

# 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

Wednesday, May 4, 1977

Senate called to order by the President.

Prayer by Reverend David Glusker, Green Street Methodist Church in Augusta.

Rev. GLUSKER: Let us pray. Lord God, we do not so much invoke Your presence with us, as we acknowledge it. We do pray that we will be conscious of Your presence and because of that consciousness, we will act in ways that will promote justice, mercy and righteousness. We are grateful for the good sense that You give us and the ability to make decisions and we pray that they will be right decisions and we will act in accordance with that which is in keeping with Your will for us and for the greater community of Maine.

To this extent, we pray Your blessing upon us with thanksgiving. Amen.

Reading of the Journal of yesterday.

(Off record remarks.)

## Papers from the House

## Non-concurrent Matter

Bill, "An Act Permitting Corporal Punishment in Certain Private Schools." (S. P. 181) (L. D. 495)

In the Senate April 23, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (S-52) and Senate Amendment "A" (S-58).

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

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

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

On Motion by Mr. Conley of Cumberland, the Senate voted to recede and concur.

(See action later today)

## Non-concurrent Matter

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

In the Senate April 25, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (S-84).

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

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

Mr. LOVELL: Mr. President, this Bill may be a little strict for all the sellers of liquor. We do have a Bill coming on this morning that is going to tighten the law a little bit on ID cards, but this Bill was entered by the good Senator from Penobscot, Senator Pray, and I will turn it over to Senator Pray and see what he would like to do with it.

On Motion of Senator Pray of Penobscot, the Senate voted to insist and ask for a Committee of Conference.

## Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections. (H. P. 1449) (L. D. 1675)

In the House April 27, 1977 Passed to be Engrossed.

In the Senate April 28, 1977 Bill and Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. FARLEY: Mr. President, I move the Senate recede and concur with the House.

The PRESIDENT: The Senator from York, Senator Farley, now moves the Senate recede and concur with the House.

On Motion by Mr. Speers of Kennebec, tabled until later in today's Session, Pending the Mo-

tion of Senator Farley of York that the Senate recede and concur.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Trotzky, to the rostrum to act as President Pro Tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Trotzky of Penobscot to the Rostrum where he assumed the duties of President Pro Tem, and the President retired from the Senate Chamber.

## Joint Orders

An Expression of Legislative Sentiment recognizing that Mary Thombs of Waterville has won the 29th annual Maine Sunday Telegram Spelling Bee Championship. (H. P. 1517)

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

## House Papers

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

## Reconsidered Matter

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

Mr. PRAY: Mr. President, in reference to L. D. 495, "An Act Permitting Corporal Punishment in Certain Private Schools", having voted on the prevailing side, I now move the Senate reconsider its action whereby it receded and concurred with the House.

The PRESIDENT Pro Tem: The Senator from Penobscot, Senator Pray, moves that the Senate reconsider on L. D. 495 its action whereby it voted to recede and concur with the House. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes that same Senator.

Mr. PRAY: Mr. President, I move the Senate insist.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the Senate will recall that I was very supportive of this piece of legislation and I still am philosophically in support of it.

I am convinced that this Bill now has really no great future and it has been debated and discussed at great length in both Bodies and I guess I am discouraged that it is going to go anywhere. I am now willing to let it graciously disappear in the distance. So I shall oppose the Motion to recede and concur.

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

Mr. PRAY: Mr. President, I guess my philosophy is not the same as the good Senator from Kennebec, Senator Katz, to now let the matter go.

I think the statement he made is true. We discussed it in the Senate, and the Senate in its wisdom passed this Bill, and I think we ought to take the extra step to come to some sort of agreement with the House, and give the other Body a chance to reconsider.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The Pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that the Senate insist.

The Chair will order a Division.

Will all those Senators in favor of the Motion to insist, please rise in their places to be counted?

Will All Those Senators opposed to the Motion to insist, please rise in their places to be counted.

18 Senators having voted in the affirmative

and 6 Senators in the negative, the Motion to insist does prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, having voted on the prevailing side, I move the Senate reconsider its action and urge everybody to vote against me.

A viva voce vote being had,

The Motion to reconsider does not prevail.

## Orders

An Expression of Legislative Sentiment recognizing that: Mrs. Lenna Mills of Hartland, Maine celebrated the 100th anniversary of her birth on April 20, 1977 (S. P. 494) Presented by Senator Redmond of Somerset.

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 Pertaining to the Recount of Ballots in a Disputed Election." (H. P. 620) (L. D. 761)

Bill, "An Act to Permit all Telephones in a Building to be on Phone Jacks." (H. P. 1152) (L. D. 1370)

Bill, "An Act to Require Public Disclosure of Certain Financial Information by Large Public Utilities." (H. P. 1126) (L. D. 1344)

Bill, "An Act to Prohibit Organizations from Lobbying if the Majority of Their Funds are Derived from the State of Maine or from the Federal Government." (H. P. 1050) (L. D. 1279)

Bill, "An Act Relating to Examinations for Registration of Public Accountants." (H. P. 608) (L. D. 745)

## Leave to Withdraw

The Committee on Agriculture on, Bill, "An Act to Exempt Agricultural Societies from Camping License Requirements for Activities during Annual Fairs." (H. P. 739) (L. D. 944)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Election Laws on, Bill, "An Act relating to the Reporting of Loans to Candidates." (H. P. 480) (L. D. 595)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act Prohibiting the use of Tax Moneys to Reimburse Hospital Expenditures Incurred in Labor Organization, Negotiation or Disputes." (H. P. 761) (L. D. 902)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Establish a Maximum Yearly Adjustment to Workmen's Compensation Benefits." (H. P. 765) (L. D. 958)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to

Require the Consideration of Holiday Pay in Computing Partial Unemployment Compensation Benefits." (H. P. 824) (L. D. 997)

Reported that the same be ranted 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 Business Legislation on, Bill, "An Act to Change the License Status of Maine Resident Military Optometrists." (H. P. 963) (L. D. 1164)

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 Concerning Fees of Board of Examiners of Psychologists." (H. P. 609) (L. D. 746)

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 Grant Variances to Single Family Home Owners under the Water Pollution Abatement Program." (H. P. 528) (L. D. 645)

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 Relating to Meeting to Reconsider Vote of a Prior Education District Meeting." (H. P. 906) (L. D. 1105)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-248).

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

The Committees on, Fisheries and Wildlife on, Bill, "An Act to Permit the Use of Salmon Eggs for Fishing Bait." (H. P. 462) (L. D. 567)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-241).

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

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Meals Provided for Employees of the Department of Mental Health and Corrections." (H. P. 428) (L. D. 536)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-231).

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

The Committee on Judiciary on, Bill, "An Act Concerning Damages in Wrongful Death Actions." (H. P. 572) (L. D. 696)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-233).

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

The Committee on Judiciary on, Bill, "An Act to Limit the Duration of Sentence to County Jails." (H. P. 1078) (L. D. 1302)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-232).

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

The Committee on Labor on, Bill, "An Act

Pertaining to Employment Security Tax Liens." (H. P. 378) (L. D. 467)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-247).

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 Repealing the Bay Point Village Corporation." (Emergency) (H. P. 494) (L. D. 613)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-239).

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

The Committee on Transportation on, Bill, "An Act Relating to Motor Vehicle Registrations of Handicapped Persons." (H. P. 735) (L. D. 834)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-235).

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

The Committee on Transportation on, Bill, "An Act to Require Red Reflectors on Certain Long Logs Hauled at Night." (H. P. 601) (L. D. 726)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-240).

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

The Committee on Transportation on, Bill, "An Act Relating to the Payment of Registration Fees for Motor Trucks and Truck Tractors." (H. P. 369) (L. D. 460)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-237).

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.

The Committee on Legal Affairs on, Bill, "An Act Pertaining to Birth Records." (H. P. 52) (L. D. 73)

Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-219).

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

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "B" was Read and Adopted in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act." (H. P. 277) (L. D. 341)

Reported that the same Ought to Pass.

Signed:

Senators:

PIERCE of Kennebec  
FARLEY of York

Representatives:

PEAKES of Dexter  
WHITTEMORE of Skowhegan  
BOUDREAU of Portland  
CLARK of Freeport  
HOWE of So. Portland

The Minority of the same Committee on the

same subject matter Reported that the same Ought Not to Pass.

Signed:

Senator:

CHAPMAN of Sagadahoc

Representatives:

ALOUPIIS of Bangor  
KILCOYNE of Gardiner  
SPROWL of Hope  
JACKSON of Yarmouth  
RIDEOUT of Mapleton

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

Which Reports were read.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, I move that the Senate accept the Minority Ought Not to Pass Report of the Committee and I would like to speak to my motion.

The PRESIDENT Pro Tem: The Senator has the floor.

Mr. CHAPMAN: Mr. President and Members of the Senate, the Business Legislation Committee has heard several Bills pertaining to the Unfair Trade Practices Act. I believe at least four and I think all of them so far, except this one, have been put to rest.

There was no demonstrated need expressed to the Committee for this Bill. There were no consumers that testified as being harmed. It is my feeling, and I think the feeling of many of the Committee, that there is sufficient recourse under the present Statutes for injured parties to obtain restitution. This Bill allows citizens to bypass this present process and go directly to the Attorney General, and I think it gives the Attorney General's Office almost unlimited authority to prosecute. It will certainly expand the size and the power of the Attorney General's office and in that connection that will certainly increase the expense to maintain that office because they will need additional personnel.

I really think without a demonstrated need that the Attorney General needs to get into this picture, that this Bill should not pass.

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

Mr. PIERCE: Mr. President and Members of the Senate, I would like to bring your attention to L. D. 341. You may have noticed in the last week that the Business Legislation Committee has dealt with, I believe, either five or six Unfair Trade Practices Acts. All of these have received two greetings from the Committee, one Ought Not to Pass and the other Leave to Withdraw.

However, this Bill seems to be the exception, and I think it is because it does not do what the good Senator from Sagadahoc, Senator Chapman, says. It does not increase the power nor the scope of the Attorney General. And if you look at 341, there is an entire section there printed in black and, because of the way it was printed, it would make you think that perhaps that whole section is new. In fact, the section is not new and as you look at it, the only words added to the present law are the last ones, "and any other damages caused thereby."

