does not cost the State extra. You see these people are loaned, they are still being paid, in my illustration, by the Town of Sanford. It is a matter of reciprocal cooperation, and it has worked very well. The reason we have an emergency clause on here, and why it is terribly important that the Senate recognize its opportunity here, and it obviously takes 22 votes to pass this Bill today, and if we do not pass it as an emergency, it means it will be three or four months where the program, this covert operation is cramped.

I find it hard to think that the Senate would want to crimp and cramp this important undercover operation that has worked well.

Now ten generations back, our ancestors finally decided to walk down the road to a farmer named Kennedy and finally Kennedy invited them in and they settled the whole thing with a crock of green mist.

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

Mr. CONLEY: Mr. President and Members of the Senate: I should really have been aware of the tactics that would be used today by the good Senator from Knox, Senator Collins, when yesterday he asked me if the leprechauns were going to be full of tricks today. I sort of waved the green flag in front of him and told him today would be the day.

I feel very strongly about this Bill. In fact, I am aware that Portland today interchanges its officers with those in the City of Bangor. They bring undercover agents to work down in my home town and we send some up, sort of a swap-off situation. But I ask you, when you start talking about the Town of Sanford, and you bring an undercover agent from Sanford into say Aroostook County, who pays the salary of that officer going up into Aroostook County? You say it does not cost the State any additional money. Well, someone is going to be paying the salary of that individual: when you bring someone down from the County down into Portland or down into Sanford, as the good Senator from Knox illustrates, again, someone is going to have to pick up the cost. It is not only just his weekly average salary, it is going to be the cost of putting him up for weeks at a time in most cases.

The disturbing factor is not that. I think we have enough law enforcement officers, particularly in the City of Portland, in Cumberland County with the Sheriff's department, State Police, local enforcement officers, to be able to interchange without going to this extreme of giving these broad powers to one man.

That is why, as I stated earlier, that I cannot vote for it.

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

Mr. KATZ: Mr. President, the Senator from Knox, Senator Collins, always has the knack of making me feel comfortable when I feel uncomfortable, and I feel uncomfortable now. The Bill before us in its engrossed form says exactly what the Senator from Knox, Senator Collins, says. But a good deal of it is in the emergency preamble which has nothing to do with the law. Now the motivation is for covert operation in drug work. But that is not what the law says.

The law is about as broad an authority as you could possibly make it, and I for one would feel very, very much reassured if this Bill was slowed down and amended to include what the preamble says in the Statute, because right now the Commissioner of Public Safety in the engrossed version can use this state-wide power for anything he wishes, and I am not quite sure that is the intent of the proponents.

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

Mr. COLLINS: I think the good Senator from Kennebec, Senator Katz should feel much more at ease if he reflects upon the past history of this undercover operation. The fact is that when you are dealing with narcotics criminals, you may suddenly be face to face with all types of crime — murder, burglary, arson, oui, trafficking. If you are going to narrow the scope down and say that this officer may only deal with drug infractions, the same as the liquor inspector may only deal with liquor inspections and violations of the liquor laws, you tie one hand behind his back. You do not give him a chance to protect himself.

I would also suggest to the Senator that this is a voluntary thing. There is no compulsion on any town or city or any Sheriff's Department to loan out a man if they do not choose to do so.

And the constrictions of budget obviously prevent a very wide use of this program, because there are not very many cities which can afford to let a man go for weeks or months and not have him on their own staff for their own needs. So the automatic constrictions of the budget of the furnishing entity, I think, put an effective control on expansion of this program.

The Senator from Cumberland was concerned over who pays the bills about this and that, and, of course, at the present time Federal funds are paying what you might call the outside expense, this fellow goes from Portland to Calais, for example, or Bangor — his room and board, the money that he uses to make a test purchase of a narcotic or whatever, that is coming from Federal funds. His base salary is still paid by the entity that owns him in the first place, that employs him. He is still employed there.

So these built-in restrictions of budget and local interest in having the man back, I think, effectively control any too widespread use of this program.

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

Mr. KATZ: Mr. President, if the purpose of this legislation is to aid the State Police in the pursuit of covert operations regarding drug trafficking, it seems to me that a definition of the word 'assignment' in this legislation will satisfy the objections that I feel. If the nature of the assignment is covert operations in drugs, and he is authorized with state-wide powers, he can deal with the other felonies that he may witness, but the thing that bugs me is the nature of the assignment for which this Bill is going to be used, and I think that can be more closely defined.

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

Mr. CONLEY: Mr. President, again, I just urge the Senate not to vote for this Bill today.

