

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

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**Senate Confirmation Session  
September 16, 1977**

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**SENATE**

Thursday, May 26, 1977

Senate called to Order by the President.  
Prayer by Father Donald W. Jacques, St. Joseph's Church in Gardiner.

Father JACQUES: Let us pray. Almighty God, we gather here this day to openly discuss and freely vote on matters of import to the people of this great State. However, before we begin our deliberations, we come to you, Our Heavenly Father, for your guidance. Open our minds so that we may be receptive to ideas and plans that are for the common good; blot out any prejudice that might not be for the welfare of the majority; remove from our hearts any pettiness that might interfere with progress.

Let us be keenly aware of the importance of the love which we should have for our neighbor, our fellow man, as the second of your two great commandments.

We pray this day that the Spirit of the Lord may imbue these dedicated Senators to achieve the purpose of their presence here today. Amen.

Reading of the Journal of yesterday.

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

Bill, An Act Concerning Expenses of the Commission on Governmental Ethics and Election Practices. (Emergency) (H. P. 816) (L. D. 989)

In the House May 18, 1977 Minority 'Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed.

In the Senate May 23, 1977 Majority 'Ought Not to Pass' Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On Motion of Mr. Conley of Cumberland, the Senate voted to insist and ask for a Committee of Conference.

(See Action later today.)

**Joint Orders**

Expressions of Legislative Sentiment recognizing that:

The City of Biddeford, on May 18 to 21, 1977 hosted the Maine All-State Music Festival, in which over 480 students and their teachers participated. (H. P. 1596)

The Lawrence High School Bulldogs have won a victory in the boys' division of the 1977 Kennebec Valley Conference Track and Field Championship Meet, the sixth straight time they have accomplished this feat. (H. P. 1597)

St. Joseph's Maronite Church of Waterville is celebrating its 50th Anniversary. (H. P. 1598)

Come from the House, Read and Passed. Which were Read and Passed, in concurrence.

**Reconsidered Matter**

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

Mr. KATZ: Mr. President, I move the Senate reconsider its action whereby it voted to insist and ask for a Committee of Conference with reference to Bill, An Act Concerning Expenses of the Commission on Governmental Ethics and Election Practices. (Emergency) (H. P. 816) (L. D. 989)

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby it voted to insist and ask for a Committee of Conference with reference to LD 989. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this is a very simple issue, the issue is whether or not we should give \$25.00 per diem to the Commission on Governmental Ethics and Election Practices. I am not quite sure what good a Committee of

Conference might be, except to negotiate it down to \$19.95, or some similar figure.

Therefore, I move the Senate adhere.

On Motion of Mr. Katz of Kennebec, The Senate voted to adhere.

**Communications  
Department of Audit**

May 24, 1977

To the President of the Senate and the Speaker of the House of Representatives

Dear Joe and John:

Several weeks ago, I was contacted by the Treasury Department in Washington, My name had been suggested for a federal position and they wanted to know if I was willing to be considered. I agreed to this request.

The usual chain of events has happened and, as a result, I have accepted the post of Deputy Director, Office of Revenue Sharing. Accordingly, I wish to submit my resignation as State Auditor effective Friday, June 10th.

I will have many pleasant thoughts of my association with the members of both the Senate and the House. Thank you for helping to make my employment with the State government such a gratifying and agreeable period. I hope our paths will cross in the near future. If I can ever be of service, please let me know.

Sincerely,  
(Signed) ROD SCRIBNER

C.P.A.  
State Auditor  
(H. P. 1600)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File; in concurrence.

**Office of the Governor**

May 25, 1977

Honorable Joseph Sewall  
President of the Senate  
and

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

This is to officially notify you that Peter DeTroy of 23 Deerfield Road, Portland was nominated to serve on the State Employee Appeals Board today.

Mr. DeTroy, if confirmed, will be replacing Richard Sawyer whose term on the Board recently expired. In accordance with MRSA Title 5, Section 75, this nomination is subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature.

Your assistance in this area is greatly appreciated.

Very truly yours,  
(Signed) JIM  
JAMES B. LONGLEY  
Governor  
(S. P. 516)

Which was Read and Referred to the Committee on Labor.

Sent down for concurrence.