So, very briefly, what it does, it leaves the power and the scope of the Attorney General's office exactly as it is, but it does increase the amount of recovery possible. If something is found to be defective, if something has caused further damage, — a hot water heater, if they can prove that it is defective and you do have recovery for the water heater and it has done damage perhaps to something else in your basement, you can recover further damages. I think it is only right and only fair that any damages caused by something that is defective and something that can be proved by the Attorney

General's office that does come under the Unfair Trade Practices Act, you should be entitled to your full amount of recovery.

I would hope you do not accept the Ought Not to Pass Report and you do accept the Majority Ought to Pass Report. Thank you.

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

Mr. FARLEY: Mr. President and Members of the Senate, I would hope that you would accept the Majority Ought to Pass Report. As the Senator from Kennebec, Senator Pierce, has explained to you very, very well, nothing is changed except the last words, as Senator Pierce described.

He used the example of the hot water heater, which was again brought to the attention of the Committee. I would only remind the Senate that these people who are now manufacturing these and retailing them in the State of Maine are still doing business. They have been told two or three different times, and unless this Bill here is enacted, a little more recoverable damage given to the people who are affected by this, they are going to continue to sell that hot water heater. Thank you.

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

Mr. MANGAN: Mr. President, I wonder what the actual definition of any other damages actually means. We could actually be running wild on this where we are allowing the Attorney General's office to actually become a collection agency for the citizens, and really kind of force the situation where we are going to have to expand the Attorney General's office.

Now any other damages could be anything resulting from the action that the Attorney General's office initially was involved in, but if we have the hot water heater down in a cellar that explodes, any additional damages to clothes or clothesline or the floor or to the furnace, or pain and suffering as a result thereof, could be collected by the Attorney General. I wonder whether we really want to let the Attorney General's office get into a civil matter, as such, and I wonder whether we should allow him to actually become the No. 1 consumer attorney in the State of Maine, without having to expand his office. I have had problems lately on just plain consumer complaints, sending them over to the AG's office and they will not do anything against any business or corporation until they get at least two or three complaints against the same outfit.

I really do not think this is necessarily a wise piece of legislation. I think there are questions behind it, and I would uphold the Ought Not to Pass.

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

Mr. PIERCE: Mr. President and Members of the Senate, I think the good Senator from Androscoggin, Senator Mangan, may have missed the point here. This does not allow the Attorney General into any single area that they are not already involved. It does not expand their power one iota. All it does is allow recovery from any other damages caused thereby. That is not determined by the Attorney General's office. I think that is very properly determined by a Court of Law. That is exactly who should determine what is recoverable.

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

Mr. COLLINS: Mr. President, the last time I counted, the Attorney General's office had about 53 lawyers on its staff, which makes it at least double the size of any other law firm in the State.

Our problem with this Act has been expressed partly by Senator Mangan from Androscoggin.

This term about 'any other damages caused thereby' is something in law practice that we call consequential damages. To develop consequential damages in a law suit it requires a great deal of additional work over and above the type of work that is called for by the existing Statute. It is one thing to go and get an injunction against the bad practice and to get some incidental damages that are related to that practice up to that point. But when you have to go into consequential damages, you have to develop expert witnesses. You have to do much more extensive collection of evidence and data and I think it would put a considerable burden on the office, and one that could very well be handled by the private individual.

We do not need to have the State doing everything for everybody. This is one of those cases.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate, the comments that the Senator from Knox, Senator Collins, has made are very pertinent here. It is only a few words, but it broadens the interest of the Attorney General's Department in this area substantially.

If we use the example of the toaster, it is a small thing, if it burns up, or if it is destroyed or malfunctions, we might burn the house down. That is going to want to give great cause, if this Bill is passed, to the Attorney General to then be interested in this thing. It is going to justify in damages for him to want to get involved and investigate this, which does take time and expense of investigation.

Without this Bill, if a situation like that occurs, the person has recourse under the present law through a claim against the manufacturer of the products claimed in the damages. I just do not think there is a demonstrated need for this Bill at this time and, therefore, feel we should not pass the Bill.

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

Mr. FARLEY: Mr. President and Members of the Senate, I only ask the members of the Senate to keep in mind that the Attorney General's office, first of all, you have to prove that the product initially did not meet standards of some kind or that there were prior complaints about this particular product. The example the Senator from Sagadahoc used, the toaster, well after two or three years if a cord is bad, which it is likely to do, and in that instance there caused the fire, then I am sure the Attorney General's office or the consumer would be in no position to ask for recourse or damages.

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

Mr. KATZ: Mr. President, as I listened to the Senator from Knox, Senator Collins, I get the distinct impression that although this Bill does not give any further authority to the Attorney General's office, that it certainly gives it additional responsibility in the establishment of other damages.

There have been 10 or 12 Bills from the Attorney General's Office seeking to expand the authority and the scope of that office. This is an exception, but I think the filing of this many Bills shows a State bureaucracy in search of an expanded identity, and I am not so sure that I want to support an expanded identity for any department, particularly the largest law firm in the State of Maine.

Consequently, I shall move for indefinite postponement of this Bill and its papers.

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

Mr. CONLEY: Mr. President and Members

of the Senate, I would only take note of the remarks made by the good Senator from Kennebec, Senator Katz, that if there is an expansion within the Attorney General's Office taking place, it is what I think in the best interest of the people, looking into and protecting the consumers from products that have been shoddy, etc.

The good Senator from Knox, Senator Collins, makes mention of the fact that there are 53 attorneys presently in the Attorney General's office, the largest law firm in the state. I would ask the good Senator from Knox, Senator Collins, what law firm in this State is representing one million people? It certainly is not the one with the 23 lawyers that are up here before the PUC every day trying to jack our utility rates up.

I would hope that the Motion of the good Senator from Sagadahoc, Senator Chapman, does not prevail, and that we at least get this Bill on the road and perhaps take a close look at the Second Reading.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The Pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate indefinitely postpone L. D. 341 and all its accompanying papers.

The Chair will order a Division.

Will all those Senators in favor of the Motion to indefinitely postpone, please rise in their places to be counted.

Will all those Senators opposed to the Motion to indefinitely postpone, please rise in their places to be counted.

17 Senators having voted in the affirmative and 11 Senators in the negative, the Motion to indefinitely postpone does prevail.

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

Mr. KATZ: Mr. President, in a moment of caution, I move reconsideration.

A viva voce vote being had, and the Chair being in doubt, the Chair will order a Division.

Will all those Senators in favor of reconsideration, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to reconsider does not prevail.

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Concerning Hunting and Fishing License Fees for Foreign Exchange Students." (H. P. 627) (L. D. 768)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-244).

Signed:

Senators:

REDMOND of Somerset  
PRAY of Penobscot  
USHER of Cumberland

Representatives:

McKEAN of Limestone  
PEARSON of Old Town  
MacEACHERN of Lincoln  
DOW of West Gardiner  
ROLLINS of Dixfield  
PETERSON of Caribou  
GILLIS of Calais  
MASTERMAN of Milo  
MILLS of Eastport

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

Signed:

Representative:

TOZIER of Unity

Comes from the House, the Majority Report

Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A"?

Which Reports were read.

Majority Ought to Pass, as amended Report accepted.

The Bill Read Once. Committee Amendment "A" Read and Adopted in concurrence, and the Bill Tomorrow Assigned for Second Reading.

(Off Record Remarks.)

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Concerning Bear Hunting with Dogs" (H. P. 34) (L. D. 51)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-245).

Signed:

Senators:

USHER of Cumberland

PRAY of Penobscot

Representatives:

MILLS of Eastport

MacEACHERN of Lincoln

TOZIER of Unity

PEARSON of Old Town

McKEAN of Limestone

DOW of West Gardiner

ROLLINS of Dixfield

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-246).

Signed:

Senator:

REDMOND of Somerset

Representatives:

GILLIS of Calais

PETERSON of Caribou

MASTERMAN of Milo

Comes from the House, the Majority Report Read and Accepted, and the Bill Indefinitely Postponed.

Which reports were read.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, I move that we concur with the House.

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

Mr. HICHENS: Mr. President, I am a little confused, which is not unusual in many cases, but as I look at this Bill, L. D. 51, it restricts or adds to the number of dogs that may be used in hunting bear. When I look at the two Amendments, they increase the number of persons who can hunt bear. It does not mention the dogs at all.

With that in mind, and the idea that the other Body has acted as they have, I concur with the Motion of the good Senator from Somerset, Senator Redmond.

The PRESIDENT Pro Tem: The pending Motion before the Senate is the Motion by the Senator from Somerset, Senator Redmond, that this Bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, not to confuse anybody, I would like to explain the Bill and the Amendment and perhaps it will make a difference. I would not want anybody voting against this Bill just because they do not understand it.

First of all, what the Bill does itself is it increases the number of dogs with which an individual can hunt a bear from four to six. What the Amendment does, on Committee Amendment "A", is it limits the number of people that can hunt, and it clarifies the language in the second part of the Bill which states that non-

residents using dogs would have to be accompanied by a Maine guide, a registered Maine guide, which is a resident of the State also.

The reason for the Amendment was there seems to be a number of problems, basically with out-of-state hunters bringing in their animals to hunt bear. They are up here perhaps for one or two weeks and they turn around and head home, and do not have time to find their dogs. By requiring a guide to be with them, that guide would then become responsible for that animal. The animal would not be left running through the woods, perhaps bothering our deer herds.

It is interesting when I look at the Committee Report to see that the good Senator from Somerset, Senator Redmond, signed out an Ought to Pass Report without the Amendment, and now he moves the indefinite postponement. I am a little confused as to his thinking.

It was two terms ago that the Senate put a restriction on hunting bear with dogs from no limit to ten. In the last Session a very good friend of mine, Senator Graham, cut the ten to four, and at that time I could not overcome his power.

