

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

Monday, April 11, 1977

Senate called to order by the President.
Prayer by The Honorable Donald R. O'Leary of Mexico.

Mr. O'LEARY: Lord, we ask Your blessing on those assembled here. We pray for Your divine guidance for the decisions we make in the weeks ahead. We are ever mindful that we are Your servants and those of the citizens of the State who have placed their trust in us. If there is anything that we can do that is good, let us do it now for we know that we shall not pass this way again. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Bill, "An Act to Require an Annual Adjustment in the Standards of Need for Families Receiving Aid to Dependent Children." (H. P. 1124) (L. D. 1342)

In the House March 29, 1977 referred to the Committee on Performance Audit.

In the Senate April 6, 1977 referred to the Committee on Health and Institutional Services in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion of Mrs. Snowe of Androscoggin, the Senate voted to recede and concur.

Joint Order

An Expression of Legislative Sentiment recognizing that: The North Star Chapter of Caribou has captured the New England DeMolay Basketball Championship for 1977, (H. P. 1254)

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

Joint Resolution

A Joint Resolution in Memoriam: Donald C. Messer of South Portland, who was a dedicated policeman and an outstanding citizen, (H. P. 1237)

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

(See Action later today)

House Papers

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

Communications

Committee on Natural Resources

March 7, 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 Natural Resources has had under consideration the nomination of Wilma Additon Bradford to the position of member of the Board of Environmental Protection.

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 Committee Assistant called the roll with the following result:

YEAS:	
Senators	3
Representatives	9
NAYS:	1
Senators	0
Representatives	0

ABSENT: 0

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Wilma Additon Bradford to the position of member of the Board of Environmental Protection be confirmed.

Sincerely,

Signed: HOWARD M. TROTZKY
Senate Chairman

Signed: WILLIAM B. BLODGETT
House Chairman

Which was Read and Ordered Placed on File.

Mr. President: The Joint Standing Committee on Natural Resources has recommended that the nomination of Wilma Additon Bradford be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Natural Resources 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. 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 PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: The Committee on Natural Resources held the hearing on Mrs. Bradford's confirmation, and I would like to mention a few facts for your information.

Mrs. Wilma Bradford lives in the City of Bangor, and is very active in many community activities, such as Chairman of the Maine Lung Association, and head of the United Way of Penobscot Valley.

She was educated in Rumford, Maine, Stevens High School, which is a mill town, and knows the importance of jobs in the State of Maine, and for the welfare of the people. She is also very much concerned with the environment of the State, and vacations on the coast of Maine.

The Committee feels that her outlook is well-balanced in terms of her concerns for the environment and a concern for the future economy of the State. I would hope that she would be confirmed today.

The PRESIDENT: 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. The Secretary will call the roll.

ROLL CALL

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

ABSENT — Collins, S.; Curtis, Hewes, Lovell, Martin.

No Senators having voted in the affirmative and 28 Senators in the negative, and 5 Senators being absent, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Wilma Additon Bradford is confirmed.

Office of the Governor

April 8, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you that Ralph H. Gelder at 12 Myrtle Street, Augusta was nominated to the Public Utilities Commission today.

As you may know, Mr. Gelder filled the unexpired term of Lesley Stanley which officially expired today. I am now renominating Ralph Gelder to continue serving as Commissioner and Chairman.

In accordance with MRSA Title 35, Section 1, as amended, this nomination is subject to review by the Joint Standing Committee on Public Utilities and to confirmation by the Legislature.

Thank you for your assistance.

Very truly yours,

Signed: JAMES B. LONGLEY
Governor
(S. P. 431)

Which was Read and Referred to the Committee on Public Utilities.
Sent down for concurrence.

Senate Papers

Mrs. Snowe of Androscoggin presented, Bill, "An Act Concerning the Podiatrics Practice Act." (S. P. 425)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Mrs. Snowe of Androscoggin presented, Bill, "An Act to Amend the Requirement for Public Notice of Proceedings under the Right to Know Law." (S. P. 426)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Mr. Merrill of Cumberland presented, Bill, "An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements." (S. P. 427)

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

Sent down for concurrence.