**House of Representatives**

May 25, 1977

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

The House voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Strengthen the Counties' Role in Human Services" (H. P. 213) (L. D. 223)

Respectfully,  
(Signed) ED PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports  
House**

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

Bill, An Act to Transfer the Responsibility for Administering and Enforcing the Human Rights Act to the Attorney General. (H. P. 1326) (L. D. 1612)

Bill, An Act to Require Alcoholism Treatment Benefits in Health Insurance Policies. (H. P. 904) (L. D. 1104)

Bill, An Act to Provide Owners of Noncommercial Airports with Liability Exemption. (H. P. 966) (L. D. 1163)

**Leave to Withdraw**

The Committee on Business Legislation on, Bill, An Act Modifying Financial Institutions Exemption from the Statutory Provisions Governing Unfair Trade Practices. (H. P. 582) (L. D. 709)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, An Act Relating to the Imposition of Finance Charges on Purchases or Leases of Goods or Services Purchased During a Billing Period. (H. P. 965) (L. D. 1162)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Resolve, Authorizing the Director of the Bureau of Public Lands to Convey the State's Interest in a Lot in Richmond, Sagadahoc County, to Clarify Title. (H. P. 240) (L. D. 302)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

**Ought to Pass**

The Committee on Judiciary on, Bill, An Act Relating to Use of Criminal Records in Occupational Licensing. (H. P. 1369) (L. D. 1594)

Reported that the same Ought to Pass.

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

The Committee on Labor on, Bill, An Act to Amend the Benefit Financing Provisions of the Employment Security Law. (Emergency) (H. P. 763) (L. D. 931)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, An Act to Amend the Charter for the Maine Institution for the Blind. (Emergency) (H. P. 1540) (L. D. 1770)

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 Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems. (H. P. 1282) (L. D. 1518)

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.

(Off Record Remark)

**Ought to Pass — As Amended**

The Committee on Education on, Bill, An Act Authorizing School Administrative Units to

Charge a Driver Education Course Fee during the School Year. (H. P. 970) (L. D. 1167)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-395)

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

Which Report was Read.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I would like to pose a question to the Chairman of the Education Committee as to what the rationale is of charging a fee to high school students to continue their driver education programs, since that particular has been pumped into the per pupil cost, and I think a lot of these cars are provided by local dealers.

It seems that it would be an on going program. It appears it always has been in the past, and it seems a little difficult to understand as to why now they suddenly want to start charging high school students to take driver education.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, as I recall, Committee Amendment "A" to the Bill, it does not say that schools can charge for driver education for courses given during school hours. It does say that if a school wishes to conduct driver education after normal school hours, either using school personnel or contracting if they wish with a private agency, then they may charge a fee.

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

Mr. MINKOWSKY: Mr. President, if that is the case, I would move we indefinitely postpone this bill and all the accompanying papers.

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

Mr. HICHENS: Mr. President, I would rise to oppose the Motion to indefinitely postpone this Bill.

This is a Bill which I had been asked to present and had considered, and then one of the House Members took it and let it fly under his name, which was perfectly all right with me.

We have had many difficulties with School Administrative Units especially, who felt that they could not include driver education courses in their budgets. During the summer months pupils were able to take driver ed courses and paid for them, and yet they could not get enough instructors to take care of all the students who wanted to take these courses, and so they wanted to have it after school hours at the expense of the student, just the same as it would be during the summer months.

I feel that this is a good Bill and gives the youngsters an opportunity to take these courses which otherwise they would be prohibited from taking.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I would like to propose a question to Senator Hichens, if there is an estimated cost as to what it would be to each one of these students taking this particular driver ed course, and it also appears to me that it seems to be a local problem in that particular area, and should not be a statutory law for all School Administrative Units in the State of Maine, but the most important thing is what is the estimated cost to the student?

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I do not know what the cost is now. I know that three years ago it was about \$35.00 per student, but this is permissive legislation and does not require every school unit to do that. If they feel they can pay for the cost of this in their own school units, fine, but a great many of them are trying to keep cost down and let the individual students pay for it rather than have all the taxpayers pay for this driver education course.

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

Mr. CONLEY: Mr. President and Members of the Senate, it appears to me that private business or a large number of individuals who deal in a service are providing driver training and that they themselves make a substantial investment in trying to carry on this. I am sure it is not a very lucrative business, but it does seem to me that with their insurance, and with the purchase of their vehicles, and their investment made, that they would obviously stand some sort of a loss.

It is just apparent to me that there is no great desire or need for this particular Bill, and I concur with the thoughts as expressed by the Senator from Androscoggin, Senator Minkowsky, and would hope that the Senate would indefinitely postpone it.

