

# 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**

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## SENATE

Friday, April 22, 1977

Senate called to order by the President.

Prayer by the Honorable Peter W. Danton of Saco:

Mr. DANTON: Direct us, oh Lord, in all our doings with Thy most gracious favor. Further us with Thy continual help that in all our works begun, continued and ended in Thee we may glorify Thy Holy name and finally, by, Thy mercy, obtain everlasting life. Through Jesus Christ, Our Lord. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 2:30 o'clock in the afternoon for the purpose of extending to His Excellency, Governor JAMES B. LONGLEY, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Senator Speers, to deliver the message and Mr. Speers subsequently reported that he had delivered the message with which he was charged.

At this point a message was received from the House, through Representative Tierney of Lisbon Falls, concurring in the proposition.

(Off Record remarks)

Papers from the House  
Non-concurrent Matter

Bill, "An Act to Establish Maine Writers Week." (H. P. 826) (L. D. 999)

In the House, April 11, 1977, Passed to be Engrossed.

In the Senate, April 13, 1977 Bill and accompanying Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. KATZ: Mr. President, I have spoken to the sponsor of this piece of legislation and it seems to me that there are other avenues open to honor the various groups in this State who are worthy of being honored, including the Maine Writers Week, and I have suggested that a Joint Order would receive a much warmer reception. I move that the Senate adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, I would move that we insist and ask for a Committee of Conference.

It seems to me that this is a Bill that would honor Maine writers. It makes a lot of sense to me and even if something can be worked out, maybe a Committee of Conference can work it out along the lines suggested by the good Senator from Kennebec. I would move that we insist and ask for a Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate insist and request a Committee of Conference.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would ask for a Division.

The PRESIDENT: Is the Senate ready for the question?

Will all those Senators in favor of insisting and requesting a Committee of Conference, please rise in their places to be counted.

Will all those Senators opposed to insisting and requesting a Committee of Conference, please rise in their places to be counted.

2 Senators having voted in the affirmative and 25 Senators in the negative, the motion to insist does not prevail.

The Senate voted to adhere.

## Non-concurrent Matter

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)

In the House, April 7, 1977 Passed to be Engrossed as amended by Committee Amendment "A." (H-106).

In the Senate, April 13, 1977 Bill and accompanying Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted,

On Motion of Mr. McNally of Hancock, tabled for one legislative day

Pending — Consideration

## Non-concurrent Matter

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)

In the Senate, April 13, 1977 Passed to be Engrossed as amended by Senate Amendment "A" (S-71), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "B" in non-concurrence. (H-165)

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

Mr. DANTON: Mr. President, I move the Senate adhere.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate adhere.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move the Senate recede and concur.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate recede and concur with the House.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I noticed that the number is on and as an embarrassed Committee Chairman, might I ask the issue be explained prior to my vote?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has asked a question through the Chair of any Senator who may care to answer.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate, obviously I feel somewhat embarrassed to get up and try to kill this Bill with the initial "D" on my last name. But where this started off being a lousy Bill, it is getting progressively worse.

If you have noticed the last Amendment that the House put on, the other Body put on, H-165, it would now allow the Secretary of State to take and pick names way before we take and file our nomination papers to get on the ballot. To try to explain that here, whatever the order would be, let us assume that it would be X, Y, Z, or whatever order they come out in, then I am sure that you would have all kinds of people with their last names starting with that letter to go and file nomination papers. Consequently, you would find on both tote boards, if we do end up with one here in the Senate, the same letter if what they say is so true that you would have such a great advantage in winning elections because they are on top of the ballot.

Personally, I do not believe in that. I think

the Carter — Ford race proved that. Ford won in this State. The Monks — Muskie race, again Muskie won. Emery — Barton or Barton — Emery, Emery won. And Braley — Danton, Danton won. So, I think that when you talk about a position on the ballot, I think this Bill is nothing but a pro-encumbent Bill, sponsored by two people that have the last initials of "M" and "N".