Mr. Carpenter of Aroostook presented, Bill, "An Act to Protect the State Retirement System from the Cost of Abnormal Disability Claims." (S. P. 428)

Which was referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Orders

Expression of Legislative Sentiment recognizing that: Fire Chief Forest Allen of Farmington is retiring after 35 years of service to his town, including 8 years of service as fire chief, (S. P. 430). (Presented by Senator Redmond of Somerset).

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (Emergency) (H. P. 195) (L. D. 257)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act Limiting to 8 the Number of Dogs which May be Used to Hunt Bear." (H. P. 264) (L. D. 332)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Reduce the Uniform Property Tax Required for Education to 9 Mills." (Emergency) (H. P. 396) (L. D. 508)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Education on, Bill, "An Act Concerning the Purchase of School Books." (H. P. 614) (L. D. 751)

Reported that the same Ought to Pass. Comes from the House, the Bill Passed to be Engrossed.

The Committee on Labor on, Bill, "An Act Prohibiting the Hiring of Illegal Aliens." (H. P. 126) (L. D. 159)

Reported that the same Ought to Pass. Comes from the House, the Bill Passed to be Engrossed.

The Committee on Local and County Government on, RESOLVE, Appropriating Funds for Fire Protection Equipment in the vicinity of State-owned Facilities and the Unorganized Territories at Greenville. (H. P. 641) (L. D. 785)

Reported that the same Ought to Pass. Comes from the House, the Resolve Passed to be Engrossed.

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

The Committee on State Government on, Bill, "An Act Concerning Territories Included in Baxter State Park." (H. P. 203) (L. D. 263)

Reported that the same Ought to Pass. Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read. On Motion of Mr. Speers of Kennebec, tabled for one legislative day, pending acceptance of the Committee Report.

Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act to Ensure that the Powers and Duties of Fire Chiefs are subject to Municipal Collective Bargaining Agreements." (H. P. 230) (L. D. 293)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-106).

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

The Committee on Local and County Government on, Bill, "An Act to Provide Certain Travel Expenses for County Commissioners of all Counties." (H. P. 495) (L. D. 614)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-107).

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 Marine Resources on, Bill, "An Act to Provide that the Lobster Fund be a Continuing Account from Year to Year." (H. P. 526) (L. D. 644)

Reported that the same Ought to Pass in New Draft under New Title: Bill, An Act to Make the Lobster Fund a Continuing Account and to Transfer \$10,000 from the Boat Fund to the Lobster Fund. (H. P. 1226) (L. D. 1360)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot." (H. P. 479) (L. D. 594)

Reported that the same Ought Not to Pass. Signed:

Sensors:
KATZ of Kennebec
DANTON of York

Representatives:
DURGIN of Kittery
BOUDREAU of Waterville
BOUDREAU of Portland
BIRT of East Millinocket
BUSTIN of Augusta
McMAHON of Kennebec
TRUMAN of Biddeford
TALBOT of Portland

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

Signed:
Sensors:
TROTZKY of Penobscot

Representatives:
MITCHELL of Vassalboro
RAYMOND of Lewiston
Comes from the House, the Minority Report Accepted and the Bill Passed to be Engrossed. Which reports were read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Troitzky. Mr. TROTZKY: Mr. President, I move the Senate accept the Minority Ought to Pass Report of the Committee.

On Motion of Mr. Conley of Cumberland, Tabled for one Legislative Day, pending the Motion of Senator Troitzky of Penobscot to accept the Minority Report.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Prohibit the Hunting of Bear with Dogs." (H. P. 355) (L. D. 448)

Reported that the same Ought Not to Pass. Signed:

Sensors:
REDMOND of Somerset
USHER of Cumberland
PRAY of Penobscot

Representatives:
MILLS of Eastport
PETERSON of Caribou
MASTERMAN of Milo
GILLIS of Calais
DOW of West Gardiner
MacEACHERN of Lincoln
TOZIER of Unity
PEARSON of Old Town
McKEAN of Limestone

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

Signed:
Representative:
ROLLINS of Dixfield
Comes from the House, the Majority Report Read and Accepted.