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

Mr. HICHENS: Mr. President in answer to the questions or statements made by the good Senator from Cumberland, every area in the state of Maine does not have driver training courses available from private enterprises as they would in Portland. You get up into the rural areas especially, and they would have to travel a great many miles to a city in order to take these courses, which would be much more expensive than the way we are suggesting in the Bill.

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

Mr. MANGAN: Mr. President just a couple of thoughts that strike me on this thing. First of all, years ago, in my younger years, I was a certified driver ed teacher, but it strikes me that when I took driver education back in 1961 or so, that the requirements then were 30 hours of classroom time, and 6 hours of driving time, and that these were broken up on a quarterly basis, especially in Lewiston School Systems. It was fairly easy, I suppose, to work in that 30 hours of classroom time, but the 6 hours of driving time was almost impossible to do during the regular school hours, and I believe every case had to be done after school hours. It is very difficult to bring an individual student out for 6 hours worth of the driving during the actual classroom hours, and the question comes in here is what we're going to be doing by this Bill is permitting rural schools to charge for that actual driving time after school.

It would be my impression with the cars being provided by most of the car dealerships, and most of the driver ed teachers being paid on the understanding that they will teach driver education, be it during or after school hours. In some instances they are given an extra \$200.00 or \$300.00 a year just to teach driver ed after school hours, the same as a football coach would receive. I would think that what we are really doing here is trying to legislate in an area that is really a home rule or local School Administrative district policy, and I believe they can do that now.

I would kind of support the proposal of the

good Senator from Androscoggin, Senator Minkowsky, to indefinitely postpone.

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

Mr. MINKOWSKY: Mr. President, I would ask for a Division, and one final thought I would like to interject here at this particular point; There has been many complaints over the years as far as the per pupil allowance, and the quality of education for the kids in the school system, and the biggest complaint was that they are not getting their full dollars worth for the type of education curriculums being offered to them, and if nothing else, if they get out of high school, and get nothing else than a good driver educational program, then I feel that we have done something of benefit to them in their future insofar as being safe on the roads.

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

Mr. KATZ: Mr. President, Goodness gracious what an extraordinary debate on one of the most minor Bills we have had before us this year.

It is a local control Bill. It says a local community can do whatever it wants, and I think our motivation was to expand the opportunities for kids who cannot take it during the day because the schools are filled, and who then have to wait for the summer program. I really do not see that it deserves the barrage of criticism that it has been getting.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Androscoggin, Senator Minkowsky, that LD 1167 be indefinitely postponed.

A Division has been requested.

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

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

6 Senators having voted in the affirmative, and 20 Senators in the negative, the Motion to indefinitely postpone does not prevail.

Ought to Pass as Amended Report accepted in concurrence.

~~The Bill read Once. Committee Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.~~

(Off Record Remarks)

The Committee on Performance Audit on, Bill, An Act Relating to Expenditures of Municipalities for General Assistance. (H. P. 237) (L. D. 300)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-393).

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

Which Report was Read.

On Motion of Mr. Speers of Kennebec, Tabled until later in Today's Session, Pending acceptance of the Committee Report.

The Committee on Transportation on, Bill, An Act to Permit Municipalities to Renew Motor Truck Registrations. (H. P. 848) (L. D. 1039)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-397).

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 Establish a Sign on the Maine Turnpike Showing the Exit for Coastal Maine. (H. P. 1221) (L. D. 1448)

Reported that the same Ought to Pass as

amended by Committee amendment "A" (H-396).

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 PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Majority Floor Leader Senator Speers, to the Rostrum, to act as President Pro Tem.

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

#### Ought to Pass in New Draft

The Committee on Education on, Bill, An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems. (H. P. 99) (L. D. 123)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1586) (L. D. 1799)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed, as amended by House Amendment "A" (H-412).

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

The Committee on Natural Resources on, Bill, An Act to Standardize Some of the Procedures and Statutes Administered by the Department of Environmental Protection. (H. P. 364) (L. D. 483)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1588) (L. D. 1800)

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

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

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, An Act to Permit Hunting with Muzzle-loading Rifles. (H. P. 568) (L. D. 693)

Reported that the same Ought Not to Pass.