The limitation that is being asked of six dogs is not unrealistic for anybody that hunts. I have listened to the debate in the last Session in both Branches, and I have listened to the debate thus far in the other Branch. I have hunted bear with dogs, and I have never hunted them to shoot them. I have guided individuals doing that, and very few have I seen shot. So if you are concerned about the cruelty, I think you are wrong.

To indefinitely postpone this Bill, you may be putting or restricting the animal in his opportunity and the individual in a sport which they enjoy. Now I do not get a kick out of going to the race track and watch a jockey whip a horse around the track two or three times. Some people do, so I do not interfere with their activities and object to it.

Maine is a tourist state. We attract people in here to hunt a deer, and just recently the Legislature, several years ago, made a bear a big game animal also. It is an increasing business, it is an alternative source of resources to divert hunters from one big game species to another. The limitation of six dogs or the increase to six dogs is just to permit, basically, two dogs to hunt, two dogs to trail and two dogs to tree. Basically the two dogs that are trailing are in training, so it allows the individual always to be producing two more dogs for hunting with. It does not say they have to hunt with six either. Some of those individuals who do not have pups and what not to train, do not have to let them go.

So I would ask for a Division, and I would urge the Members of this body to vote against the indefinite postponement.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I remember very well about when the dogs were cut down to four. If I understand this Bill, and I have to admit I was not at the hearing, it was told to me that they wanted these two extra dogs so they could be dogs that were never trained to hunt bear, and if they put these two new dogs with the four dogs that are used to hunting bear, then it will train them.

I do not know what method they use to tell these new dogs that that is what they are there for. I am afraid that those two new dogs could possibly get off on the track of a coon or a rabbit or maybe even one of our little deer.

Another thing that I notice that they do down in Hancock County, and I am sure the Wardens do not go for this, but I notice that there is more than one set of hunters that go out. One set of hunters go out in one place and one set of hunters go out in another. By and by they come

together; instead of having four dogs, they have eight dogs.

I think the Bill is very good to be indefinitely postponed.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President and Ladies and Gentlemen of the Senate, I rise to have to admit that this Bill is really becoming confusing. I have chaired the hearing and at the time I was in favor of this Bill. However, since that time I have had many comments from various sectors and primarily one that I noted was that some of these people would have a hard time to find a Maine guide at the time and place where they intend to hunt.

Other Bills were introduced, one that would require that no dogs at all would be allowed in the Maine woods. I do have to admit, again, that it is confusing and this is the reason why, under those circumstances, I have found that it is well to leave well enough alone. This is why I move in that direction. Thank you.

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

Mr. PRAY: Mr. President and Members of the Senate, I will point out another Bill that we also had that came out asking for eight dogs which the Committee unanimously voted out Ought Not to Pass on Rule 20.

If the concern of this Bill is the number of dogs that are going to be allowed to be used, then it would be my recommendation to my colleagues in this Chamber to defeat the Motion today, to accept the Ought to Pass as amended Report, and tomorrow offer an Amendment to lower the number of dogs because we have another problem. We have the problem of the non-resident now bringing in his dogs, that is here for a week or two, and leaving without recovering all of his dogs.

We had a number of farmers that were down at the Committee hearing that talked about the damages that are being done. They are calling upon a lot of Maine residents to come in and to take care of the bear that is doing damage to their crops, particularly corn. It is not so much what they eat, but they come in and they roll around in the area and they knock down an awful lot of the corn crop. We have a number of Bills, I think, particularly I can remember in the last Session, on bear doing damages to corn fields and what not, and that has been at this time taken out of the Legislative process to a degree.

My suggestion is — and I just restate it — that if you are opposed to the number of dogs that are being used, that we address that issue tomorrow so we can at least take care of the problem that we have with the non-residents in relation to this area.

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

Mr. CONLEY: Mr. President, I wish to pose a question through the Chair: Knowing the authority that comes from the Fish and Game Department, I would like to know what their position is on having these dogs chasing deer or bear. How many do they want?

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley has posed a question through the Chair to any Senator who may answer if he so wishes.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I understand that the Senate Minority Leader went to Boston last night and did a little bit of hollering, shouting, thus lost part of his voice. Could he restate his question so I could understand it?

The PRESIDENT Pro Tem: The Chair



recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, when the vote is taken the good Senator from Penobscot will get the message.

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

Mr. USHER: Mr. President and Members of the Senate, the reason for the request for two additional dogs is for training purposes. These dogs are not any ordinary dog. They do not use usually go off the path and chase deer or rabbits. They are a very special dog. The owners spend \$200.00-\$300 on each dog. They put a lot of time and work in with these dogs, and I think it is a very reasonable request to have two additional dogs as trainees. They are usually around six months old when they take them out for training, and they usually follow the older dogs very good.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from Somerset, Senator Redmond, that L. D. 51 be indefinitely postponed.

A Division has been requested.

Will all those Senators in favor of the Motion that L. D. 51 be indefinitely postponed, please rise in their places to be counted.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I request a Roll Call.

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

Mr. PRAY: Mr. President and Members of the Senate, I will make this brief. A number of problems were raised with this Bill. The good Senator from Hancock, Senator McNally, pointed out the fact that a number of parties now going four dogs and another party goes down the road a little ways and they have another four dogs. You are not curing that problem by defeating this Bill today.

If you are concerned about the number of dogs, he raised a very good point, which shows that the limitations of six or four is not going to make that much difference. The plea that I made with you is to at least allow it to get to the second reading, so those individuals who are concerned with the number of dogs, may offer an Amendment to it to take care of that problem.

I shall not offer such an Amendment. My main concern at this time is the second part of the Bill which clarifies another problem, which the Fish and Game Department are having problems with because individuals out of the Lincoln area, for one example, adjacent to my Senatorial District, I have heard a number of complaints on, a lot of people coming up in that area from Virginia and South Carolina, coming up with eight, nine, ten, twelve dogs and they divide up into parties of four, four dogs in each party and they take off hunting.

What this Bill would do in the second part is require that they have a Maine guide; There are not that many bear hunting parties. I do not have any in my establishment that come up and hunt bear with dogs, but I do know there are a number of people in the general vicinity that do have some parties and the majority of them, but not all of them, hunt with guides. This would put the responsibility upon the Maine guide for those dogs in that second problem that I raised.

The PRESIDENT Pro Tem: A Roll Call has been ordered.

The pending motion before the Senate is the Motion by the Senator from Somerset, Senator Redmond, that L. D. 51 be indefinitely postponed.

A Yes vote will be in favor of the Motion to indefinitely postpone A No vote will be opposed. The secretary will call the roll.

#### ROLL CALL

YEA — Collins, D.; Collins, S.; Curtis, Farley, Greeley, Hewes, Hichens, Huber, McNally, Minkowsky, Morrell, Pierce, Redmond, Snowe, Trotzky, Wyman, Sewall.

NAY — Carpenter, Conley, Cummings, Jackson, Katz, Lovell, Mangan, Martin, Merrill, O'Leary, Pray, Speers, Usher.

ABSENT — Chapman, Danton, Levine.

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

Mr. KATZ: Mr. President, I would like to change my vote from no to yes.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Katz, changes his vote from no to yes.

18 Senators having voted in the affirmative and 12 Senators voting in the negative, with 3 Senators being absent, the Motion to indefinitely postpone does prevail.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act; to Establish More Convenient Hours to Permit Easier Access to Small Claims Court." (H. P. 431) (L. D. 538)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-234).

Signed:

Representatives:

HUGHES of Auburn  
BYERS of Newcastle  
HENDERSON of Bangor  
BENNETT of Caribou  
HOBBINS of Saco  
GAUTHIER of Sanford  
SPENCER of Standish

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  
Representatives:  
NORRIS of Brewer  
DEVOE of Orono  
TARBELL of Bangor

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were read.

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

Mr. CURTIS: Mr. President, this is a Bill, all of which is now contained in an Amendment under filing No. H-234 regards holding the Small Claims Court open an additional time an evening a month or a Saturday, and it has an appropriation on it of \$10,000.00.

Given the particular schedule that I keep, I would appreciate it very much if all of the Courts were open 24 hours a day, but that would seem to be a physical impossibility. At some point we are going to have to establish priorities.

I move acceptance of the Minority Ought Not to Pass Report.

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

Mr. O'LEARY: Mr. President, it is with

much trepidation that I rise to oppose the Motion but I believe originally the Small Claims Court was set up to provide services for those of us who are ordinary people, workers and such. At the present time it is being used mostly by those in the smaller businesses.

I feel that, as a working man myself, I work Saturday nights and Sunday nights 11:00 to 7:00, and this Amendment just asks that they remain open perhaps three hours a night once a month, or one Saturday for three hours once a month.

Whereas these same people are in line for a pay increase of \$7,000.00, I would oppose the Motion and ask for a Division.

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

Mr. CONLEY: Mr. President and Members of the Senate, I concur with the good Senator from Oxford, Senator O'Leary. It just seems to me again of trying to make government and the judiciary, — and the judiciary branch of the government is a branch of government, it is a very instrumental part of the lives of every citizen in this State.

Now even though we are just talking about the Small Claims Court today, I think obviously in the future we are going to have to expand and allow services to be more available, at least more easily available for the people to participate.

I notice that over the past weekend, for example, we have had a murder trial going on in Cumberland County, and to the compliments of the Justice that has been in charge of that trial, they worked right through Friday and a great deal of Friday evening and again all day Saturday.

I notice that all three Senators signed this Ought Not to Pass, and yet I notice that, on the other hand, at least one or two Members of this Body have to be absent from time to time because of the fact that that is their livelihood and they have to go to Court when the Court schedules them, and to the great detriment and the loss of services to the people that sent them here. I think they ought to be able to arrange things so that they can be in Court and not interfere with their duties and their obligations here.

There are so many people that have to work for a living that have to take the time off work at a loss of pay, and a great inconvenience to them and their families.

I would hope that the Senate would reject the Minority and Accept the Majority Ought to Pass Report. I am really amazed at the Motion made by that ultra-liberal Senator from Penobscot who stands for right and goodness, and to hear that Motion sort of shook me up this morning.