Now anyone that serves in the Maine Legislative and having the tools that we do have as incumbents, to satisfy our constituency, and cannot get re-elected without having one additional shot of having your name pulled out of a ballot to put you on top of the ballot, I do not think that we should be up here. I have never worried about it, maybe because I have a "D" but I think this Bill is just getting, like I said, from a bad Bill to a worse Bill. I think we should move to adhere. Thank you.

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

Mr. PRAY: Mr. President and Members of the Senate, the purpose and the intent of the Amendment is to clarify and to straighten out some of the problems that people have in the Bill, and as an individual in the Senate who offered an Amendment to do that, I think this Amendment here is a little bit of improvement over the one that I had proposed.

Basically, what it does — and my Amendment and how this differs, in my amendment the Secretary of State would have to on two occasions draw out the names, once before the primary election and once after the general election. This here would only require that he do it once and that alphabet then drawn off in the third week of November would be good for the following year. So, I think it was the good Senator from Androscoggin, Senator Snowe who had a little bit of concern about how far in advance the letters of the alphabet would be drawn off so that individuals concerned about getting their election materials printed and what not, and planned, this would give them the time to do it. Thus, we instead of requiring it be done twice a year, we cut it down to one.

As far as positions as to where you are going to end up or who this Bill would be advantageous to, the "D's" or the "P's" or "U's" or what-have-you, and since in this Chamber we go from "C's" down to "U's" or "W's", an individual who has appeared on two general elections on top of the ballot, even with the late letter that I have of "P" in the alphabet. I have always been on top.

I think this is a good Bill, it is a step in the direction to give a little equity to individuals on the Ballot. I do have a degree in political science and it has been my teaching, through studies and what not, that there is an advantage in being on top of the ballot, a small percentage, but in the number of close elections we have had in the past several years, I think that by drawing by lot for those few individuals of the public that are not completely aware of what an individual's positions are and what not, they may very easily go down the ballot and vote for the top names, the first names that they see.

I would hope that the Senate could recede and concur.

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

Mr. CARPENTER: Mr. President, just a question through the Chair to anyone who might care to answer: As in the case of my seatmate who was involved in a special election, if this alphabet was to be drawn in the first week of November, would they go by the previous year's alphabet, or the current year's alphabet?

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, by looking at the

Amendment, just at this short notice, it would be my understanding that it would be for the following calendar year, thus the individual would still be on the previous calendar year, or be on the next calendar year, thus there could be a propositioning on the second election.

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

Mr. DANTON: Mr. President and Members of the Senate, this is another Bill that comes along to try to do the right thing: Before you know it, it gets more and more complicated. They tell you it is not going to cost any money, but then you know that the Secretary of State will be up in front of Appropriations saying, well, you have given me another job. Now I need three more people. Now the cost goes in. Before you know it, they will find some inequity in this and say, well, I think it is better that we get Senator Merrill's Commission on Ethics in Elections and have them here while we are drawing the names or the letters to see how they are going to be on the alphabet. I think we have gone far enough on this Bill.

There is no question in my mind as I look around this Senate Chamber, starting with the President of the Senate with an "S" he got re-elected. Usher with "U" got re-elected. Trotzky with a "T" won very easily. Snowe with an "S" won a very easy election, and "B" was running against her. I do not see any problem. I think we, as incumbents, have the absolute advantage, whether it is T, U, D, A or whatever and I think that we should vote to adhere.

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

Mr. PRAY: Mr. President, I was not confused until the previous speaker spoke. As I look over some of the examples which he gave, I think and not to pick on my good friend from Cumberland County, but Senator Usher ran against an incumbent. So if we are going to talk about the powers of an incumbency, it definitely was not advantageous to an individual whose name appeared on the ballot before his. Which seems to prove the equity of the system in this Bill here is only an attempt to improve it, and I think we are just throwing out a lot of fears and worries that really are not there, and we are just going to confuse it a little bit more, and down the line we are going to have somebody coming in asking for more money and more money for everything else. I think these are just frivolous attempts to kill the Bill, and I do not see any merits of any of those statements.

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

Mr. DANTON: Mr. President and Members of the Senate, it is obvious to me that the good Senator from Penobscot, Senator Pray, has a very short memory. He seems to forget that the Senator from Cumberland, Senator Usher, was also an incumbent, only in the other Body. Obviously he must have done his work better.

