

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

Tuesday, March 29, 1977

Senate called to order by the President.

Prayer by the Reverend Richard E. Wrentzel of the East Auburn Baptist Church in East Auburn.

REV. WRENTZEL: Let us pray. Oh God, we ask Thy blessing upon this gathering of our Senate this morning. We thank you, Lord Jesus, for the privilege that we have of beginning the day with Thee. We are instructed in Thy word that government is ordained of Thee; therefore, we as citizens have the responsibility of praying for those that are in authority over us.

We pray that each Senator this morning, the awesome responsibility that they have in governing our State. May they realize that the responsibility is not only to the people that they represent, but their responsibility is to Thee as well. God, we pray that they do not have to govern alone.

We thank You, Lord, for your concern and love for us which is displayed so beautifully when You sent Your only begotten son into this world that through his death and resurrection, we may have forgiveness of sin by believing in His name, for it is the name, the matchless name of our Lord and Savior, Jesus Christ, that we offer this prayer this morning. In Jesus name we pray. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

The PRESIDENT: I recognize today in the rear of the Chamber the National Commander of the American Legion, William J. Rogers. Commander Rogers, who is now a Kennebunk resident, is the first Maine member of the American Legion to be elected to the prestigious position of National Commander.

He is a veteran of World War II, where he served as a bomber pilot in the U.S. Navy, with distinguished service in the Asian theatre as well as the Pacific. Upon leaving the U.S. Navy at the end of World War II, Commander Rogers was a Lieutenant Senior Grade in the Navy. He is a graduate of Edward Little High School in Auburn and Syracuse University, where he was an outstanding athlete in football, baseball and boxing.

Bill has held virtually every important position in the American Legion. He has been a Vice President for 20 years of the United States Brewers Association, and is also a founding member of the Keep Maine Scenic Committee.

His mother, Helena Rogers, worked for many years in the office of the Clerk of the House of Representatives here in Augusta, and I am sure is remembered by many of you as a good friend.

It is certainly my honor today to present to the Senate the man who represents Maine well and of whom we can all be proud. I would ask the Sergeant-at-Arms to escort the National Commander of the American Legion, Bill Rogers, to the rostrum.

William J. Rogers, National Commander of the American Legion, was escorted to the rostrum by the sergeant-at-arms amid the applause of the Senate.

Mr. ROGERS: Thank you very much, Senate President Joe Sewall, Distinguished Members of the Maine Senate, it is a real pleasure to be back in Maine after spending a great deal of time since my election last August travelling throughout the world. I have many fond memories of this Chamber. As the President of the Senate told you, I do work for the United States Brewers Association, and I have some memories of cans and bottles that were banded about here at times. As a matter of fact, it seemed quite natural to come in and hear Jerry Conley and Ben going at each other.

But I am going to just take a minute of your time to tell you how pleased I am and how

wonderful it is to represent the State of Maine throughout the world with the largest veterans' organization in the world. We do not get a chance to talk to legislatures too often. I have talked to some 17 or 18 this year, but this is a little different. When you come home, you know what is going on, hopefully, and I think probably we will throw our script away.

I have had an opportunity to meet generally with many members of Congressional delegations, our Maine Congressional delegation. I did testify two weeks ago before both the Senate and House Veterans' Affairs Committee, and I will be shortly testifying before the House and Senate Armed Forces Committee on behalf of a mandate of the American Legion, a stronger defense system.

We of the American Legion believe in a strong defense system, a strong national security. Two weeks ago I had an opportunity to visit the Panama Canal Zone, and I think you all know that the Panama Canal Zone is the one area now where the pot seems to be boiling over. The negotiations authorized by President Carter are negotiations which we oppose, if it includes giving the sovereignty of the Canal to the Panamanians. We did visit with the four groups that were interested in the situation there, the Panama Canal Country, the Panama Canal Governor, the Military and the State Department, and I came back realizing the position of the American Legion in opposition to giving the sovereignty of the Canal to the Panamanians, that we are on solid ground.