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

Mr. MANGAN: Mr. President, I am one of the signers of the Ought Not to Pass. I do have to agree with all of the speakers this morning, including the Honorable Leader of the Minority Party. I feel that it would be a great idea to have the Courts day in, day out, 8:00 a.m. in the morning to midnight, 1:00 o'clock, certainly after midnight in many cases; therefore, those people who have to work two jobs, they work the second shift, from 3:00 to 11:00. I think that our public should have the right to go to Court any time that they want to. I think if John Q. Businessman gets a traffic ticket, and is hauled into Court on it, he should have the right to be able to request a hearing or a trial at 8:30, 9:00, 9:30 at night when it is convenient for him.

The question that bothers me, however, and we are talking basically about the Small Claims Court here, and I do understand the Senator from Cumberland, Senator Conley's opinion, that for those of us who are Members of the legal profession and who do have to attend

Court sessions from 8:00 to 5:00, we are basically talking about District Court and Superior Court rather than Small Claims Court. The Small Claims Court does not allow as a rule attorneys to practice before it. The prime intent of the Small Claims Court is for the citizen of the State of Maine who has a problem. So at this time he can take his matter to Court without having to hire an attorney.

The only problem I have here, however, is that, first you have X number of Judges, and if you are going to have the limited amount of Judges that we have today and require them to render good decisions and to work late into the evening rendering some of these decisions and studying some of the laws behind it, and at the same time having to maintain a Small Claims Court, then I can see a problem with it. Either you are going to expand the Judiciary, or we are going to have to provide some free time somewhere along the way for the Judges to work on their decisions.

Secondly, if every small Claims Court in the State stays open at night or on Saturdays, you are going to have to provide some compensating time for those clerks and individuals who work in those District Courts some time during the week, and that sometime tends to be the most detrimental time to lose clerks, particularly, for example, during Criminal Days in some counties, Androscoggin for one. We do have Criminal Days Mondays, Wednesdays and Fridays, and if one of the clerks who happens to be working on a Saturday or one evening decides to take some comp time off during that day, it will foul many of the Courts up.

Lately, there are many Judges, and I do have to compliment the two that we do have in Androscoggin County. They are fine, outstanding Judges, probably among the best in the Judiciary, — Justice Damon Scales and Justice Israel Alpren. Both of these Judges have gone far into the night deciding cases, and they have held Small Claims Court, and it is within their discretion to do so, until 6:00, 7:00 or 8:00 at night. And, depending on the case load, I think maybe it should be laid in the hands of the Justices and let them decide what they want to do. But they do have the option to do it now.

I think that on the Majority Ought to Pass, I think it is a great idea. It sounds tremendous, but I think that the Members of this Body should be prepared to pay for it through higher appropriations, and I think that is the question right now.

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

Mr. PIERCE: Mr. President and Members of the Senate, as I look at this Bill, I think perhaps the basic question is who do we have the Small Claims Court for. Surely, it is not for businesses. It is not for attorneys. I think it is for the average citizen.

This amended version asks for one evening per month, from 7:00 to 9:00 p.m., or on one Saturday per month from 9:00 to 11:00 a.m.

I would hope that that could be done without any additional money, somehow in arranging schedules. Evidently it cannot be, and there is an appropriation on this Bill. Probably somewhere down the pike, if we do pass it, it is going to run into a real problem with our priorities.

However, I think it is very important that we here today go on record in behalf of that average citizen for whom the Small Claims Court was established, and pass this Bill, and show the intent of this Legislature.

I would ask for the yeas and nays.

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

Mr. COLLINS: Mr. President and Members of the Senate, I share the goals suggested by the

previous speaker, by the Minority leader, and the Senator from Oxford. I think we would all like to make these Courts as accessible as possible.

There is another Bill pending in the Committee on Judiciary which may be of some help, not in quite the same way. Those who were here last Session will remember that we boosted the amount that may be sought in the District Court to \$800.00 in the last Session, and it had had a history of increasing a little through passage of time \$200.00, \$300.00. This boost has greatly increased the business of the Small Claims Court, so we consulted the District Court Judges who worked on this and had a Committee work up a Bill, and that Bill is about to come out of the Judiciary Committee. That bill will bring the limitation amount down a bit to \$500.00 or \$600.00 — I forget at the moment exactly how it came out.

It was the view of the District Court Judges that these higher amounts were crowding some of the little people out of the Courts, that the Court was being used more and more by larger business people who had other means of collecting their bills as well as this.

I would suggest that while this is a worthwhile Bill, it does not have the same priority as some other things that we are trying to do in the Judicial system.

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

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 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 Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate, it seems to me that the Courts can adjust their schedule of employees with no extra pay required. I know in our own office we only have three or four girls, and one of them works Saturday during the Legislative Session. I would think that a girl could come in, girl or man, whoever it is that handles Small Claims, and work from noon until 8:00 if that is the case on this particular day, or the Judge might have a similar schedule.

I would certainly hope that you would vote for the passage of this Bill so that the general public will have better service by the Courts. If that were the case, I think there would be less misunderstanding of the Courts.

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

Mr. CURTIS: Mr. President, some of the District Courts are not full time District Courts, and the Amendment reads in each Division, — that means each Division of the District Court, and in my own County that would include such areas as Lincoln and Millinocket and Newport which have District Courts that are not always in Session. Each Division of the District Court, the office of the clerk of the District Court shall be available during the same hours as would be provided under this Bill.

In other words, it sounds to me like it would be a considerable problem, particularly for the very small Divisions, to set up their scheduling, and although evenings and Saturdays sound like they might be convenient, you have to remember that usually there are two sides to each case that is involved here, or else there would not be a dispute in Court, and what may

be convenient for one side for a Saturday might be very inconvenient for the other side.

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

Mr. MERRILL: Mr. President and Members of the Senate, I think to some this Bill may seem like a small problem. I do not think it is. I think it is a small chink in a very, very big problem.

The fact of the matter is that in every poll you look at, the government institution with the lowest public rating is the Courts, and we have set up a Small Claims Court for one specific purpose, and that is to make it possible for a working person to get his rights under the law without having to spend a lot of money on attorneys. In a case where there is a small claim, you can spend more money on an attorney than there is involved in the claim.

All this Bill says is make it available when the working people are not at work. I do not think that is very much to ask. Government is a service to the people, and this is a service to the people who cannot afford attorneys primarily. That is why it was created, and all we are saying is that one night a month make this service available.

Now this service is more important than being able to go to Zayres and buy some clothes, and yet business makes that service available to the people. Now this service is important, because our rights under the law are important, even if it is only \$50.00 or \$100.00, involved, and that is a lot of money to some people.

They should be able to go to Court when they do not have to take it out of their work, when they do not have to run the risk of losing their job. They should be able to go to Court.

I think it will be an inconvenience. It will be an inconvenience to the people who are using the Small Claims Court the most right now, and those are the people who are collecting their bills, and they are doing it with their attorneys. It will be an inconvenience to the attorneys that have to go one night a month.

Now as to the cost of this Bill, let us get this to the Appropriations Committee. I have a feeling we can do something to trim down this cost. I think the Senator from Cumberland, Senator Hewes, is exactly right. Instead of working the time they do in the afternoon now, a few people can work at night and put in this work, and I think with a little bit of effort maybe we can get that concession out of the Judiciary. I would not be surprised if we could if we start talking about the different matters that we have before the Appropriations Committee. As a matter of fact, they might be anxious to do this when we start talking about some of the other matters we have before the Appropriations Committee.

The question here is nothing less than the fact the people do not have any faith in their Courts, and there is a good reason for it. They are not working for the people, and this Bill starts off in that direction, and I congratulate the Senator from Kennebec, Senator Pierce, for asking for a Roll Call. I think this is a very important issue.

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

A Roll Call has been ordered.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Collins, D.; Collins, S.; Curtis, Greeley, Huber, Katz, Mangan, Redmond, Speers, Sewall

NAY — Carpenter, Conley, Cummings, Farley, Hewes, Hichens, Jackson, Lovell, Martin, McNally, Merrill, Minkowsky, Morrell,



O'Leary, Pierce, Pray, Snowe, Trotzky, Usher, Wyman.

ABSENT — Chapman, Danton, Levine.

10 Senators having voted in the affirmative, and 20 Senators in the negative, with 3 Senators being absent, the Motion to accept the Minority Ought Not to Pass Report does not prevail.

Majority Ought to Pass, as amended, Report accepted in concurrence.

The Bill Read Once, Committee Amendment "A" Read and adopted in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Define the Term 'Meeting' in the Right to Know Law." (H. P. 166) (L. D. 204)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-257).

Signed:

Senators:

HEWES of Cumberland  
CUMMINGS of Penobscot

Representatives:

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

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

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

BIRON of Lewiston  
CARRIER of Westbrook

Comes from the House, the Bill and Papers Indefinitely Postponed.

Which Reports were Read.

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

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

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I would oppose the Motion of my good seatmate, the Senator from Cumberland, Senator Hewes, and if you will bear with me for just a second. I think I can explain why I feel this way.

The Bill is now the Amendment under Committee Amendment "A" (H-257) to HP 166, LD 204, and the Statement of Fact says this Amendment requires open meetings of only those governmental or quasi-governmental bodies which have final decision making authority on matters which affect public rights and obligations.

If you will think in your mind what was the intention of the Right to Know Law, — to open things to public scrutiny. I think that we would be defeating, by the passage of this Bill, we would be defeating the original intent of the Right to Know Law, and that would be that the deliberations by governmental and quasi-governmental and other decision making authorities be open to public scrutiny, and naturally to the press.

I would ask you to think in your own mind what is your definition of final decision making authority, including "but not limited to the authority to levy taxes, allocate or appropriate public funds, promulgate rules and regulations or enact ordinances". Think again what about a

negative decision or a committee or a sub-committee which in fact does not have statutory or by ordinance final decision making authority, but an issue goes before a sub-committee and they decide not to pass this issue on to the full and final actual decision making authority. This, as I understand the Bill, would not now be subject to the Right to Know Law.