The good Senator from Kennebec certainly has stated very good reasons for this Bill to be amended. We have heard so much about covert operations in the past that it scares the daylight out of me. I would at least like to see

this area limited by statute and not just have it at the whim of the Commissioner of Public Safety to be sending people in undercover through our community with broad discretionary powers such as this. I think it is not the greatest service we can provide for our citizens.

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

Mr. COLLINS: Mr. President, I request a roll call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, this is a program, this program of covert operation, particularly in the area of enforcement of drug laws, which has been very successful in our State.

I spent some time talking with my own Director of Public Safety in the Town of Orono, a town which is constantly concerned with the problems of drug control. He assures me that Orono participates, as does Bangor and Portland, in the providing of services whenever that seems to be helpful to other communities, and definitely benefits from the services provided by the communities.

The situation was that a year ago this entire operation, series of programs, almost ceased. And it would have been, I think, a very dire blow to law enforcement if that had happened. In the interim, there have been some remarkable cases, including some remarkable arrests, all of which have brought people to the bar of justice who would not otherwise have been there. It is an important program, and I think that the built-in protections are sufficient, especially as the Bill was revised by the Judiciary Committee, so that the citizens of the State will be well protected, and the Commissioner of the Department of Public Safety will not overstep his bounds.

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

Mr. HICHENS: Mr. President and Members of the Senate: It is with a great deal of reluctance that I rise to oppose the suggestions of the Good Senator from Cumberland, having worked so closely with him in the passage of raising the drinking age, and we have been very compatible. But I feel that he is a little off base today in opposing passage of this Bill, enactment of this Bill, because many arguments were raised by the opponents of L. D. 4 that we would be driving our youth to drugs by taking away their drinking privileges.

I feel that by enactment of this Bill we are protecting these young people whom we are so concerned about, by allowing the Commissioner to transfer these undercover people around the State in order to further prohibit drug traffic in our State. So I would encourage you to vote for enactment of this Bill.

The PRESIDENT: Is the Senate ready for the question? The pending question is Enactment of L. D. 126. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Would all those Senators in favor of a roll call, please rise in their places to be counted.

Obviously more than one-fifth having risen, a roll call is ordered.

This Bill, having had its two several readings in the House, two several readings in the Senate, having been passed to be engrossed and reported by the Committee on Engrossed Bills as truly and strictly engrossed, having been passed to be enacted in the House and signed by the Speaker, is it now the pleasure of the Senate that this Bill be passed to be enacted?

This being an emergency measure, the Constitution requires for its passage the affirmative vote of two-thirds of the entire elected Membership of the Senate. The Secretary will

call the roll. A yes vote will be in favor of enactment. A nay vote will be opposed.

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Hewes, Hichens, Huber, Jackson, Lovell, Mangan, Martin, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman.

NAY — Conley, Danton, Farley, Katz, Levine, Merrill, Minkowsky, O'Leary, Pray, Usher.

22 Senators having voted in the affirmative, and 10 Senators in the negative, and 22 being two-thirds of the entire elected Membership of the Senate, this Bill is passed to be enacted.

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

Mr. COLLINS: Mr. President, having voted on the prevailing side, I move reconsideration, and hope you vote against me.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate reconsider its action whereby this Bill was passed to be enacted.

A viva voce vote having been had, The Motion to Reconsider does not prevail. Having been signed by the President, the Bill was by the Secretary presented to the Governor for his approval.

The President laid before the Senate:

Joint Order — Relative to the Natural Resources Committee reviewing the land use standards and districts adopted by the Maine Land Use Regulation Commission (H. P. 796)

Tabled — March 16, 1977 by Senator Speers of Kennebec

Pending — Passage

The Joint Order passed as amended in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Provide for Legislative Review and Automatic Termination of State Agency Rules." (H. P. 173) (L. D. 211)

Tabled — March 16, 1977 by Senator Collins of Aroostook

Pending — Passage to be Engrossed

On Motion of Mr. Speers of Kennebec, Retabled for one legislative day.

On Motion of Mr. Speers of Kennebec, the Senate voted to take from the Table

Bill, "An Act to Authorize Use of Emergency Lights and Signals by State Liquor Inspectors." (S. P. 38) (L. D. 64)

Tabled — March 3, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Morrell of Cumberland to Recede and Concur

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

Mr. PIERCE: Mr. President and Members of the Senate: I rise to oppose the Motion to Recede and Concur, and before I say why I do want to be very honest with my fellow Members and tell you why I took this off the Table today.