Signed:

Senators:

REDMOND of Somerset  
PRAY of Penobscot

Representatives:

MacEACHERN of Lincoln  
TOZIER of Unity  
PEARSON of Old Town  
McKEAN of Limestone  
DOW of West Gardiner  
PETERSON of Caribou  
MILLS of Eastport

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under new title: Bill, An Act to Create a Special Hunting Season for Muzzle-loading Firearms. (H. P. 1591) (L. D. 1801)

Signed:

Senator:

USHER of Cumberland

Representatives:

ROLLINS of Dixfield  
GILLIS of Calais  
MASTERMAN of Milo

Comes from the House, Majority Report Read and Accepted.

Which Reports were Read.

On Motion of Mr. Redmond of Somerset, Majority Ought Not to Pass Report accepted in concurrence.

(See Action Later Today.)

#### Divided Report

The Majority of the Committee on Local and County Government on, Bill, An Act to Clarify and Reform the Laws Relating to County Law Enforcement. (H. P. 214) (L. D. 224)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-387).

Signed:

Senators:

JACKSON of Cumberland  
HICHENS of York

Representatives:

STOVER of West Bath  
HENDERSON of Bangor  
McPHERSON of Eliot  
MARTIN of Brunswick  
BERUBE of Lewiston  
TRUMAN of Biddeford  
DRINKWATER of Belfast  
GRAY of Rockland  
LaPLANTE of Sabattus  
HICKEY of Augusta

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

Signed:

Senator:

O'LEARY of Oxford

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be engrossed as amended by Committee Amendment "A" (H-387) as amended by House Amendment "A" thereto (H-415) and House Amendment "A" (H-416).

Which Reports were Read.

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

Mr. JACKSON: Mr. President and Members of the Senate, I urge the Senate to accept the Ought to Pass Committee Report as amended.

The PRESIDENT Pro Tem: Senator from Cumberland, Senator Jackson, now moves that the Senate accept the Ought to Pass as amended Report of the Committee.

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

Mr. O'LEARY: Mr. President I would ask for a Division on this measure, and I would like to call your attention to L. D. 224.

I have some problems with this Bill, especially under the subsection 951, where it says deputies appointments and removals, and if you read down through it, when you have an opportunity, I do not agree with the system that is proposed here. Then on page 5 of the Bill, deputies, I think you must have a problem with this section, under subsection 959, political activities. If you will read Committee Amendment "A" (H-387), you will note that deputies are 7 days a week, and in this subsection 2 the deputies, it says no deputy whether a fulltime, parttime, or chief deputy shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution, or political service whether voluntary or involuntary, for any political purpose from any person, except that while off duty and not in uniform.

Mr. President, I would submit to you and Members of this Senate that a deputy sheriff is 7 days a week. 24 hours a day, and we are restricting him more than we would our State employees. I would hope that you would vote not to accept this. Then I have another problem with subsection 1001, and the Commission, after consulting the sheriff shall establish general policies. Now, I do not know of any County Commissioners who really are too well informed

about law enforcement or setting policies, and I do not believe this is germane their duties. Like I say, I have a lot of problems with this Bill, and I wish that everyone would take an opportunity to read this Bill thoroughly before you vote on it.

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

Mr. JACKSON: Mr. President and Members of the Senate, the good Senator from Oxford, Senator O'Leary, has brought to your attention, the civil service section, that is 951, giving the deputy sheriff civil service which they presently do not enjoy; they can be removed at the whim of an election. This insures employment for these.

The provision he talks about on 959, political activities, is language that was used in the little Hatch Act, so-called State Hatch Act, which was repealed the last Session. True, these deputy sheriffs are working 7 days a week, and on the payroll for 7 days a week, but I also feel that they should not be politicians, and they do and can exercise a great amount of influence in that area. I do have an Amendment that is being prepared, which will permit them to attend and vote in party caucuses and conventions.

The gentleman from Oxford, Senator O'Leary, also stated that the County Commissioners, in, I believe, section 1001, would set the established procedures for county law enforcement at the sheriff's direction; If he had read the Committee Amendment completely through, on the first page where it says further amend the Bill in Section 13 by striking out subsection 24 of that part designated section 1001, and insert in that place, you will notice that County Commissions duties: "The County Commissioners shall regularly review the sheriff's operations, and shall insure law enforcement operations required under the budget are being adequately performed. The County Commissioner shall not give orders directly to any deputies or any other subordinates of the sheriff, either publicly or privately."

I do think this is something that has been needed, if we are going to strengthen County government, make it a responsible government to the people, that this is one area that needed attention and work, and it was part of the study that we did in the last Session. It establishes administration of county law enforcement.

I would urge the Members of this Body to vote for this piece of Legislation. If they are in favor of improving County government, I think this is a step in the right direction.