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

Mr. FARLEY: Mr. President, a parliamentary inquiry here: The former action on this Bill in this Body here, we moved to adhere. I think it is Senator Danton's intention to kill this Bill one way or the other. If we move to adhere, would we, in fact, be doing that?

The PRESIDENT: The Chair would advise the Senator it would not kill the Bill, but we would adhere to our previous position and the House would then have a chance to maybe recede and concur with us.

Mr. FARLEY: Mr. President, again, a parliamentary inquiry. If then we would defeat the motion to recede and concur, would a motion then be in order to indefinitely postpone this Bill?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. FARLEY: Thank you very much.

The PRESIDENT: Is the Senate ready for the question? The pending question before the

Senate is the motion by the Senator from Kennebec, Senator Speers, 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 opposed to the motion to recede and concur, please rise in their places to be counted.

8 Senators having voted in the affirmative and 18 in the negative, the motion to recede and concur does not prevail.

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

Mr. FARLEY: Mr. President, I understand that there is a disagreement here. Could I inquire as to what motion would, in fact, kill this Bill?

The PRESIDENT: The motion now would be for the Senate to recede and after the Senate has receded, then the motion to indefinitely postpone would be in order.

Mr. FARLEY: Mr. President, I would move the Senate recede.

The PRESIDENT: The Senator from York, Senator Farley, now moves the Senate recede. Is this the pleasure of the Senate? It is a vote.

On motion of Mr. Speers of Kennebec, tabled until later in today's Session. Pending passage to be engrossed.

#### Non-concurrent Matter

Bill, "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to the Teaching of Maine Studies." (H. P. 158) (L. D. 196)

In the House April 13, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-122), as amended by House Amendment "A" (H-154) thereto.

In the Senate April 19, 1977 Bill and accompanying papers, Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference with the following conferees appointed on its part:

Messrs: WYMAN of Pittsfield  
MITCHELL of Vassalboro  
LAFFIN of Westbrook

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

Mr. CONLEY: Mr. President, I move the Senate adhere.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate adhere. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I move we insist and join in a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves the Senate insist and asks for a Committee of Conference.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I believe we debated this Bill at quite some length the other day. I think the Chairman of the Education Committee said it was not one of the most earth-shaking matters that we are going to be dealing with and I, again, would only suggest that to prolong the debating of these issues is only going to extend the Legislative Session.

I would hope the Senate would vote against joining in a Committee of Conference.

The PRESIDENT: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate insist and join in a Committee of Conference with the House.

Will all those Senators in favor of that Motion, please say Yes, those opposed will say no.

A viva voce vote was had.

The PRESIDENT: The Chair is in doubt. It

will order a Division.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I withdraw my motion.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now requests leave of the Senate to withdraw his motion to insist. Is this the pleasure of the Senate? It is a vote.

The Senate voted to adhere.

The Senate will be in recess and will form in the rear of the Chamber to join in a Joint Convention with the House of Representatives.

The Senate then retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

(Recess)

(After Recess)

The Senate called to Order by the President.

(Off Record remarks.)

#### Joint Orders

Expressions of Legislative Sentiment recognizing that: Patricia Rae Crandlemire of Machias will attend the U.S. Naval Academy at Annapolis and is the first female from Maine to attend any of the four major service academies. (H. P. 1444)

Kathleen Ann Gilbert of Windsor, Maine's 1977 Junior Miss, will represent Maine in the Junior Miss National Pageant to be held in Mobile, Alabama. (H. P. 1446)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

#### House Papers

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

#### Communications

House of Representatives

April 21, 1977

Honorable May M. Ross  
Secretary of the Senate  
108th Legislature

Augusta, Maine

Dear Madam Secretary:

The House yesterday voted to Insist and Join in a Committee of Conference on Bill "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board" (S. P. 27) (L. D. 40)

The Speaker appointed the following members of the House to the Committee:

Rep. Bustin of Augusta

Rep. Elias of Madison

Rep. Peltier of Houlton

Respectfully,

(Signed) EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

April 21, 1977

The Honorable May M. Ross  
Secretary of the Senate  
108th Legislature

Augusta, Maine

Dear Madam Secretary:

The House voted today to Adhere to its former action whereby the Minority "Ought Not to Pass" Report from the Committee on Education was accepted on Bill "An Act to Provide Voluntary Teacher Certification" (H. P. 745) (L. D. 950)

Respectfully,

(Signed) EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

**Orders**

On motion of Mr. Speers of Kennebec, ORDERED, The House concurring, that notwithstanding Joint Rule 23, bills listed by the Director of Legislative Research on April 20th as pending receipt in that office for final preparation may be introduced in the appropriate House no later than 5 p.m. on Friday, April 22nd. (S. P. 470)

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

Mr. SPEERS: Mr. President and Members of the Senate, I am somewhat reluctant to introduce this Order as it is an extension of the time within which the Bills may be introduced, but I would point out to the Senate that that extension is to 5:00 p.m. on Friday, April 22nd, which is about two hours from now. This extension is necessary because some of the Bills which have been drafted are presently ready to be introduced, and I would request any of the Senators who may have legislation pending in the Legislative Research Office, to be sure to go down and sign those pieces of legislation before 5:00 p.m. this afternoon.

Which was Read and Passed.  
Sent down forthwith 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 Appropriate Funds for the Purchase of Maine Communities and the War for Independence. — A Guide for the Study of local Maine History as Related to the American Revolution." (H. P. 642) (L. D. 786)

Bill, "An Act Appropriating Funds for the Purchase of 200 Copies of "A History of Casco, Maine 1976; and 'Casco, Maine: A Bicentennial Album, 1976.'" (H. P. 645) (L. D. 789)

RESOLVE, Authorizing the Purchase of "The Falls — Where Farmington, Maine began in 1776." (H. P. 363) (L. D. 455)

**Leave to Withdraw**

The Committee on Local and County Government on, Bill, "An Act to Give Counties Power to Assess and Collect Their Own Taxes." (H. P. 714) (L. D. 913)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Authorize a Feasibility Study for a Lewiston River Road from Lewiston to Lisbon." (H. P. 890) (L. D. 1098)

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 Appropriations and Financial Affairs on, Bill, "An Act to Continue Providing Aid to Certain Charitable Institutions." (Emergency) (H. P. 546) (L. D. 663)

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

The Committee on Business Legislation on, Bill, "An Act to Authorize Affiliated Banks to Operate Combined Common Trust Funds." (H. P. 423) (L. D. 526)

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

The Committee on Public Utilities on, Bill, "An Act to Enable the City of Portland to Collect its Sewer Assessments over a Period not to Exceed 10 Years." (H. P. 531) (L. D. 647)

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 Education on, Bill, "An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutions." (H. P. 221) (L. D. 285)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-158).

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

The Committee on Public Utilities on, Bill, "An Act Changing the Name of the Webster Water District to Sabattus Water District and Providing Compensation for the Trustees." (H. P. 883) (L. D. 1054)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-169).

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 Fisheries and Wildlife on, Bill, "An Act Establishing an Experimental Open Season on Moose." (H. P. 192) (L. D. 254)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1298) (L. D. 1495)

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

The Committee on Judiciary on, Bill, "An Act to Amend the Criminal Trespass Law to Include the Act of Unauthorized Entry upon Conspicuously Posted Property." (H. P. 632) (L. D. 773)

Reported that the same Ought to Pass in New Draft under new title: Bill, "An Act to Clarify the Criminal Trespass Law." (H. P. 1438) (L. D. 1638)

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

The Committee on Public Utilities on, Bill, "An Act to Repeal Incorporation of the Patten Water District." (Emergency) (H. P. 552) (L. D. 669)

Reported that the same Ought to Pass in New Draft under new title: Bill, "An Act to Authorize the Transfer of all Assets and Liabilities of the Patten Water District to the Town of Patten and the Dissolution of the Patten Water District." (H. P. 1333) (L. D. 1503)