You know the Treaty of 1903 has a word in it that I think describes best what we think should be used in the new treaties or any negotiations, and it is the word 'perpetuity'. Perpetuity means forever. We bought the land that the Canal was on. It was never intended that the Canal should be given back to the Panamanians. We think that we are dealing with Mr. Trujillos, the dictator of Panama, with an unstable individual running an unstable government, that is in debt to the tune of payments of \$150 million dollars annually in interest, interest alone. So we are continuing to oppose.

One other area that I would like to mention is the closeness of the Panamanian government, Mr. Trujillos, with Fidel Castro. We do not think we need the Cuban brand of communism anywhere else in this part of the world.

I am taking this opportunity, I guess, to tell you one of the things the American Legion is doing right now, because I just have issued a letter to every state, every State Official in the American Legion asking them to write to the Senate, because the Senate will have to ratify any treaties that are made with the Panamanian government. The problem seems to be with the State Department, that in 1974, then Secretary Kissinger went to Panama, negotiated an agreement with the Secretary of Defense, an agreement which would in the year 2000 give the Canal back to the Panamanians.

There have been many things said about the Canal that I think you should understand. They say that the Canal is outdated, it needs to be modernized; it does need to be modernized, but 96 percent of the ships of the United States can use the Panama Canal today. So we are going to continue to oppose the Canal or giving the sovereignty of the Canal to the Panamanians, and I wanted you to know as Legislators because just recently I addressed the South Carolina Legislature, and immediately afterwards they passed a Resolution upholding the position of the American Legion. I do not expect you to do that, but if you did, it would be great.

Thank you very much.

Papers from the House
Non-concurrent Matter

Bill, "An Act Relating to the Definition of

Deed under the Real Estate Transfer Laws." (S. P. 327) (L. D. 1086)

The Committee on Business Legislation suggested.

In the Senate March 23, 1977, referred to the Committee on Business Legislation.

Comes from the House, referred to the Committee on Judiciary, in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act Concerning the Advertising of Proposed Marine Resources Regulations." (H. P. 831) (L. D. 1004)

In the House March 15, 1977, referred to the Committee on Marine Resources.

In the Senate March 23, 1977, referred to the Committee on State Government, in non-concurrence.

Comes from the House, that Body having Insisted.

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

(Off Record Remarks)

Joint Orders

Expressions of Legislative Sentiment recognizing that: The International Moot Court Team of the University of Maine School of Law has won the New England Regional Round of the 1977 Phillip C. Jessup International Moot Court Competition (H. P. 1062)

William G. Hartwell of Anson, after having completed 40 years as tax collector of Anson, has been re-elected to that position for a 41st term (H. P. 1059)

Charles Grover of Eliot is retiring as Road Commissioner of Eliot after 22 years of dedicated service to that municipality and this State (H. P. 1058)

Comes from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Papers

Bills received from the House requiring reference to Committee were acted upon in concurrence, with the following exception:

Bill, "An Act Providing Automatic Cost-of-Living Wage Supplements for State, Maine Maritime Academy and University of Maine Employees." (H. P. 950) (L. D. 1144)

Committee on State Government suggested.

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

On Motion of Senator Speers of Kennebec, referred to the Committee on State Government and Ordered Printed in non-concurrence. Sent down for concurrence.

(Off Record Remarks)

Communications

Committee on Business Legislation
March 28, 1977

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of John Durham to the position of Superintendent of Banking.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 108th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The following members of the Business Legislation Committee have voted to confirm the nomination:

Senators:

PIERCE of Kennebec
CHAPMAN of Sagadahoc

Representatives:

CLARK of Freeport
BOUDREAU of Portland
RIDEOUT of Mapleton
KILCOYNE of Gardiner
JACKSON of Yarmouth
SPROWL of Hope
ALOUPIIS of Bangor
WHITTEMORE of Skowhegan

The following members of the Business Legislation Committee have voted to deny the nomination:

Senator:

FARLEY of York

Representatives:

PEAKES of Dexter
HOWE of South Portland

Ten members of the Committee have voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of John Durham be confirmed.