Which Report was read. Majority Ought to Pass Report accepted in concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Repeal the Uniform Property Tax." (Emergency) (H. P. 843) (L. D. 1028)

Reported that the same Ought Not to Pass. Signed:

Sensor:
MARTIN of Aroostook
Representatives:
COX of Brewer
TEAGUE of Fairfield

CHONKO of Topsham
IMMONEN of West Paris
CAREY of Waterville

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

Signed:
Sensors:
WYMAN of Washington
JACKSON of Cumberland

Representatives:
TWITCHELL of Norway
MACKEL of Wells
POST of Owls Head

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

Which Reports were read. Majority Ought Not to Pass Report accepted in concurrence.

Study Report — Health and Institutional Services

The Committee on Health and Institutional Services to which was referred the study relative to the administration of medication, pursuant to H. P. 2357 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to the Administration of Medication" (H. P. 1236) (L. D. 1389) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Health and Institutional Services.

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

Senate

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

Bill, "An Act to Provide Protection for Children Transported by Bus by Religious Organizations." (S. P. 93) (L. D. 217)

Bill, "An Act Providing for the Separate Listing of County and Municipal Appropriations on Taxpayers' Bills." (S. P. 299) (L. D. 925)

Leave to Withdraw

Mr. Greeley for the Committee on Transportation on, Bill, "An Act to Require Periodic Eye Testing as a Condition for Holding a Drivers License." (S. P. 115) (L. D. 274)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass

Mr. McNally for the Committee on Transportation on, Bill, "An Act Relating to Reconstruction of Certain Railroad Grade Separation Structures on Non Federal Aid State Aid Highways." (S. P. 112) (L. D. 271)

Reported that the same Ought to Pass. Mr. Pierce for the Committee on Business Legislation on, Bill, "An Act Pertaining to Funding the Central Licensing Division of the Department of Business Regulation." (S. P. 165) (L. D. 441)

Reported that the same Ought to Pass. Which Reports were Read and Accepted and the Bills Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Permitting Corporal Punishment in Certain Private Schools." (S. P. 181) (L. D. 495)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-52).

Signed:

Senators:

KATZ of Kennebec
USHER of Cumberland
PIERCE of Kennebec

Representatives:

FENLASON of Danforth
BAGLEY of Winthrop
BIRT of East Millinocket
WYMAN of Pittsfield
LYNCH of Livermore Falls

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

Signed:

Representatives:

MITCHELL of Vassalboro
BEAULIEU of Portland
CONNOLLY of Pittsfield
LEWIS of Auburn

Which Reports were read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought to Pass as amended Report of the Committee?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move the Senate accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, there are two corporal punishment Bills to come before this Session of the Legislature. This is a very special Bill which pertains to a small group of so-called Christian schools. Christian schools operate for the benefit of a group of parents who have their own particular attitude towards life, towards God and towards the education of their children. Part of their belief is more literal interpretation of the Bible than perhaps some of us subscribe to.

They have come to the Legislature asking us not to intervene in their right to pursue the education of their children, which has always involved the use of corporal punishment under certain circumstances. And this Bill says that if a parent in one of these schools, in writing, gives authorization to the school to use corporal punishment for his youngster or her youngster, that the State will permit it.

At the moment the title of the Bill does not reflect accurately what we are trying to accomplish, and if the Bill survives the onslaught this morning, it will be amended to be restricted to only certain so-called Christian schools.

It was an extraordinary hearing. I find myself in a rather difficult position because I have consistently voted against corporal punishment in the public schools. I will again vote against corporal punishment in the public schools when the Bill comes along.

This struck me as being a very narrowly confined Bill, which reflects the conscience of a small group of people, who want to raise their kids in their own fundamental way, and I hope you will vote against the motion to accept the Minority Report and I ask for a Division.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is a motion by the Senator from Cumberland, Senator Conley, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A Division has been requested.

Will all Senators in favor of accepting the Minority Ought Not to Pass report, please rise to be counted.

Will all Senators opposed to accepting the Minority Ought Not to Pass Report please rise to be counted.

3 Senators having voted in the Affirmative

and 25 in the Negative, the motion to accept the Minority Ought Not to Pass Report does not prevail.