First of all, I knew we were going to deal with the Public Safety Issue, which we just did, so that I hoped that everybody would be in a very pro-law enforcement mood.

Secondly, after we dealt with the liquor issue of drinking age yesterday, I was hoping that everybody would be in a very pro-liquor inspector mood for a change.

So I thought that perhaps the combination would be the appropriate time to discuss this Bill, and let it go one way or another. I know that this Bill has been called frivolous, it has been called a toy for the Liquor Inspectors, and it is not particularly important. Well, certainly it is not important or anything that bears the magnitude of the Bill we dealt with just a short time ago concerning public safety. I do not

claim that it is. Frankly, it was never a Bill that was particularly important to me. However, I did find that it is a Bill that is very important to 16 people in this State — those are the 16 people that serve as State Liquor Inspectors.

Capt. Martin said to me not too long after the other Body took the vote that they did, he asked me why won't they let us have this. I really did not think that I could give him a very rational answer. I did not know whether to tell him that most people thought it was frivolous, or they thought it was a toy, or was a lot of the old prejudices against the Liquor Inspectors that some people harbor.

I know that he has worked extremely hard to up-grade his group. I know that they feel a sense of pride now that they had not in the past years. I feel that this is something that we should provide to help him. In all probability, we will not give him the extra Inspectors that he asks for, and we probably will not give him anything. But I think that this is one thing that we could give him at no cost to the State — to give Liquor Inspectors more than a practical lift. I think it would give them a psychological lift, and with the extra burden which we imposed upon them yesterday, a vast extra burden, I think that this would be the time for us to give them a pat on the back instead of a slap in the face.

I would hope that you would oppose the Motion to Recede and Concur. Thank you.

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

Mr. LOVELL: Mr. President, I agree with the good Senator from Kennebec. I feel definitely that the more cars that there are on the road with flashing lights, I do not care if they are Police cars, highway cars, it has a tendency to slow traffic down, and if it slows traffic down it is going to cause less accidents.

Now I drive down the Turnpike and back every week. Cars are travelling pretty fast. And when I see, not only a state policeman, but a highway car, a state highway car with flashing lights, I have a tendency to slow down. I slow down to 50-55 to see what is going on. So consequently I think that this is a good thing to allow the Liquor Inspectors to have flashing lights on their cars, and I move that we insist, and have a Committee of Conference if that is the proper motion.

The PRESIDENT: The Chair would advise the Senator that his Motion is not in order at this time. The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I am one of the ones that signed the Ought Not to Pass out of the Transportation Committee, and I agreed with the good Senator from Waldo, Senator Greeley, that I would let this Bill go through and see how the House handled it, because I sincerely feel that this is the wrong time to pass it. I say when the Bill that is now in Judiciary is Passed, which gives the 16 Inspectors — I understand there is 20 now, not 16, that when they have the power to arrest, then would be the time that you could very easily amend that Bill, and give them the flashing lights and the sirens.

Now during the hearing I asked Sgt. Meservey what means achieved the best results in checking automobile inspection stations to see whether they inspected your cars properly, and he stated the best luck we have in telling whether anything is right or wrong with the inspection station that checked your cars, are with the unmarked cars.

Now I understand at the present time that these 16 inspectors are now dressed in uniform, and I can see what the result would be with an inspector in a uniform and flashing blue light, and his siren if he happens to blow it accidentally when he gets to the place that he is going to inspect, that I do not think there will be too much out of order. They may have to hide a couple of fellows in the kitchen, like happened down in

Bar Harbor, and it has been in the paper that the two stayed after hours with a bottle in each hand until one drank himself to death. In other words, I got in the only time in the Maine Times two weeks ago. I was trying to insinuate that the inspection had not been too good lately, and I think that is correct. I do not think it has been too good down in Bar Harbor, and down on Mt. Desert Island. That has been a case where the Town has seen fit to refuse licenses, and immediately the Appeal Board has gone down there and given the licenses, but they never go down and see that it is enforced. It really has caused a lot of trouble. We have an Inspector in Ellsworth that we think does a pretty good job, but he went down to Brookside one night and a woman fought him, broke his arm, and he was out of commission for a couple of weeks.

Now what is going to happen when these Inspectors come up, stop your car, and they have no right of arrest. They are only going to slow up the traffic. I say it is the wrong time for this. I say lets wait and see whether the Judiciary is going to pass the Bill it now has, which will give them the right of arrest. They only have the right now to arrest if they see somebody that has bought, say, a six-pack of beer, and are giving it to somebody in the car that is 15 or 16 years old. That is the only ones they can arrest now, and that is admitted.