Sincerely,

Signed:

RICHARD H. PIERCE
Senate Chairman

Signed:

NANCY RANDALL CLARK
House Chairwoman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Business Legislation has recommended that the nomination of John Durham to the position of Superintendent of Banking be confirmed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I think perhaps before we vote on this today I should just say a couple of words in a broader sense. First of all, about the procedure with which we were charged.

As you know, the last Legislature abolished the Executive Council after it confirmed in referendum, and the nomination procedure now is done by Joint Standing Committee. I would like to report to you after going through that initial procedure, that I think it is alive and well and it does bode well for the future. I think we have a workable procedure before us.

Particularly concerning the matter which is before the Business Legislation Committee, that of confirmation of John Durham, I think I should make a few comments since the recommendation is not unanimous.

Part of what the Superintendent of Banking is charged with is to assure reasonable and orderly competition among banks, to assure their safety and soundness, and to encourage the development and expansion of financial services as it caters to the public welfare.

I view John Durham as a person with no bias, without the traditional conflicts which we so often face in the Business Legislation Committee of the old thrift institutions versus the commercial, and I think that is probably a positive recommendation for him, rather than negative, because I think he truly is a person with no bias and one who would favor neither one type of bank or the other. I feel that public welfare and the safety and soundness of our institutions is of first priority and first importance to him.

I think we in the State of Maine have been blessed with rather strong financial institutions and their track record over the past years has borne this up.

I feel also Mr. Durham has a sense and an attitude of true professionalism. I feel he is a leader of people within that department, will have the strength to lead in the proper manner and after questioning him extensively, and he did undergo a very lengthy examination by the Committee, I feel at this point I can give to him my unqualified recommendation to fulfill the post of Superintendent of Banking.

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

Mr. FARLEY: Mr. President and Members of the Senate: You have before you a resume of John Durham. I wish while we are debating here this morning, you would refer to it.

I would like to explain my reasons for signing the minority report. I am very, very aware that this is the first under the new system of confirming appointments, and it has always been my philosophy that when someone is elected to the Executive Branch of government, that he ought to be able to appoint whoever he feels is qualified and can work with him to lead that particular branch of government.

I have never supported the philosophy that when the Executive Branch head is denied that privilege, and to come back, as the Legislative Branch of government and blame that particular executive for a poor performance in that department.

I said before that I would request that you read the resume before you. The gentleman spent 19 years in the Marine Corps as a finance officer, 3 months as a teller in a bank, and has spent the last 5 years as a bank examiner. The gentleman appeared very nervous before the Committee, and I can very well understand that. And above that, he displayed, at least to me little in-depth knowledge of banking industry.

Obviously many in this Chamber are businessmen, and I am sure a few of you serve as directors of banks. Based on this resume before you this morning, I would leave with you a few of the questions: Would you vote for John Durham to be president of your bank? And keep in mind this position is not just a president of a bank, but Superintendent of all banks in the State of Maine. Thank you very much.

The PRESIDENT: The pending question before the Senate is: Shall the recommendation of the Committee on Business Legislation be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays.

The Chair would caution the Senate to listen carefully.

A vote of Yes will be in favor of overriding the recommendation of the Committee. I will repeat: A vote of yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Chair will restate so that it will be extremely clear to the Senators: A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. In other words, a vote of no is in favor of confirming the nomination of John Durham to be Superintendent of Banking in the State of Maine.

The Secretary will call the roll.

ROLL CALL

YEA — Farley.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Danton, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Snowe, Speers, Trotzky, Usher, Wyman, Sewall.

ABSENT — Curtis, Redmond.

1 Senator having voted in the affirmative and 30 Senators in the negative, with 2 Senators absent, and 1 being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be accepted. The nomination of John Durham to the position of Superintendent of Banking was confirmed.