I think many sub-committees or many committees that do not in law have final decision making authority actually do make the final decision, if you will. I do not want to belabor this point. I used this same argument on another Bill about a week ago, but I would point simply to the Senate calendar of this morning. You go back to the unanimous Committee Reports. There is no committee in this Legislature that has the right to make law, but in effect what happens. Let us take, for example, the Judiciary Committee, unanimous Ought to Pass or unanimous Ought Not to Pass, for that matter. But under the terms of our constitution the Legislature makes the law, but these Bills are accepted in their final form. Now taking this, not from the Legislature but other governmental bodies, these would not have to be open under the Right to Know Law.

I would ask that you vote against the pending Motion to accept the Majority Ought to Pass Report.

(Off Record Remarks.)

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

Mr. HEWES: Mr. President, Members of the Senate, I respectfully differ with the fact that the Bill is in the Amendment. You may want to look at the Bill as submitted by a Member of the other Body. It had six sections in it, and under the Amendment we did not remove any of these sections. We did not change the working of any of these sections.

The purpose of the Bill, as stated in the Statement of Fact, was to define the term "meeting" in the Right to Know Law. Our Amendment, which is identified as H-257, adds one paragraph, and renumbers the other paragraphs of the Bill, which would be affected because they are below the new one that we have inserted.

The paragraph that we have inserted defines or clarifies, in my opinion, the very issue that the sponsor of the Bill wanted, when he wanted to define the term "meeting" in the Right to Know Law. 1 MRSA, Section 402, defines public proceedings in three ways. One relates to Legislature, another to the University of Maine and the Maine Maritime Academy, and the third to any county, municipality, school district or other political or administrative sub-division. It is that latter that we have amended by our proposed amendment relating to the county, municipality, school district or other political or administrative sub-division.

We felt that the better way to have the Right to Know law apply is to have to apply only to final decision making authorities, and we set forth some specific places, if you are levying taxes, allocating or appropriating funds, but we did not limit it to that. It seems to me we are in fact doing what the sponsor wanted. The Amendment is not necessarily the Bill itself, because the Bill remains, every word in every section as proposed by the sponsor. All that we did was insert a new paragraph defining section C of the Right to Know Law, and I think that this does in fact define "meeting" as requested by the sponsor, and I hope that you will vote for the Ought to Pass Report.

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

Mr. CARPENTER: Mr. President, just an apology and a clarification. When I said that the Bill is now contained in the Amendment, I think that the most objectionable part is now contained in the Amendment.

If I might, and I would hope the Chair would correct me if I was wrong, I would point out to the Members of this Body that the gentleman from the other Body who sponsored this Bill, is now very much opposed to the Bill.

I feel that the title of the Bill, "An Act to Define the Term 'meeting' in the Right to Know Law" I think was originally put in as a clarification of the term "meeting", and I think that this now is very muddy, and I think if we put this on the statute books it will be very unclear as to exactly what the intent of the Legislature was.

I would just like to point out again, and I will use an example of the Houlton Town Council. It establishes a sub-committee to appraise a building project and that sub-committee decides that the building project is not worthy and, therefore, the building project never comes before the "final decision making authority", which is the Town Council. That sub-committees deliberations would not be, if I read the bill correctly, would not be subject to the Right to Know Law.

I do not think this was the intent of the Legislature. I think the intent of the Legislature when they enacted the Right to Know Law is still existent in these Chambers, and I would hope that you would oppose my good seatmate, the Senator from Cumberland, Senator Hewes.

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

Mr. FARLEY: Mr. President and Members of the Senate, I would like to ask a question of anyone in this Body who can answer, and I want to read the Amendment to you, the Bill, what it is now, and it reads: "Any government or quasi-governmental body which has final decision making authority affecting public rights and obligations, including but not limited to the authority to levy taxes, allocate or appropriate public funds, promulgate rules and regulations, to enact ordinances". Is not this Amendment now a part of the present law as it is now?

The PRESIDENT Pro Tem: The Senator from York, Senator Farley, has posed a question through the Chair to any Senator, who may answer, if he so wishes.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate, in response to the Senator from York, Senator Farley's question, I would think that would be the law; however, the sponsor apparently felt that there was some clarification required.

And, incidentally, when I mention the sponsor, I obviously believe my good seatmate from Aroostook, Senator Carpenter, but I was not approached by the sponsor that he disapproved of the Bill in its present form. I thought he wanted a change, and I thought what is in the Amendment is law today.

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

Mr. FARLEY: Mr. President, as I read the original Bill of the sponsor, I would think that what he tried to do was to expand on the term "meeting" in the Right to Know Law.

Now that has not been done in the Amendment of the Bill that we have before us now, and what in effect the good Senator from Cumberland said is part of the law now, but I do not think we really need this piece of legislation.

I would ask the Senate to accept the Ought Not 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 Cumberland, Senator Hewes, that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair will order a Division.

Will all those Senators in favor of the Motion to accept the Majority Ought to Pass Report, please rise in their places to be counted.

Will all those Senators opposing the Motion to accept the Ought to Pass Report please rise in their places to be counted.

5 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to accept the Majority Ought to Pass Report of the Committee does not prevail.

Minority Ought Not to Pass Report Accepted.

#### Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act to Exempt Store Owners from Criminal Liability where a Minor Purchases Alcoholic Beverages using a False Identification Card. (H. P. 1042) (L. D. 1283)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LOVELL of York  
LEVINE of Kennebec  
DANTON of York

Representatives:

JACQUES of Lewiston  
RAYMOND of Lewiston  
GRAY of Rockland  
MARSHALL of Millinocket  
IMMONEN of West Paris  
NADEAU of Sanford

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

Signed:

Representatives:

LIZOTTE of Biddeford  
MAXWELL of Jay  
CONNERS of Franklin  
TWITCHELL of Norway

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

Which Reports were Read.

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

Mr. LOVELL: I move that the Senate accept the Ought Not to Pass Report on L. D. 1283, and would speak briefly to the Motion.

The PRESIDENT Pro Tem: The Senator has the floor.

Mr. LOVELL: Mr. President and Members of the Senate, we have raised the drinking age to 20 years of age, as you all know. Now we have practically killed this morning a Bill that the good Senator from Penobscot, Senator Pray, had in to stiffen the laws, to make them a little tougher for the purchaser and for the seller.

Now this Bill, if passed, — and we have too many Bills in, there is no question, and we are getting a few Ought Not to Pass, but this one certainly ought to be Ought Not to Pass. If a person goes into any store that sells liquor, under this all they have got to do is have anything they want for an identification. They can have their driver's license, birth certificate or most anything which they can borrow. But now you have got to have a card like this with your picture on it to buy liquor. So this has my picture on it. I can buy liquor in any liquor store in the state or any store.

Consequently, I think that we should have these cards continue. They only cost \$2.00, and you can get them at any liquor store. That is why I am moving the Ought Not to Pass Report.

The PRESIDENT Pro Tem: The Chair

recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate, I to some degree agree with the good Senator from York, Senator Lovell. However, you know, let us not think for a minute that that is going to get it because you have that little card. As soon as this law goes into effect, the old printing presses are going to stop putting out birth certificates and licenses, and start putting out that same card that he demonstrated, and the burden of punishment is going to fall upon the poor little licensee or the store owner, the liquor store, or liquor establishment owner who has been demonstrated a card, that looks perfectly legal. It looks as legal as the one the Senator Lovell just demonstrated to us. If for some reason the card is a forgery, then that owner will be held responsible.

I do not believe we want to do that.

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

Mr. LOVELL: Mr. President, I can agree things can be forged. You can forge dollar bills and ten dollar bills, but they do not get away with it very long, and if they start forging these, I am sure that the 16 liquor inspectors are going to very soon find it out. But if you do not have something like this, anybody is going to be able to borrow a driver's license or something and go into a store and purchase the liquor.

Somebody has to be responsible if we have to keep this law on the books. If we broaden the thing and leave it wide open, 15, 16, 17-year-olds will buy it, never mind the 18 and 19.

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

Mr. PRAY: Mr. President and Members of the Senate, I must also rise to object to the Motion of the Senator from York, Senator Lovell. I think we have to look at the intention of the original law and the numerous times that it has been changed, as to where the burden of guilt lies and the intention of the individual who could be found guilty.

If the problem is that this Bill removes the restrictions of a State Liquor ID Cards, and, as I look at the Bill, I honestly do not see where it does that, except as it says in the second sentence that an individual is serving or permitting to be served any liquor to a person under the age of 20 years, that person presenting to the licensee, his agent or employee, an adult identification card which the licensee or his agent deems to be reasonably valid. We could always add the word "State ID Card" in there and perhaps would solve the problem.

I, myself, do not have a State ID Card, but when we discussed the Bill on increasing the drinking age in the State of Maine, I talked with and checked with a lot of high schools around the State. I was surprised to find out there were some high schools in the State that are producing State Liquor ID cards, which most individuals when you look at it, and I saw one and compared it with a legal one made by the State, and I could not tell the difference.

What this Bill is doing is removing the responsibility from the licensee and his agent once a valid ID card has been presented to him. And I have noticed on some of the pictures of ID cards and in looking at them and what not, sometimes the pictures are not that clear. You can take a picture of an individual, a young lady with long hair who the next week runs out and gets it cut, she has short hair, she runs into the store to purchase alcohol and puts the ID card down on the counter and the individual says, well, that is not you. And she explains that she had her hair cut or what not, and the individual accepts it, because as far as the facial picture, the individual is very similar.

That individual, I do not think, is committing an illegal act in his good judgment. And what this Bill is going to do is remove that responsibility and I think it is a good Bill, if the individual makes the reasonable decision that he is not making an illegal sale.

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

Mr. FARLEY: Mr. President and Members of the Senate, I would pose one further question to the good Senator from York, Senator Lovell. What is going to happen when an out-of-stater who is 22, 23 years old comes into the State of Maine, which they do at least three months of the year on a yearly basis, what is going to happen then if he does not have a State ID card? You are going to have to accept something.