Majority Ought to Pass Report accepted and the Bill Read Once. Committee Amendment "A" (S-52) was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

Five Members of the Committee on Legal Affairs on, Bill, "An Act Relating to Mother's Day, Father's Day and Sons' and Daughters' Day." (S. P. 202) (L. D. 600)

Reported in Report A that the same Ought to Pass as Amended by Committee Amendment "A" (S-53).

Signed:

Representatives:

DURGIN of Kittery
GOULD of Old Town
MOODY of Richmond
DUDLEY of Enfield
COTE of Lewiston

Five Members of the same Committee on the same subject matter Reported in Report B that the same Ought Not to Pass.

Signed:

Representatives:

BURNS of Anson
SHUTE of Stockton Springs
JOYCE of Portland
BIRON of Lewiston
CARRIER of Westbrook

Three Members of the same Committee on the same subject matter Reported in Report C that the same Ought to Pass as Amended by Committee Amendment "B" (S-54).

Signed:

Senators:

CARPENTER of Aroostook
CUMMINGS of Penobscot
HEWES of Cumberland

Which Reports were Read.

On Motion of Mr. Carpenter of Aroostook, Report C was accepted. Bill Read Once. Committee Amendment "B" read and Adopted, and Bill Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Pertaining to License Fees for the Regulation of Certain Amusements." (H. P. 577) (L. D. 701)

Which was read a Second Time.

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

Mr. CARPENTER: Mr. President, I present Senate Amendment "A" to H. P. 577, L. D. 701 under filing number of S-50.

Senate Amendment "A" (S-50) read and adopted.

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

Sent down for concurrence.

House — As Amended

Bill, "An Act Relating to Description of Recorded Mortgages." (H. P. 590) (L. D. 717)

Which was Read a Second Time.

Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Incorporate the Eastport Utilities District." (Emergency) (H. P. 498) (L. D. 627)

Which was Read a Second time.

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

Sent down for Concurrence.

Senate

Bill, "An Act to Revise the Laws Relating to State Financing of the Expenses of Superior and Supreme Judicial Courts." (S. P. 424) (L. D. 1412)

Which was Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence

Senate — As Amended

Resolve, Authorizing Robert J. Gilbert of Mexico to Bring Civil Action Against an Agency of the State of Maine. (Emergency) (S. P. 61) (L. D. 134)

Which was Read a Second Time and Passed To Be Engrossed, As Amended.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, Mr. Speers of Kennebec presented the following:

Joint Order

ORDERED, the House concurring, that notwithstanding Joint Rule 23, bills listed by the Director of Legislative Research on April 11th as pending receipt in that office for final preparation may be introduced in the appropriate House no later than 5 p.m. on Wednesday, April 20th. (S. P. 432)

Which was Read and Passed.

Sent down forthwith for concurrence.

Enactors

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

An Act Relating to Adoption of Regulations for Maine Meat Inspection Act. (S. P. 143) (L. D. 384)

An Act Relating to the Display of Live Animals. (S. P. 142) (L. D. 383)

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

Resolve, Authorizing Vandelia T. Rowe to bring Action against the State. (H. P. 492) (L. D. 611)

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

Emergency

An Act to Clarify the Borrowing Capacity of the Fort Fairfield Utilities District and to Provide for the Imposition of Liens to Secure Payment of Sewer Rates of the District. (H. P. 928) (L. D. 968)

This being an emergency measure and having received the affirmative votes of 26 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

The President laid before the Senate:

House Reports — from the Committee on Election Laws — Bill, "An Act to Regulate the Circulating of Initiative or Referendum Petitions." (H. P. 223) (L. D. 287) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled — April 7, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

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

Mr. KATZ: Mr. President, I move acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate accept the Majority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I wonder if we could have the benefit of an explanation of the harm that this Bill would correct and how it would correct it?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has now posed a question through the Chair to any Senator who

may care to answer. The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the Bill actually assigns itself to the philosophical question as to whether political activity of any kind, no matter how noble, no matter how well meaning, should be moved right inside the polling place on election day.

Those of us who signed the Majority Ought to Pass Report said that any political activity does not belong in the polling place, and this pushes it back to, I think, 250 feet, like any other section of the law.