Reconsidered Matter

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

Mr. TROTZKY: Mr. President, I move the Senate reconsider its action where L. D. 1111, "An Act to Prohibit the Importation of Nuclear Waste into the State of Maine," whereby it was referred to the Committee on Natural Resources.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves the Senate reconsider its action where it referred L. D. 1111 to the Committee on Natural Resources. Is this the pleasure of the Senate? It is a vote.

On Motion of Senator Trotzky of Penobscot, referred to the Committee on Energy and Ordered Printed in non-concurrence.

Sent down for concurrence.

Senate Papers

Mr. Pierce of Kennebec presented, Bill, "An Act to Allow Public Inspection of Absentee Ballot Applications and Envelopes." (S. P. 374)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Mr. Farley of York presented, Bill, "An Act to Allow Sunday Hunting of Wild Birds by Residents." (S. P. 373)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Mr. Huber of Cumberland presented, RESOLVE, Authorizing Charles S. Estes, or his Legal Representative, to Bring a Civil Action Against the State of Maine. (S. P. 370)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 25).

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

Sent down for concurrence.

Mr. O'Leary of Oxford (Cosponsor: Mr. Trotzky of Penobscot) present, RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with Brown Company. (S. P. 375)

Committee on Natural Resources Suggested.

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

Mr. SPEERS: Mr. President, I move this Item be referred to the Committee on State Government.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that this Item be referred to the Committee on State Government.

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

Mr. O'LEARY: Mr. President, these Bills are normally heard by the Committee on Natural Resources, and I would request the Senate send it to the Committee on Natural Resources.

On Motion of Mr. Speers of Kennebec, Tabled until later in today's session pending the Motion by the same Senator to refer to Committee on State Government.

Mr. Collins of Aroostook presented, Bill, "An Act to Strengthen the Representative Form of State Government and to Improve the Legislative Process." (S. P. 371)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Mr. Farley of York presented, Bill, "An Act to Provide for the Use of Commuter Passes on the Maine Turnpike." (S. P. 372)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Orders

An Expression of Legislative Sentiment recognizing that: Miss Laura Nawfel is the first woman to receive the Waterville Area Chamber of Commerce's Distinguished Community Ser-

vice Award" (S. P. 376) (Presented by Senator Pierce of Kennebec) (Cosponsored by: Representatives Boudreau of Waterville, Carey of Waterville)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 20 of the Joint Rules: Bill, "An Act to Require that the Purchase Price of Tickets for Motor Vehicle Racing Events that are Cancelled be Refunded." (H. P. 491) (L. D. 610)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Define the Moment of Death." (H. P. 35) (L. D. 52)

Reports that the same be Granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read.

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

Mr. COLLINS: Mr. President and Members of the Senate: The Committee on Judiciary felt it appropriate for certain comments to be made in conjunction with the withdrawal of L. D. 52, "An Act to Define the Moment of Death." The Committee conducted an extensive hearing on this legislative proposal. We heard testimony from the legal counsel to the Maine Medical Association and the Maine Hospital Association; physicians engaged in the utilization of brain death as a means of determining death for purposes of organ transplantation; members of the clergy; representatives of the Maine Right to Life Committee; and other members of the public.

All of the witnesses who appeared before the Committee agreed that the concept of brain death is necessary. All of them recognized that the concept has been utilized for several years in the State of Maine as a valid and legal means of determining death in certain circumstances. As indicated at the hearing, a determination of death on the basis of total and irreversible cessation of brain function is the only basis upon which to secure viable organs for transplant purposes. If the pronouncement of death were delayed until the heart actually stopped beating, the organs would undergo so much deterioration that a successful transplant would be jeopardized. Last year in Maine, 22 kidneys were removed for transplant on the basis of brain death criterion. Testimony indicated that approximately 150 Maine residents are currently waiting for kidney transplants.