Well, I went to a hearing of the Judiciary, and who should be there but Col. Weeks; and I said to Col. Weeks, well, I am glad I got up here two or three minutes early. I want to ask you a question. How has it happened all through these years that you have been against these Inspectors having these flashing lights and sirens, what about it now. Well, he said, you know they want to improve their image, and they think maybe if they are able to stop these cars with these flashing blue lights, that perhaps it will make their image better. He said it was kind of a pro and con. Well, I said, what is the con to it. He said the con is just what you are thinking.

About that same time the Bangor Daily News printed this paragraph, and it said "We do not need a law to increase the drinking age. We need better alcohol education in our homes, and better enforcement of the present law."

I still say it is way too early for it. Pass the Bill giving them permission to arrest, and then let them have their flashing lights and their sirens.

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

Mr. CARPENTER: Mr. President, I do not want to prolong this, and I do not want to get into a great long discussion of my own, but I did use to be a Military Police Officer a few years back, and I have been in some high speed chases, and that is why I have some grey up here now mainly — and I was not driving the car, believe me.

I would just like to ask a question through the Chair of the Good Senator from Kennebec, or any Senator that may care to respond — I think this is the bottom line of this. I think this is where a lot of our fear comes on this issue, is that these people will be chasing offenders, and I would like to know what type of pursuit training, if any, they will have.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, has posed a question through the Chair. The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I think there are several things which should be brought out here, and I, too, do not want to prolong this debate, and I will try to be as brief as I can.

First of all, Capt. Martin testified at the hearing that he is very much opposed to high speed chases. He has instructed all of his men not, in fact, to enter into any high speed chase, with or without lights. It is not the purpose of them. He

wants them for emergency purposes only. They run into a lot of accidents on the highways, and many times they have had to actually move out of the way of an accident instead of being able to aid somebody with the emergency lights which most other police vehicles do have.

I would like to also say that there are 16 of them, there are not 20. I would like to tell my good friend, Senator McNally from Hancock, that Liquor Inspectors presently do have arrest powers, full arrest powers for any violation pertaining to the State liquor laws. They can right now stop any vehicle if they want and arrest the person if there is any area of violation of the liquor law. They already have those. As far as uniforms are concerned, yes, they do wear uniforms. They do not wear them all the time. They have felt that the uniforms provided again something with more discipline, more pride in their unit which he has been trying to instill, and when they make their routine inspections and so forth, this is what they do it in. If they are doing any under-cover work, of course, they do not wear them.

Yet we probably do have poor liquor enforcement in Bar Harbor and most other places in the State, because we only have 16 Liquor Inspectors in the entire State to cover thousands upon thousands of premises, both on and off, and I wish we did have more. When I talked to Col. Weeks and Capt. Jamison of the Public Safety, State Police, who testified at the hearing on behalf of this Bill, they both feel that it is something they should have.

If you feel that these people are going to go out with their ten vehicles and get involved in high speed chases and do foolish things like this, and this is what Capt. Martin will do with it, and I guess you should vote to recede and concur. But if you want to have a little faith in him and his unit, then I would hope that you would not recede and concur.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Morrell, that the Senate recede and concur with the House. The Chair will order a Division.

Will all those Senators in favor of the Motion to Recede and Concur, please rise in their places to be counted.

Will all those Senators opposing the Motion to Recede and Concur, please rise in their places to be counted.

10 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to Recede and Concur does not prevail.

The Senate voted to insist.

(Off Record Remarks)

Out of order and Under Suspension of the Rules, the Senate voted to consider additional Papers from the House.

Bills received from the House requiring reference to Committee were acted upon in concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider additional papers from the House.

Non-concurrent Matter

Bill, "An Act to Suspend Certain Municipal Charter Provisions to Fiscal Year Transitions." (S. P. 285) (L. D. 890)

In the Senate March 15, 1977 Passed to be Engrossed without Reference to Committee.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-74), in non-concurrence.

On Motion of Mr. Chapman of Sagadahoc, The Senate voted to recede and concur.

Committee Report

House

Ought to Pass — As Amended

The Committee on Local and County Government on, Bill, "An Act Converting Wallagrass Plantation into the Town of Wallagrass." (H. P. 543) (L. D. 656)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-76).

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

Which Report, as amended, was Read and Accepted in concurrence. Committee Amendment "A" Read and Adopted in concurrence.

Under suspension of the rules, read a second time and passed to be engrossed as amended in concurrence.

On Motion of Mr. Huber of Cumberland, Adjourned to Tuesday, March 22, 1977, at 10:00 in the morning.