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

Mr. LOVELL: Mr. President, in regard to the question, he will have to get an ID card, I guess, or get somebody else to get the liquor for him. It will not be much trouble for him when he comes into the State, inside the State, if he looks under 20, under 21, he can then have something. He can still get an ID card in a few days or a week.

I notice on this here, on the signers of Ought to Pass, and the sponsor of the Bill, all but one, are in the business. Naturally they do not want this Bill.

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

Mr. MANGAN: Mr. President and Members of the Senate: I have a couple of problems with this thing. If I were as youthful looking as the Senator from York County, I would not have any problems, I suppose. I might have to have a card, but I never did get a card. As a matter of fact, I am a complete teetotaler. But the problem comes in here is if I go into a small grocery store, I do not believe the State ID card is mandatory right now — but if I go into the Ma and Pa grocery store on the corner and do not have a State ID card with me, maybe because it is not my primary purpose to purchase an alcoholic beverage, but I should want to pick up a six-pack of beer for a friend or a neighbor or my mother, or whoever, and I am asked for identification, if I take out a license or some other identification, I would hope that it would be accepted at face value. There may or may not be my picture on that card.

Now I can see the owner of a Ma and Pa grocery store being faced with the kid who is 19 years old, 18 years old, and some are fairly big boys and girls who look at least the age of 25 or 26, they have their grown beards and what not. If they present a false identification card, we just cannot expect the owner of that Ma and Pa grocery store to be infallible. We cannot expect them to be all-knowing. If they in good faith accept that identification card and let the individual purchase liquor in good faith and then they leave the premises and they are stopped by police officers who may know them from way back and know that they are not 20, what we are actually doing by this Bill, I understand, is to eliminate the criminal liability of that store owner for having sold to somebody under age.

I think there are enough questions here that really does not go beyond the reasonable doubt, that I would suggest that this Bill probably should pass to eliminate that element of criminality to serving somebody who has presented a false ID.

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

Mr. CONLEY: Mr. President, I wish to concur with the statements expressed by the good Senator from Androscoggin, Senator Mangan. I

think it is more a sense of fair play than anything else. Now I, too, like the good Senator from Androscoggin, neither imbibe nor hold a license. In fact, I think I am going to start smoking tomorrow because I quit three days ago and this is what happened to me. However, I think what we are trying to get here is equal justice.

I have heard more people, licensees, actually back in the time even when I used to enjoy the fruits of nectar, they used to complain to me about the fact that so many youngsters came in and purchased alcohol or beer, whatever it was, and that was before we had the identification cards that we now have. They used to give some sort of phony age certificate, and I have seen the best counterfeit Maine liquor cards, and someone tells me you send to Colorado for five bucks and get all you want. It just seems to me that you should not hold the guys, the licensee, responsible when someone is perpetrating a fraud on them in purchasing the beverage, just so long as they are perpetrating a fraud. If this guy is out selling it outright, knows he is wrong, then obviously he should be prosecuted. But I think in the event someone is using a forged instrument to procure malt beverages, you cannot in fairness, hold the licensee responsible for that and to criminally prosecute.

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

Mr. LOVELL: Mr. President and Members of the Senate: I am very greatly surprised at the Senator from Cumberland, Senator Conley, who voted for the 20-year-old Bill and wanted a 21-year-old Bill, but voted for the 20-year-old drinking Bill, and now he wants not to have any way to tell whether the kids are 18 or 19 or 20 or what age they are.

Now they may forge these cards, I do not know. But if the card is forged, why then the person is not guilty. All you have to do is prove the card was forged. So on the other hand, there is no reason they would have to have a card to get the liquor, and, consequently, they will not be able to get it so easily. Now they are getting it with just anything, a note from their father or mother signed, or some such thing as that.

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

Mr. MERRILL: Mr. President and Members of the Senate: It is not my understanding of the current law that the store owner is free from liability if he can make a showing that he was presented with a valid State ID. If that is the case, then I suppose this Bill pertains only to ID's other than valid State ID's.

But the purpose of this Bill, to separate out the questions that are being discussed here, is simply to say that the store owner has a defense. In most crimes we require that in order for a person to be guilty of it, that he have some attitude, some thought process that was wrong. In other words, we require some intentions on his part that it is wrong or he was careless. And what this essentially says is if the storekeeper can make a showing that he was presented with an ID that a reasonable man would have taken faith in, that he has a defense against losing his license, against losing his livelihood, that we heard yesterday he paid \$800.00 or \$900.00 in order to be able to pursue just to the State.

Now I would suggest that if the Senator from York wishes to limit this sort of protection only in the case where there is a presentation of a valid State ID, if that is not the current law, then we could accept this Report today and the Amendment of one word could be offered tomorrow.

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

Mr. PIERCE: Mr. President and Members of the Senate: I may be missing something here, but it would seem to me that with the passage of such a Bill like this, we are opening up a Pandora's box, and I personally feel that this is very bad legislation. I would think that licensees, store owners, so forth would then look when young people come in, or really not look, not take a close look at any kind of an ID card as long as they have something to flash, okay, fine.

Under the present law, hopefully and probably not even enough under the present law, they are checking somewhat and I think we have to leave this to the discretion of the Administrative Court Judge and I would ask, if you ask store owners, restaurant owners, licensees, do they feel that liquor inspectors and the Administrative Court Judge are persecuting them under our present law? I think you will find the answer is no. Obviously if somebody has used a false ID that virtually no one could detect, the Administrative Court Judge is not penalizing them for this. But if we pass this, we are going to open this up so they are going to accept anything, without even taking a second look. Why should they? The onus is off them. We should be putting more of the onus on them. And I think this is an extremely bad piece of legislation. I support the Senator from York.

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

Mr. MERRILL: Mr. President, I would suggest that the description offered to this Bill by the Senator from Kennebec, Senator Pierce is not accurate. The onus is still on them and the onus is on them until they can come forward and offer an affirmative defense. And the defense that they have to offer is that they were presented with an ID, an ID that they could reasonably believe was valid. And they have to make that showing. So the onus is still on them. And if, in fact, the Administrative Court Judge interprets the law that way today, then let us do the Judge a favor and give him the law that is making right now, because that is not the law now.

The law now places an absolute liability. It is an aberration in the area of criminal law, it is not unique to Maine to put this sort of unique requirement on the licensee, but it is an aberration in the area of criminal law that somebody would be held absolutely liable without any wrongful intent. And that is the present law.

Now I agree that the burden ought to be on the licensee to show that he relied on something reasonably. And that is all this law says. This law does not say that the State has to prove that he did not rely. It says that he can come forward and make the showing, and that will be difficult in some cases, if the person has left the premises or has gotten rid of the ID. But if the person is caught and he has an ID that looked valid on him, and that is present, then it is clear in the law that the person that sold him the alcoholic beverage did not violate the laws.

Now if we want to limit this just to the case of State ID's, as I suggest, we can add a word or two tomorrow to this Bill, and have it be just that if you showed a State ID, but this, I think, puts an absolute liability on this person and then to defend the absolute liability by saying that is not the way the Judge reads the law, I do not think that is the way we should make laws. We could justify making the laws any way we wanted to under the supposition that most Judges are reasonable men. But instead we try to act like reasonable men and make reasonable laws.

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

Mr. PIERCE: Mr. President and Members of

the Senate: It would seem to me that with the passage of the 20-year-old law, comes October — at the rate we are going, maybe November — we are going to have monumental enforcement problems in this State. I think the passage of a Bill such as this is going to make them worse, and it is going to compound them.

I was not at the hearing and I have not discussed this with the Senator from York, but I would ask the question through the Chair as to who testified in favor of this Bill and whether or not there was an outpouring of restaurant owners, store owners, so forth, who feel that this Bill was necessary and the present law is not working well.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, has posed a question through the Chair to any Senator who may answer it if he so wishes.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, I request permission to address the Senate a fourth time.

The PRESIDENT Pro Tem: The Senator from York, Senator Lovell, requests permission to address the Senate for a fourth time. The Chair hears no objection. The Senator may proceed.

Mr. LOVELL: Mr. President, at the hearing there was not too great opposition and the Liquor Commission was in favor of this. They felt that definitely the identification card should be the State Liquor Card with the person's picture on it.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair will order a Division.

Will all those Senators in favor of the Motion to accept the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed to accepting the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

6 Senators having voted in the affirmative, and 19 Senators in the negative, the Motion to accept the Majority Ought Not to Pass Report of the Committee does not prevail.

Minority Ought to Pass Report accepted in concurrence.

Bill Read once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Relating to Conservation Restrictions." (H. P. 775) (L. D. 964)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-210).

Signed:

Representatives:

BLODGETT of Waldoboro  
HUBER of Falmouth  
BENOIT of South Portland  
DEXTER of Kingfield  
GREEN of Auburn  
WILFONG of Stow  
BROWN of Bethel

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

Signed:

Senators:

TROTZKY of Penobscot  
REDMOND of Somerset  
O'LEARY of Oxford

Representatives:

HUNTER of Benton  
HALL of Sangerville

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were read.

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

Pending — Acceptance of either Committee Report.

#### Senate Ought to Pass

Mr. Lovell for the Committee on Human Resources on, Bill, "An Act Appropriating Funds to Provide Services to Older Blind Persons to Assist them in Remaining in their own Homes and in Caring for Themselves." (S. P. 338) (L. D. 1123)

Reported that the same Ought to Pass.

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

#### Ought to Pass — As Amended

Mr. Lovell for the Committee on Human Resources on, Bill, "An Act to Provide Certified Interpreter Service for the Hearing Impaired." (S. P. 311) (L. D. 1031)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-113).

Mrs. Cummings for the Committee on Public Utilities on, Bill, "An Act Relating to the Examiner and Director, Economics and Finance of the Public Utilities Commission." (S. P. 139) (L. D. 380)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-114).

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

#### Divided Report

The Majority of the Committee on State Government on, Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in Public Lots in the Town of Osborn, Hancock County, Maine, to the Inhabitants of the Town of Osborn. (S. P. 225) (L. D. 687)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Aroostook  
SNOWE of Androscoggin  
MARTIN of Aroostook

Representatives:

VALENTINE of York  
LOCKE of Sebec  
KANY of Waterville  
MASTERTON of Cape Elizabeth  
BACHRACH of Brunswick  
STUBBS of Hallowell  
DIAMOND of Windham  
CURRAN of South Portland

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

Signed:

Representatives:

SILSBY of Ellsworth  
CHURCHILL of Orland

Which Reports were read.