Several witnesses felt that statutory codification of the concept of brain death was unnecessary and inappropriate. These witnesses felt that the physician was best able to make the determination as to when death occurred and that such a determination would be based upon the customary standards of medical practice. All of the witnesses were in agreement that the utilization of "Brain death", as determined by the physician, was a lawful means of determining death in the State of Maine. The Committee agrees with that position.

Some concern was expressed that any negative action taken by the Legislature might be construed as a prohibition in the State of Maine of the utilization of the brain death criteria for the pronouncement of death. The Committee was concerned that, without some recorded statement, such a negative implication might arise. Therefore, I, as Chairman of the Judiciary Committee, was authorized by the Committee to advise the Legislature of the reason for the Committee's action.

As a result of the public hearing, the sponsor

of the legislation and the Committee determined that the concept of "brain death" is lawful in the State of Maine. It was the opinion of the sponsor and the Committee that it was unnecessary to enact legislation specifically recognizing this concept by statute inasmuch as we believe such a concept is recognized as part of the common law of Maine, and inasmuch as there has been no question concerning the validity of this concept ever raised in this State.

For these reasons, the Committee recommends that this Body accept the request of the sponsor and the report of the Committee that L. D. 52, "An Act to Define the Moment of Death" be granted "Leave to withdraw."

Thank you.

Report Accepted in concurrence.

Ought to Pass

The Committee on Education on, Bill, "An Act to Transfer to Central Maine General Hospital School of Nursing, a Corporation, the Authorization Heretofore Granted to Central Maine General Hospital, a Corporation with a School of Nursing, to confer Associate in Applied Science Degrees in Nursing." (H. P. 353) (L. D. 446)

Reported that the same Ought to Pass.

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

The Committee on Natural Resources on, Bill, "An Act to Revise the Method of Funding Water Pollution Abatement Planning." (H. P. 289) (L. D. 370)

Reported that the same Ought to Pass.

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

The Committee on Natural Resources on, Bill, "An Act to Authorize General Fund Bond Issue in the Amount of \$30,000,000 for Planning, Construction and Equipment of Pollution Abatement Facilities." (H. P. 496) (L. D. 615)

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.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Repeal Provision for Lighted Headlamp on Motorcycles Using the Highway." (H. P. 208) (L. D. 267)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

GREELEY of Waldo
McNALLY of Hancock

Representatives:

LUNT of Presque Isle
CARROLL of Limerick
STROUT of Corinth
LITTLEFIELD of Hermon
JENSEN of Portland
BROWN of Mexico
ELIAS of Madison
McKEAN of Limestone
HUTCHINGS of Lincolnville

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

Signed:

Sensor:

MINKOWSKY of Androscoggin
Representative:

JACQUES of Lewiston

Comes from the House, the Majority Report Read and Accepted.

Which Reports were read.

Majority Ought Not to Pass Report accepted.

Senate

Leave to Withdraw

Mr. Levine for the Committee on Agriculture on, Bill, "An Act Relating to the Analysis of

Commodities." (Emergency) (S. P. 161) (L. D. 437)

Reported that the same be granted Leave to Withdraw.

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

Mr. Pray for the Committee on Labor on, Bill, "An Act to Strengthen the State Unemployment Fund." (S. P. 144) (L. D. 385)

Reported that the same be granted Leave to Withdraw.

Which Report was Read.

On Motion of Mr. Speers of Kennebec,

Tabled pending acceptance of Committee Report.

Ought to Pass

Mr. Levine for the Committee on Agriculture on, Bill, "An Act Relating to the Display of Live Animals." (S. P. 142) (L. D. 383)

Reported that the same Ought to Pass.

Mr. Jackson for the Committee on Agriculture on, Bill, "An Act Relating to Adoption of Regulations for Maine Meat Inspection Act." (S. P. 142) (L. D. 384)

Reported that the same Ought to Pass.

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

Second Readers

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

House — As Amended

Bill, "An Act Creating a Mental Health Advisory Council." (Emergency) (H. P. 301) (L. D. 357)

Which was Read a Second Time and Passed to Be Engrossed, As Amended, in concurrence.