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

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

**Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act to Repeal the Habitual Offender Law." (H. P. 325) (L. D. 416)

Reported that the same Ought to Pass.  
Signed:

- Senators:  
CURTIS of Penobscot  
MANGAN of Androscoggin
- Representatives:  
NORRIS of Brewer  
HENDERSON of Bangor  
TARBELL of Bangor  
BENNETT of Caribou  
BYERS of Newcastle

- GAUTHIER of Sanford  
HOBBINS of Saco  
SPENCER of Standish  
DEVOE of Orono

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

Signed:  
Senator:  
COLLINS of Knox

Comes from the House, the Majority Report Read and Accepted, and the Bill, Passed to be Engrossed.

Which reports were read.  
The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, my lone vote on this Bill reflects the views of the Maine Highway Safety Committee, as well as my own views, that we ought not to chuck out a Bill that has been used to some value, without replacing it with something better.

Last year there were between 150 and 160 prosecutions under this Statute. About 80 of those prosecutions were successful in bringing about convictions, as I am informed. Some have argued that the Secretary of State has ample authority under other legislation, and under regulations which the Secretary has the power to promulgate, to regulate license and the performance of those who persistently violate those laws.

However, there are times when not only the Secretary of State ought to have authority, but the prosecutorial operators of the State, and this particular Statute permits the use of the Courts in those cases.

Now I will admit that the law now on the books has its problems and there has been some confusion about it. The Secretary of State, Mr. Gartley, did a lot of work on this and he developed a substance Bill. Habitual Offender Law in essence, and brought it before our Committee. I felt it had merit and should have been improved slightly and presented to this Body, but others were not willing to face that task, and so we have a simple repealer, but nothing to put in place of it.

I would, therefore, offer the Motion that we accept the Ought Not To Pass Report of the Committee.

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

Mr. MANGAN: Mr. President and Members of the Senate, the Committee had a chance to consider the repeal of the Habitual Offender Law in the State of Maine. They also had, conversely, an opportunity to add an Amendment to this Bill, use that as a vehicle to actually strengthen the Habitual Offender Law.

There are several members of the Committee, most of them have signed the Majority Ought To Pass, that feel that driving in the State of Maine is a privilege and not a right. Under the powers given to the Secretary of State, the Secretary of State has the authority to suspend anyone's license, in many instances for as long as five years. It is my opinion that the Secretary of State, since the right is a privilege, could theoretically suspend it for an individual's life if he really wanted to.

It is my opinion that this is more of a harassment tactic under the Habitual Offender Law. If somebody is convicted three times, I believe, in the space of a year, the Secretary of State through the Attorney General, can bring an individual to Court, declare the individual to be a habitual offender, and the individual loses his license or the right to apply for a license for a space of a year; that at the end of the year he can then reapply for his license. I am under the impression that the Secretary of State can already do this, and that is why I felt that we are really giving a lot of teeth to the Secretary of State. He is not using the authority he has currently. That is one of the reasons I signed

the Majority Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from Knox, Senator Collins, the Senate accept the Minority Ought Not to Pass Report of the Committee.

A viva voce vote being had,  
The Motion to accept the Minority Ought Not to Pass Report does prevail.  
Sent down for concurrence.

(Off record remarks.)

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Concerning the Crime of Prostitution." (H. P. 629) (L. D. 770)

Reported that the same Ought to Pass.

Signed:

Representatives:

TARBELL of Bangor  
HENDERSON of Bangor  
BENNETT of Caribou  
BYERS of Newcastle  
GAUTHIER of Sanford  
ROBBINS of Saco  
SPENCER of Standish  
DEVOE of Orono

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

Signed:

Senators:

COLLINS of Knox  
CURTIS of Penobscot  
MANGAN of Androscoggin

Representative:

NORRIS of Brewer

Comes from the House, the Majority Report Read and Accepted, and the Bill, Passed to be Engrossed.

Which reports were read.

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

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

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

On Motion of Mr. Conley of Cumberland, tabled for one legislative day.

Pending — The Motion of Senator Collins of Knox that the Senate accept the Minority Ought Not to Pass Report of the Committee.