This could be an emotional Bill. You could say that citizens who are circulating petitions are pursuing their constitutional rights, and you would be right on target. My hang-up is that it is political activity, and it influences people, and should not take place physically right within the polling place.

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

Mr. MERRILL: Mr. President, I think that there is some ambiguity in the remarks of the Senator from Kennebec, Senator Katz, because I think in fact this Bill limits activities to 250 feet, and that activity might not necessarily be within the polling place.

As I understand it, the purpose of this Bill is to keep people from passing petitions as people come to and fro on election day. I think it is a constitutional right, and I think if we are going to limit a right of that kind, a right that is protected in our State constitution, we ought to be able to point to a clear harm that we are trying to correct. I have not heard one described, except maybe some of the petitions that have been passed do not go in the direction that some of us would like them to go.

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

Mr. KATZ: Mr. President, the nature of the petition has nothing to do with my objection. They could be petitioning me to run for President of the United States for all I care. You limit partisan activities to 200 feet from the poll, but nonpartisan political activity is still political activity, and I know of no constitutional right that permits people to move tables right inside a polling place to lobby a point of view.

Now it is a very clear cut one, and you can make up your own minds as to which is right, and which is wrong. I see no constitutional problems in my position. I ask for a Division.

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

Mr. MERRILL: Mr. President, with the example that the Senator from Kennebec, Senator Katz, points to, there is a clear reason. If people are going to the polls to exercise their privilege and to vote for one party or another, then there is a good case to be made that they ought to be able to move in that last 250 feet free from hard-sell efforts to change their minds, or what might be viewed as intimidation as they move to the polling place, and the casting of a vote for one individual or another.

But activity of this kind, which is not related directly to the fact that the people are voting, but only to the fact that there is a great collection of voters moving from one place to another. I do not see that the two are related. I do not see the harm that we sought to prevent with the legislation that we have on our books now in any way leads us to conclude that there is a harm from the activities that is being carried on by people who are passing petitions at the polling place. Although I think it is troubling at times to one particular view or another as to what petitions are passed, I think that it is a good sign to see citizens involving themselves directly in the process of government, and I do not think we ought to do anything to discourage them.

I would move indefinite postponement of this

Bill and all accompanying papers, and request that when a vote is taken that it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The President recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate, I would oppose the Motion to Indefinitely Postpone. We went through a recount recently in our election, and there were three different groups trying to get signatures in our narrow corridor, and you actually had to elbow your way through them. We had the Uniform Property Tax Repeal people, very vehement people, and really the way we line up in our polling place, when you have two separate house Districts to go to vote for, 34 and 32, I think it may have contributed to the mistakes that were made in the counting. The electricity went out that night, and we enrolled 400 new voters that day in Cape Elizabeth, but I think this added extra thing causes more confusion, and I do not see any problem in having people get their signatures beyond the range of a few hundred feet from the polling place on election day.

I would certainly oppose the Motion to Indefinitely Postpone.

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

Mr. PRAY: Mr. President and Members of the Senate, the issue or the point just brought out by the previous speaker is a good one, but I would like to point out the fact that under the statutes presently the warden has the powers and the duties to assure that voting takes place in an orderly fashion, and that he has the powers to remove any individual which disrupts that orderly process, and not only under one section, but under two sections of the law, so the point that has been brought out I think has good intentions but is misplaced at this time.

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

Mr. HEWES: Mr. President and Members of the Senate, in reply to the comments of the good Senator from Penobscot, Senator Pray, the District Attorney of our county was called and he or his designee did come to our polling place, and thereafter there was much less confusion. The solicitors of the petitions were more mindful of the rights of the voters going in and out, but he had to be called and he had to come before the elbowing was terminated.

The PRESIDENT: Is the Senate ready for the question? 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. Will all of those Senators in favor of a roll call, please rise in their places to be counted.

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

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that this Bill and all its accompanying papers be indefinitely postponed. A yeas vote will be in favor of indefinite postponement. A nay vote will be opposed to indefinite postponement. The Secretary will call the roll.

YEA — Carpenter, Chapman, Conley, Danton, Mangan, Martin, Merrill, Pierce, Pray, Snowe, Usher.