Enactors

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

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

Bill, "An Act to Provide for the On-premises Sale of Alcoholic Beverages by Indoor Racquet Sport Clubs." (H. P. 436) (L. D. 543)

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

Bill, "An Act Amending the Aggravated Unlawful Gambling Statute." (H. P. 149) (L. D. 179)

Bill, "An Act to Adjust Allocation of Funds from Certain Public Lands." (H. P. 168) (L. D. 206)

Bill, "An Act Relating to Notification of Results of Election Contests by the Commission on Governmental Ethics and Election Practices." (H. P. 318) (L. D. 409)

Bill, "An Act Concerning Chemical Control of Vertebrate Animals." (H. P. 800) (L. D. 812)

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

Bill, "An Act Pertaining to Hospital Liens." (H. P. 379) (L. D. 468)

Bill, "An Act to Improve the Viability and Efficiency of Local Conservation Commissions." (H. P. 236) (L. D. 299)

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

Bill, "An Act to Provide for the Purchase of Certain Town Histories." (H. P. 876) (L. D. 899)

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)

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)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table.

Bill, "An Act Concerning the Administration of the Office of the Chief Medical Examiner." (H. P. 298) (L. D. 354)

On Motion of Mr. Huber of Cumberland, Tabled for two legislative days pending enactment.

Emergency

Bill, "An Act to Expand Protective Services to Mentally Retarded Individuals." (H. P. 322) (L. D. 413)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

Reconsidered Matter

The PRESIDENT: The Chair would recognize the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I would inquire if Resolve, Authorizing the Commissioner of Conservation to Convey Land to Somerset County Formerly Known as the Women's Correctional Center at Skowhegan (H. P. 927) (L. D. 1017) is pending before the Senate?

The PRESIDENT: The Chair would answer in the affirmative, the Resolve having been held at the request of the Senator.

Mr. COLLINS: Mr. President, I move the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Aroostook, Senator Collins, moves the Senate reconsider its action whereby L. D. 1017 was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

Mr. COLLINS: Mr. President, I present Senate Amendment "A" (S-41) and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now presents Senate Amendment "A" to L. D. 1017, and moves its adoption. The Secretary will read Senate Amendment "A"

Senate Amendment "A" (S-41) read and adopted.

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

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act to Update Validation of Street Installations of Certain Utility Structures." (H. P. 438) (L. D. 545)

Tabled — March 24, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

Passed to be Engrossed in concurrence.

The President laid before the Senate: Bill, "An Act Providing for the Revocation and Nonrenewal of Liquor Licenses for Nonpayment of State Taxes." (H. P. 383) (L. D. 474)

Tabled — March 28, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

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

Mr. CONLEY: Mr. President and Members of the Senate: I was concerned about this particular piece of Legislation, primarily because of the fact that it singles out one industry within the State. It is my understanding in speaking with people within the Bureau of Taxation, the loss of revenue dealing with this particular subject is somewhere in the vicinity of nearly a million dollars a year.

The question came to my mind in reading this Legislation, is how much revenue the State may be losing in other areas. I have been informed that there is another Bill coming down the road very shortly, dealing with used car sales and the loss of sales tax within that industry.

It would just seem to me that it would make more sense for the Legislature to enact a broad general statute covering the licenses dealing with the loss of State taxes with any type of license that the State issues. I have nothing against this particular Bill, but it seems to me it would make far more common sense for us to adopt just a plain general statute itself, which would allow the Bureau of Taxation to move in with the threat of revoking anyone's license in failure of being able to collect the sales tax.

I do not want to move the indefinite postponement of this particular item, but I would wonder if it would be possible that it might be amended in a manner that could in fact write a general statute dealing with the loss of all tax dollars dealing with the State.

Perhaps someone from the Taxation Committee has views on this matter, and that they have more knowledge.