#### Divided Report

The Majority of the Committee on Public Utilities, on, Bill, "An Act Protecting Consumers from Termination of Certain Utility Services when such Termination may be Dangerous to their Health." (H. P. 653) (L. D. 796)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot  
COLLINS of Aroostook  
CARPENTER of Aroostook

Representatives:

McHENRY of Madawaska  
KELLEHER of Bangor  
BERRY of Buxton  
WOOD of Sanford  
TARR of Bridgton  
CUNNINGHAM of New Gloucester  
LUNT of Presque Isle  
PEARSON of Old Town  
SMITH of Mars Hill

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

Signed:

Senators:

NADEAU of Sanford

Comes from the House, the Majority Report

Read and Accepted.

Which reports were read.

Majority Ought Not to Pass Report accepted in concurrence.

#### Senate

##### Leave to Withdraw

Mr. Hewes for the Committee on Legal Affairs on, Resolve, Permitting the Use of the name "Maine" for the Maine Association for Human Genetics, (S. P. 195) (L. D. 592)

Reported that the same be granted Leave to Withdraw.

Mr. Pierce for the Committee on Business Legislation on Bill, "An Act Relating to Conduct of Examinations." (S. P. 321) (L. D. 1078)

Reported that the same be granted Leave to Withdraw.

Mr. Pierce for the Committee on Business Legislation on, Bill, "An Act Pertaining to the Central Licensing Division of the Department of Business Regulation." (S. P. 136) (L. D. 377)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Require Subcommittees of the Board of Trustees of the University of Maine and of the Maine Maritime Academy to Hold Open Meetings." (S. P. 157) (L. D. 397)

Reported that the same Ought to Pass in New Draft under new title, Bill: "An Act to Require Committees and Subcommittees of the Board of Trustees of the University of Maine and of the Maine Maritime Academy to Hold Open Meetings." (S. P. 479) (L. D. 1681)

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

COTE of Lewiston  
JOYCE of Portland  
BIRON of Lewiston  
DURGIN of Kittery  
GOULD of Old Town  
BURNS of Anson  
MOODY of Richmond  
SHUTE of Stockton Springs

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

Signed:

Senators:

HEWES of Cumberland  
CUMMINGS of Penobscot

Representatives:

CARRLER of Westbrook  
DUDLEY of Enfield

Which reports were read.

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

Mr. CARPENTER: Mr. President, I move that the Senate accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate accept the Majority Ought to Pass in New Draft of the Committee. Is this the pleasure of the Senate:

The Chair recognizes the Senator from Aroostook Senator Carpenter.

Mr. CARPENTER: Mr. President, this Bill is the Bill of the Senator from Penobscot, Senator Curtis. Since he is not here today, I would ask somebody to table this Bill pending my motion.

On Motion of Mr. Hewes of Cumberland, tabled two legislative days.

Pending — Motion of the Senator from Aroostook, Senator Carpenter, that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

#### Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Concerning the Penalty for Sale of Alcoholic Beverages to Minors." (S. P. 249) (L. D. 758)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-84).

Signed:

Senators:

LOVELL of York  
DANTON of York  
LEVINE of Kennebec

Representatives:

CONNERS of Franklin  
MARSHALL of Millinocket  
NADEAU of Sanford  
RAYMOND of Lewiston  
MAXWELL of Jay  
IMMONEN of West Paris  
GRAY of Rockland

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

Signed:

Representatives:

TWITCHELL of Norway  
JACQUES of Lewiston  
LIZOTTE of Biddeford

Which Reports were read.

On Motion of Mr. Lovell of York, the Senate voted to accept the Majority Ought to Pass, as Amended Report.

The Bill read Once. Committee Amendment "A" was Read.

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

Mr. MERRILL: Mr. President, I would just like to inquire to the Senate, anybody who may care to answer, what the purpose of this Amendment is.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now poses a question through the Chair.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, to the good Senator from Cumberland, Senator Merrill, the way the Bill was written it did not conform, not only to the liquor laws, but it also did not conform to the Criminal Code. Consequently, the good Senator from Penobscot, Senator Pray, who sponsored the Bill, — we decided it was necessary to have an Amendment to coincide with the Criminal Code and also with the liquor laws.