NAY — Collins, D.; Cummings, Farley, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Levine, McNally, Minkowsky, Morrell, O'Leary, Redmond, Speers, Trotzky, Wyman.

ABSENT — Collins, S.; Curtis, Lovell.

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

Mr. DANTON: Mr. President, I would like to change my yeas to a nay, please.

The PRESIDENT: The Senator from York, Senator Danton, now changes his vote from yeas to nay.

10 Senators having voted in the affirmative, and 19 in the negative, and 3 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, I would just like to inquire of any Senator who may care to answer, has there been an Attorney General's opinion issued as far as this Bill is concerned? It is my understanding that there has been.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, poses a question through the Chair to any Senator who may care to answer.

Majority Ought to Pass Report of the Committee Accepted. The Bill read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate: Bill, "An Act to Clarify the Definition of Activities Reportable as Lobbying." (H. P. 1183) (L. D. 1236)

Tabled — April 7, 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, I requested that this Bill be tabled the other day so that my good seatmate, the Senator from Portland, Senator Merrill, might offer an Amendment and I believe he has the Amendment. I am sure he is going to present it at any moment.

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

Mr. MERRILL: I offer an Amendment to this Bill, filing No. S-55 and move its adoption.

Senate Amendment "A" (S-55) read and adopted.

The Bill, as Amended, passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Reconsidered Matters

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

Mr. HEWES: Mr. President, I move we reconsider our action whereby a Joint Resolution In-Memoriam: Donald C. Messer of South Portland, who was a dedicated policeman and an outstanding citizen. (H. P. 1237) was adopted.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves the Senate reconsider its action whereby H. P. 1237 was adopted in concurrence. Is this the pleasure of the Senate? It is a vote. The Chair recognizes the same Senator.

Mr. HEWES: M. President and Members of the Senate: I would like to say a few words about Donald C. Messer. We were very close in the last few months. He was my South Portland campaign manager during the most recent election in February and we were in contact most every day.

Don was a tremendous man, a boy of a very large family. He is survived by 11 brothers and sisters. I first met him when he was a Sergeant in the South Portland Police Department many years ago. At that time I noticed how considerate and compassionate and fair he was. He had a tremendous grasp of the law and in due time advanced to become a captain. For many years he was known as Captain Messer. He was in charge of Detectives and various other officers with the South Portland Police Department.

He, like our good Minority Leader here in the Senate, aspired to be Sheriff of Maine's largest County but he didn't want to run against his good friend Charlie Sharp, who was Sheriff 3

years ago, about the time that Don retired from the South Portland Police Department. However, after Sheriff Sharp resigned to take a position here in Augusta, Don did run as a write-in candidate two and a half years ago. He was not successful then, but he made another effort this past election in November, General Election, and made a tremendous showing. He led the ticket in South Portland and it was during the re-election in February when I became so friendly with him and worked with him daily.

He is survived by a lovely family. One of his children is a Minister in both West Kennebunk and Sanford. His wife, Mary, is a beautiful person and the tribute that was paid to him by the wall-to-wall attendance at his wake last Tuesday was very impressive and reassuring to Mary. I was not able make the funeral last Wednesday because of the Session here, but my wife was there. He was a wonderful man and it can be said, 'Well done, good and noble servant.'

I now hope this passes in concurrence.

Which Resolution was Adopted in concurrence.

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

Mr. MINKOWSKY: Mr. President, I would like to have the Senate reconsider L. D. 293, Bill, "An Act to Ensure that the Powers and Duties of Fire Chiefs are subject to Municipal Collective Bargaining Agreements." (H. P. 230).

The PRESIDENT: The Chair would find it necessary to advise the Senator the Motion is out of order since this Bill is assigned for second reading tomorrow, and has the same effect as being tabled for one legislative day. The Motion will be in order tomorrow.

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

**Paper From The House
Joint Order**

An Expression of Legislative Sentiment recognizing that: Freeport Fire Chief Earl F. Silver, Sr., is retiring after 40 years of dedicated service to his town. (H. P. 1258)

Comes from the House, Read and Passed.
Read and Passed in Concurrence.

(Off record remarks.)

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