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

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

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I am not

naive enough to think that there are votes enough here to pass this Bill, but I want to read into the record exactly what has happened to this new Town of Osborn.

For some three family generations, the school lot, which they had set aside by the Bingham Estates, when it was given out they had school lots and Church lots and a lot for the minister and so forth, when these were set aside, up until 1972 it was understood that it would become the property, whenever this Plantation became a town, it would become the property of that town.

But in 1972 the Legislature in its wisdom passed a Bill which negates all of this and allowed for somebody else to take over the school lots, no matter how well they have been cut over, no matter how good they are. They are going to be managed now in the future by a bureaucratic organization set up in the State of Maine.

Now I would like to read into the record a letter from the Hancock County Planning Commission, dated April 26, 1977. It is addressed wrongly to Samuel Collins, it should have been Donald Collins, — Representative Peter J. Curran, House Chairman, 108th Maine Legislature, State House, Augusta, Maine. "Dear Sirs:

At its regular monthly meeting the Hancock County Planning Commission, which represents the 36 organized cities and towns of Hancock County plus the Knox County town of Isle Au Haut, voted unanimously to urge your favorable support L. D. 687 A Resolve to Authorize the Bureau of Public Lands to Convey the States Interest in the Public Lot in the Town of Osborn, Hancock County, Maine to the Inhabitants of Osborn."

"The Commission would like to bring to your attention its understanding that Osborn has been organized as a plantation for more than 100 years, has been looking after/managing the public lot in question over the years with little or no revenue for its efforts, and that the lot has been and is tax exempt property or a "free loader." "

"That, as the result of local effort and foresight the Osborn public lot has timber resources of suitable quality to generate, under sustained yield management, a reasonable return, (now the state is finally taking an interest); and"

"Now that Osborn has become Maine's newest town, a local act which heretofore meant getting complete control of the resources and revenues of their public lot, the state informs the citizens of Osborn that the policy has changed, the state no longer has resources, only the Department of Conservation, at the taxpayers expense, is capable and trustworthy of managing Osborn's public lot."

"We also bring to your attention, the fact that the testimony against the bill came from within the bureaucracy of the Department of Conservation and, at their request, from the Speaker of the House. We were told of the recent change in public policy, of the public's interest (primarily environmentalists and not "wood folks") in the public lands, of Augusta's plans to manage our interests and again most disappointedly that we could not be trusted and were not intelligent enough to conduct our affairs as we have with pride and dignity in the past, without a strong centralized bureaucracy in Augusta holding our hands or doing it for us."

"We respectfully urge your support of this bill, for to do otherwise is to treat the Maine's 6,800 citizens living in plantations as "second class" citizens and reinforces the trend towards a stronger, more centralized state government, which we as one representative group of many, do not and will not continue much longer to support."

Signed:

Sincerely,

JAMES S. HASKELL JR.

Executive Director  
for the Hancock County  
Planning Commission

I make no Motion for any vote of any kind, because I realize that the votes are preponderant against me.

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

Mr. COLLINS: Mr. President and Members of the Senate, the Committee was very sympathetic with the good citizens of Osborn.

Nevertheless, if we are to continue our posture with relation to the public lands, we could not possibly make this exception. For Osborn to receive this public lot, then all other townships would ask for and could expect to receive the public lots within their boundaries.

Majority Ought Not to Pass Report accepted. Sent down for concurrence.

#### Second Readers

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

#### House

Bill, "An Act Concerning Ski Lift Services." (H. P. 958) (L. D. 1150)

Bill, "An Act to Authorize Sentencing Courts to Specify Places of Confinement of Persons Convicted of Crimes and to Remove Age Restrictions on Sentencing to the Maine Correctional Center." (H. P. 1082) (L. D. 1306)

Bill, "An Act to Authorize the District Court to Order Psychiatric Evaluation in Criminal Cases." (H. P. 1143) (L. D. 1367)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1977. (Emergency) (H. P. 1504) (L. D. 1722)

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

Bill, "An Act Authorizing Intermittent Services of Sentences of Confinement." (H. P. 1080) (L. D. 1304)

Which was Read a Second Time.

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

Mr. PRAY: Mr. President, I move the indefinite postponement of L.D. 1304.

On Motion of Mr. Collins of Knox, tabled for one legislative day.

Pending — Motion by Mr. Pray of Penobscot that Bill be indefinitely postponed.

Bill, "An Act Relating to the Payment of Fees for Certification or Educational Personnel." (Emergency) (H. P. 110) (L. D. 141)

Which was Read a Second Time.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Androscoggin, Senator Minlowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate, as you may recall, there was considerable debate on this particular LD yesterday, but I would like to reiterate a couple of points which I consider are of significant value. The first point, this Bill is definitely a tax to require teachers to pay a fee to the State of Maine, and No. 2, the University of Maine at the present time, with all its campuses, do turn out approximately 1,000 to 1,200 teachers per year and this will be a fee to them, an undue hardship, as far as I am concerned, and I think other Members of the Senate and certain Members of the Committee on Education felt in the past when the Bill was debated and had been heard before the Committee.

Therefore, Mr. President, I would move that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. PIERCE: Mr. President and Members of



the Senate, as the Senator from Androscoggin, Senator Minkowsky, indicated, we did debate this Bill at great length yesterday. The issue is rather simple, whether teachers are going to have to start defraying some of the cost of their certification and their licensing, really, as so many other professions do. I do support that concept. I also support another concept that teachers should have more to say in this certification, but I think these have to be two separate issues at this time.

The cost of certification to the State of Maine is becoming more and more alarming each year. It has risen a great deal, as was pointed out yesterday, many teachers have as many as six, seven, eight different certifications and the \$5.00 fee required here, I think, is not unreasonable.

When the vote is taken, I ask for the yeas and nays.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from Androscoggin, Senator Minkowsky, that L.D. 141 be indefinitely postponed.

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 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 Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, I just rise briefly to disagree with my seatmate, the Senator from Kennebec, Senator Pierce, that the certification and the role of individuals having a part on that Certification Board is not two separate issues, and if the matter is going to be addressed, it should be addressed by the Educational Committee and at that time combine the two issues.

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

Mr. SPEERS: Mr. President, I request permission to pair my vote with the Senator from Kennebec, Senator Katz, who if he were here would vote no on the pending Motion and I would vote yes.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Speers, who would vote no, requests that his vote be paired with the Senator from Kennebec, Senator Katz, who would vote yes. Is this the pleasure of the Senate? It is a vote.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The pending Motion before the Senate is the Motion by the Senator from Androscoggin, Senator Minkowsky, that L.D. 141 be indefinitely postponed.

A Roll Call has been ordered.

A Yes vote will be in favor of the Motion to indefinitely postpone. A No vote will be opposed. The Secretary will call the Roll.

YEAS — Carpenter, Conley, Greeley, Hewes, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Snowe, Usher.

NAYS — Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Huber, Jackson, Lovell, McNally, Morrell, Pierce, Redmond, Trotzky, Wyman.

ABSENT — Danton, Farley, Hichens, Levine. 12 Senators having voted in the affirmative, and 14 Senators in the negative, with 4 Senators being absent, and 2 Senators pairing their votes, the Motion to indefinitely postpone does not prevail.

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

Mr. CONLEY: Mr. President, I move this item lie on the table.

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

**House — As Amended**

Bill, An Act to Permit the Inhabitants of Cranberry Isles to Withdraw from the Maine State Retirement System. (H. P. 62) (L. D. 83)

Bill, An Act Prohibiting the Sale of Certain Aerosol Sprays after January 1, 1979. (H. P. 290) (L. D. 371)

Bill, An Act to Provide an Increase in Retiree and Survivor Benefits. (Emergency) (H. P. 667) (L. D. 808)

Bill, An Act to Repeal Certain Laws Relating to Public Safety. (H. P. 1121) (L. D. 1339)

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

**Senate**

Bill, An Act Appropriating Funds for increased Staff and Changing Certain Provisions Relating to the Appointment of the Executive Director of the Maine Labor Relations Board. (S. P. 227) (L. D. 705)

Bill, An Act to Establish 4-Year Motor Vehicle Licenses. (S. P. 481) (L. D. 1743)

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

Sent down for concurrence.

**Senate — As Amended**

Bill, An Act Concerning the Definition of Full-time Local Law Enforcement Officer. (S. P. 103) (L. D. 232)

Bill, An Act Granting the Industrial Accident Commission the Power to Correct Clerical Errors in Certain of its Documents. (S. P. 347) (L. D. 1175)

Which were Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

The PRESIDENT Pro Tem: The Chair at this time would ask the Sergeant-at-Arms to escort The President to the rostrum.

Thereupon, the Sergeant-at-Arms escorted The President to the rostrum, and the Senator from Penobscot, Senator Trotzky, to his seat on the floor of the Senate.

**Enactors**

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

An Act Charging the Boiler Owner or Contractors for the Fees for Additional Inspections Required by the Code. (H. P. 402) (L. D. 512)

An Act Relating to Motor Vehicle Sales Financing Under the Maine Consumer Credit Code. (H. P. 405) (L. D. 515)

An Act to Change the Name of the Maine Boxing Commission to the Maine Athletic Commission. (H. P. 682) (L. D. 864)

An Act Relating to State Liquor Identification Cards. (H. P. 769) (L. D. 960)

An Act to Revise the Law Pertaining to Guardian Release of a Ward's Interest in Real Estate. (H. P. 820) (L. D. 993)

An Act Concerning the Criminal Penalty for the Crime of Deceptive Business Practices. (H. P. 1038) (L. D. 1268)

An Act to Amend the Savings and Loan Association Law. (H. P. 1458) (L. D. 1686)

An Act to Prohibit Hunting and Fishing on Property Belonging to the Unity Utilities District. (H. P. 817) (L. D. 990)

An Act Authorizing Use of Subpoena Powers to Enforce Support Obligations. (H. P. 702) (L. D. 883)

An Act to Clarify the Banking Code. (H. P. 97) (L. D. 121)

An Act Relating to a Consumer's Notice of Right to Cure under the Credit Code. (H. P. 312) (L. D. 403)

An Act to Promote Consistency Between Certain Regulatory and Proprietary Decisions of the State. (H. P. 338) (L. D. 429)

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 Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act. (H. P. 772) (L. D. 978)

On Motion of Mr. Curtis of Penobscot, Tabled for One Legislative Day, Pending Enactment.