If the good Senator from Cumberland will read that Amendment, knowing that he is an attorney, I am sure that he will realize that we had to bring in the fact that "knowingly permits a child under the age of 16 to enter or remain in a house of prostitution; or he knowingly sells, furnishes, gives away or offers to sell . . ." so we had to bring this thing in to coincide with the Criminal Code and the liquor laws.

In fact, the defendant, under Section 3, was a parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of a person under the age of 20, who furnished such a person a reasonable amount of intoxicating liquor in the actor's home and presence. Now actually it seems probably that this long amendment — and it goes on in Section 2 and then in Section 3 we brought back in the penalties that the good Senator from Penobscot, Senator Pray, wanted, mandatory sentences, so forth, as our Legislative Assistant and the Liquor Commission and the Liquor Control Committee felt that this frightened the Bill out the way it should be and it will help enforcement in the State of Maine in regard to the liquor laws.

Committee Amendment "A" adopted.

The Bill, as amended, Tomorrow Assigned For Second Reading.

#### Second Readers

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

**House — As Amended**

Bill, "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation." (H. P. 473) (L. D. 579)

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

**Senate**

Bill, "An Act to Require Minimum Standards for Automotive Fire Apparatus." (S. P. 212) (L. D. 661)

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

Sent down for concurrence.

**Senate — As Amended**

Bill, "An Act to Establish a Sign on the Maine Turnpike Announcing the Moosehead Lake Region." (S. P. 278) (L. D. 891)

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

Sent down for concurrence.

**Enactors**

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

An Act Relating to Dogs Running at Large. (H. P. 557) (L. D. 674)

An Act to Provide Certain Travel Expenses for County Commissioners of all Counties. (H. P. 495) (L. D. 614)

An Act Prohibiting the Hiring of Illegal Aliens. (H. P. 126) (L. D. 159)

An Act to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services. (S. P. 130) (L. D. 310)

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

An Act to Establish a Presidential Primary in the State of Maine. (H. P. 187) (L. D. 249)

On Motion by Mr. Speers of Kennebec, tabled until Tuesday next,

Pending — enactment

**Emergency**

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

This being an Emergency measure and having received the affirmative votes of 26 members of the Senate was Finally Passed, and having been signed by the President was by the Secretary presented to the Governor for his approval.

**Emergency**

An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977, and Changing Certain Provision of the Law Necessary to the Proper Operations of State Government. (H. P. 1255) (L. D. 1413)

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

Mr. HUBER: Mr. President, to avoid the possibility of the conflict of interest with respect to the funding of the Spruce Bud Worm Control Program, I request permission to abstain from voting on L. D. 1413.

The PRESIDENT: The Senator from Cumberland, Senator Huber now requests leave of the Senate to refrain from voting on L. D. 1413. Is it the pleasure of the Senate to grant such leave? It is a vote.

With reference to L. D. 1413, This being an Emergency Measure and having received the affirmative vote 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.

**Emergency**

An Act to Provide Minimum Payments for Small Administrative Units. (H. P. 185) (L. D. 247)

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

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

**House Papers**

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

**Orders of the Day**

The President laid before the Senate:

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) which was tabled earlier in today's Session by Senator Speers of Kennebec pending passage to be engrossed.

On Motion of Mr. Speers of Kennebec, Retabled for two legislative days.

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

Mr. SPEERS: Mr. President, with reference to L.D. 385, I move this item be taken from the Unassigned Table.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves L.D. 385 from the Unassigned Table.

SENATE REPORT — from the Committee on Labor — Bill, "An Act to Strengthen the State Unemployment Fund." (S. P. 144) (L. D. 385) Leave to Withdraw.

Tabled — March 29, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Report.

Is it the pleasure of the Senate to remove this from the Table? It is a vote.

Is it now the pleasure of the Senate to accept the Leave to Withdraw Report of the Committee? It is a vote.

Sent down for concurrence.

On Motion of Mr. Huber of Cumberland, Adjourned to 11:00 a.m. on Monday morning.