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

Mr. LOVELL: Mr. President and Members of the Senate: This Bill went before the Liquor Control Committee, and we definitely felt that with the loss of \$1.2 million, which is what is owed to the State of Maine at the present time in just liquor taxes and the sales tax from bar owners and motels and hotels that serve liquor, that if they are to maintain their licenses, and they are just simply not paying their sales tax and liquor tax. Now, fine, if there is another Bill coming along through, but I think we can pass this Bill at this time. It has been passed in the other Body to be engrossed, and it is ready to be engrossed in this Body here. I think we should pass this Bill. The State can use the money, as you all well know, that \$1.2 million, and with that influence on the bar room owners that they are going to lose their license for 60 days if they do not pay their sales tax, it gives the State a little leverage, and it gives them a better chance to collect. Evidently our lawyers here in Augusta are not able to collect these sales taxes from the bar owners. I do not think we should indefinitely postpone this Bill.

There is no motion on the floor. I would move that we pass the Bill to be engrossed as is.

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

Mr. PRAY: I move this item lie on the table for one Legislative Day.

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

Mr. SPEERS: Mr. President, I ask for a Division.

The PRESIDENT: A Division has been requested on the Tabling Motion.

Will all those Senators in favor of tabling this Bill for one legislative day please rise in their places to be counted.

Will all those Senators opposed to tabling this Bill for one legislative day please rise in their places to be counted.

11 Senators having voted in the affirmative, and 18 in the negative, the Motion to Table does not prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate: Again I am trying to make it clear to the good Senator from York, Senator Lovell, that I do not oppose this particular Bill, but again I think it is going to be a little difficult perhaps when the used car dealer's lobby comes in here and starts singling out another Bill that is coming down the pike, aimed in the same direction, and it just makes more sense to me to see a broad statute covering non-payment of all State taxes be imposed, and not just one that singles out any one or two industries — that everyone should be covered under it is all.

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

Mr. LOVELL: I will heartily go along with trying to collect the tax on the sale of used cars when that Bill comes down the road, but this is

a separate Bill. This is on alcohol, on bar rooms, and it is sort of a different thing to me than the good Senator from Cumberland, Senator Conley, has suggested.

I think we should pass this Bill now, and then when this other Bill comes down, I am sure the vote will be just about the same as it was on this Bill, and maybe better.

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

Mr. MERRILL: Mr. President and Members of the Senate: I have read the Bill and I have to admit to not being an expert into the present law which it amends. It seems on the initial reading of the Bill that its provisions would apply not only to bar rooms, as mentioned by the Chairman of the Liquor Committee, but also to all grocery stores and the like that sell alcoholic beverages at retail consumption off premises.

I really pose that as an inquiry through the Chair, if that is a correct reading of the Bill.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to any Senator who may care to answer. The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, this does include, not only bar rooms, but any store that owes over \$1,000.00 to the State. Now \$1,000.00 has got up pretty high, and so if they cannot start paying until they get up to \$1,000.00, well, it is going to be bad for the State. I think we should pass this Bill.

On Motion of Mr. Speers of Kennebec, Tabled for one legislative day pending passage to be engrossed.

The President laid before the Senate: RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with Brown Company. (S. P. 375)

Tabled — Earlier in today's Session by Mr. Speers of Kennebec.

Pending — Motion by the Same Senator that it be referred to the Committee on State Government

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

Mr. SPEERS: Mr. President, I withdraw my Motion. I now move this Item be referred to the Committee on Natural Resources.

On Motion of Mr. Speers of Kennebec, Referred to Committee on Natural Resources and Ordered Printed in concurrence.

(Off Record Remarks)

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

Mr. LOVELL: I would like to inquire as to point of order. The tabling of the motion of L. D. 474, which was made and was previously defeated, and after a tabling motion has been defeated once can it be brought up again?

The PRESIDENT: The Chair would advise in the affirmative, since there was ensuing debate.

On Motion of Mr. Huber of Cumberland, Adjourned until 10:00 tomorrow morning.