An Act to Authorize a School Nursing Health Consultant in the Department of Education and Cultural Services. (H. P. 868) (L. D. 1061)

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

An Act Relating to Representation of State Employees under the State Employees Labor Relations Act. (S. P. 149) (L. D. 391)

On Motion of Mr. McNally of Hancock, Tabled for One Legislative Day, Pending Enactment.

**Resolve**

RESOLVE, to Apportion Multimember Districts of the House of Representatives into Single Member Districts. (H. P. 1486) (L. D. 1723)

**Resolve**

RESOLVE, Authorizing Charles S. Estes, or His Legal Representative, to Bring a Civil Action Against the State of Maine. (S. P. 370) (L. D. 1220)

**Resolve**

RESOLVE, Authorizing Ronald G. Valente, Deceased, and Formerly of Bradford, County of Essex, Commonwealth of Massachusetts, by His Legal Representatives, to Bring Civil Action Against the State of Maine. (S. P. 359) (L. D. 1214)

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

**Emergency**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1977. (H. P. 1463) (L. D. 1688)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was Passed Finally, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair would like to take this time to thank the Senator from Penobscot, Senator Trotzky, for having done an excellent job on the rostrum this morning amid many pressures, and I think that the Senate would agree that he did a fine job, and I apologize for not having thanked you sooner, Senator Trotzky.

(Applause)

**Orders of the Day**

The President laid before the Senate: Bill, "An Act to Establish a Presidential Primary in the State of Maine." (H. P. 187) (L. D. 249)

Tabled — May 2, 1977 by Senator Speers of Kennebec

Pending — Consideration  
On Motion of Mr. Speers of Kennebec, Retabled for One Legislative Day.

The President laid before the Senate: 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. 266) (L. D. 334)

Tabled — May 2, 1977 by Senator Speers of Kennebec

Pending — Consideration

On Motion of Mr. Redmond of Somerset,  
The Senate voted to recede and concur.

The President laid before the Senate:

Bill, "An Act to Reorganize the System of Public Post-secondary Education in Maine." (S. P. 95) (L. D. 219)

Tabled — May 3, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed

The Bill Passed to be Engrossed as amended.  
Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act to Amend the Vocational Education Laws." (Emergency) (H. P. 1209) (L. D. 1329)

Tabled — May 3, 1977 by Senator Pierce of Kennebec

Pending — Adoption of Senate Amendment "A" to House Amendment "C" (S-107)

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

Mr. KATZ: Mr. President, I move that Senate Amendment "A" to House Amendment "C" be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves indefinite postponement of Senate Amendment "A" to House Amendment "C".

The Senator has the floor.

Mr. KATZ: Mr. President, because of the lateness of the hour, I will attempt to be brief. This is really not an Amendment that seeks local control, but rather an Amendment that would create anarchy.

The present law has been completely broadened by the Committee on Education to induce a greater amount of local control than is in the existing law. The Amendment in question would make it possible for a Vocational Region that has 29 different towns belonging to be held up completely by the fact that one community decided it did not want to go along, — or, to put it another way, it would open up the door for 29 different communities to have 29 different perceptions and, in effect, it would take away the opportunity for vocational education for the entire District.

I can understand the desire for more local control, but I would say in a reassuring voice to those who want it, that the Amendment that is presently on the Bill opens up four different articles to local communities to express themselves. The first article seeks authority for the use of the Region Subsidy allocation and any balances. The second article authorizes the cooperative board to expend additional dollars to meet inflationary costs. The third article seeks authority to spend money for new and expanded programs. And the fourth article would deal specifically with an appropriation for adult education.

I would caution the Senate that we have done an extraordinary job in opening up options for the units in the Vocational School Regions, but this one, I think, would not be a question of local control. It would just destroy the system that we have attempted to build.

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

Mr. O'LEARY: Mr. President, it is not my intent to destroy a system that has been built. It is my intent to destroy the dictatorial latitude of the House of Lords that we may refer to as the Department of Education. This is a Department Bill.

Now I did question the constitutionality of this Section that says no portion of the budget may be amended. I asked the question of the Attorney General, and this was his response.

"This responds to your request for an opinion as to whether there is any constitutional

problem with the provisions of Section 15 of L.D. 1329. Section 15 would amend the current Vocational Education Law, 20 M.R.S.A. § 2356-G-6, to specify the manner of development of vocational education region budgets by the cooperative board. It includes a provision that the budget be presented to the legislative body of the vocational education region in a manner that the legislative body may accept or reject each article in the budget warrant without amending any portion thereof."

I ask you now, is this democratic in the process that we go through in our system of government. Anything, and it is even right here in this Body, is liable for amendment. In our Town meetings, when we accept any budget proposal, we have that right to amend any portion thereof. But under this Bill, we will not have that opportunity to amend this portion of it.

Now I would refer you to Article VIII, Part First, Education, it is in the Constitution of the State of Maine. It says "A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense." Now it does not determine in this Article of the Constitution how much is a reasonable expense.

I think if we want to maintain any local control whatsoever over our continuing educational costs in the direction that the Department of Education is trying to drive us, that we should accept this Amendment and show the Department that we are concerned, and that the people of the communities do have that opportunity to amend their budget to truly reflect what they feel their ability is to support their educational programs.

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

Mr. KATZ: Mr. President, as I understand the response to the question from the Attorney General as to whether this was unconstitutional, the answer is no.

I would ask the Senate not to consider this a statement of the Department, but as I recall it, I think the unanimous report from a Committee on Education with 13 members of various persuasion who worked very, very hard to broaden the in-pu of local communities, but still make the system work.

I want you to consider this a Committee Bill, and the Committee felt that this is a significant broadening of the prerogatives of the local communities within the constraints of somehow arriving at a conclusion in 29 communities.

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

Mr. O'LEARY: Mr. President, I do not know how many people or how many Members of this Senate may be aware of the process that a budget is adopted by our Vocational Regions. I will try to explain it. I may not have it all down pat.

In our Vocational Region, Region 9, there are four schools. There is Rumford High School, which is a CD, and then there are three School Administrative Districts. Now the Board for the Vocational program is appointed by the School Boards of the various participants. The Board of each community recommends adoption or rejection of those parts of the vocation education program, and this includes adult education and vocational education program, as well. Each town is apportioned so many votes to the adoption of the final budget. In the case of Mexico we perhaps have two votes. In the case of Rumford, perhaps five, because I think Hanover and Peru, which send tuition students, each have a vote. Bethel, SAD 44, has two votes. SAD 21, I believe it is, Dixfield, has two votes. But it takes a majority of

the votes in all of the Region to disapprove a budget. So the larger community who has to foot the biggest part of the bill is really controlled by the lower paying communities, and by a minority. But this is the system, and I have no objection to that.

However, it must be known that the towns do not have the opportunity to amend the budget until it has been disapproved by a majority vote of all of the participating units, and sometimes this is difficult. However, once this budget has been disapproved by a majority, then it means that there has to be a Region meeting, and this is what concerns me, that the Department can say that, fine, we will bring back to you a revised budget, but you will not have the opportunity to amend it, and I am confused as to why the Department feels this way. It can be a continuous process until such time as you wear down the people, and you wind up with just whatever the Board wants you to have. These people are not elected by the people. They do not represent the people. They perhaps represent special interests of their own in the area of vocational education, and so, therefore, they are going to recommend just as much as they please.

I think this is an undemocratic way to do it. There is a better system, and if I had my way I would re-write all of the vocational laws so that they would be representative of what the people desire.

I would hope that you would not indefinitely postpone this Amendment, and vote against it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that Senate Amendment "A" to House Amendment "C" be indefinitely postponed.

The Chair will order a Division.

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

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

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

House Amendment "A" to House Amendment "C" Read.

On Motion of Senator Katz of Kennebec, House Amendment "A" to House Amendment "C" indefinitely postponed. House Amendment "C" adopted in non-concurrence.

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

The President laid before the Senate:

HOUSE REPORTS — from the Committee on Fisheries and Wildlife — Bill, "An Act to Clarify the Powers of the Department of Inland Fisheries and Wildlife." (H. P. 354) (L. D. 447) Majority Report: Ought to Pass as Amended by Committee Amendment "A" (H-243); Minority Report — Ought Not to Pass

Tabled — May 3, 1977 by Senator Pray of Penobscot

Pending — Motion of Senator Conley of Cumberland to Accept the Minority Report

On Motion of Senator Redmond of Somerset, Retabled for One Legislative Day

The President laid before the Senate:

Bill, "An Act to Provide for Consideration of the Economic Impact of Decisions made by the Board of Environmental Protection." (H. P. 879) (L. D. 1070)

Tabled — May 3, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator O'Leary of Oxford to Indefinitely Postpone

On Motion of Mr. O'Leary of Oxford, Retabled for Two Legislative Days.



The President laid before the Senate:

RESOLUTION, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections. (H. P. 1449) (L. D. 1675) which was tabled earlier in today's Session by the Senator from Kennebec, Senator Speers, pending the Motion of the Senator from York, Senator Farley, that the Senate Recede and concur with the House.

The Senate voted to recede and concur.

The President laid before the Senate:

Bill, An Act Relating to the Payment of Fees for Certification or Educational Personnel. (Emergency) (H. P. 110) (L. D. which was tabled earlier in today's Session by the Senator from Kennebec, Senator Speers, pending passage to be engrossed.

On Motion of Senator Conley of Cumberland, Retabled for One Legislative Day.

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