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

Mr. MANGAN: Mr. President, I would like to pose a couple of questions through the Chair to anyone who wishes to answer them. The first one that concerns me, is the deputy sheriffs' salaries are based on a 7 day work week. Now, the counties vary. Some counties, particularly the smaller ones, do work 7 days a week. Some of the larger ones work on a 5 day week, and 2 days call-on time, and I wonder whether it is actually being on the job or whether it is an on-call situation.

Secondly, the compensation does not include the compensation for serving as a court officer. That strikes me as kind of being a political plum, in that the sheriff can throw his friends in there to serve as court officers, and give them a little extra money; whereas, they are still being paid by the county fulltime for working 7 days. 24 hours a day.

The third question is it removes the authority of the County Commissioners to set general policy for the sheriff's department. I am not really sure that is wise. As I have stated over and over again, we seem to have 10 little empires on the County level, because there are so many people who are elected, and they seem to

be under the impression that nobody shall control anybody, and, therefore, you seem to have a floating government. Now is it intended to eliminate the County Commissioners from the sheriff department policy setting group, or is this just a slight change?

Furthermore, item No. 5, it removes ambulance service from the referendum issue, and I wonder whether actually that is the aim toward modernized County government in that the future of County government seems to be more localized, what the municipal officials and the County Commissioners want to do together as a team. I wonder whether this is not actually taking away of the power of the people to dictate what their government shall do.

I would like to raise these issues and see if any Member of the Committee can answer them.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Mangan, has posed questions through the Chair to any Senator who may desire to answer.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate, I will attempt to answer the questions, I did not write down all the questions, the good Senator from Androscoggin, Senator Mangan had. The compensation includes on-call, and does not require that these law enforcement officials serve 7 days actual on-duty. They now are on call for 7 days a week.

He also alluded to the section 1001, number 2, the County Commissioner's duties. As I stated earlier, that section has been modified. The County Commissioners do not set policy, law enforcement policy in the counties.

Third, on the court officer, and if you will notice in the first section of the Bill, under definitions, definitions of deputies, it goes down through "deputies shall mean either fulltime or parttime County law enforcement officer appointed under section 951." Then it defines fulltime deputy, and that is the deputy who works 40 hours a week. Then it goes over to part time deputy. Part time deputy means a deputy who is compensated for an hourly or per diem basis under section 958, subsection 2, and who does not receive more than \$2,500.00 in one calendar year.

Now, if you will also take the look at the Committee Amendment, that section has been amended, and it says county law enforcement duties under the subsection does not include acting as a court officer, and any compensation for acting as a court officer shall not be included in the \$2,500.00 limit in this section. It is my understanding in the testimony that was given by Betsy Bellshaw, the Court Administrator, in front of the Committee, that the court officers, the majority of them were part-time deputies, and it was felt that we would run into a problem under the \$2,500.00 restriction, so that section has been amended. Now as far as being a political plum, I really do not know if many of the sheriffs here do play favoritism in the State, if they do have little games that they like to play, but again I think I have answered all of these questions. It is a good Bill and I think that warrants passage.

On Motion of Mr. Mangan of Androscoggin Tabled for One Legislative Day pending the motion of the Senator from Cumberland, Senator Jackson, that the Senate accept the Majority Ought to Pass as amended Report of the Committee.

On Motion of Mr. Conley of Cumberland, out of order and under suspension of the rules, the Senate voted to consider the following paper:

#### Order

An Expression of Legislative Sentiment recognizing that: Katherine E. Pheeny of Millinocket has faithfully served the town

government of her community for the past 45 years, (S. P. 517) presented by Senator Pray of Penobscot.

Which Order was Read and Passed.  
On Motion of Mr. Conley of Cumberland,  
Sent down forthwith for concurrence.

#### Divided Report

The Majority of the Committee on Local and County Government on, Bill, An Act Authorizing Municipalities to Create Development Districts. (H. P. 1216) (L. D. 1482)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JACKSON of Cumberland  
O'LEARY of Oxford  
HICHENS of York

Representatives:

STOVER of West Bath  
McPHERSON of Eliot  
LaPLANTE of Sabattus  
MARTIN of Brunswick  
BERUBE of Lewiston  
DRINKWATER of Belfast  
GRAY of Rockland  
TRUMAN of Biddeford

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-377).

Signed:

Representatives:

HENDERSON of Bangor  
HICKEY of Augusta

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-414).

Which Reports were Read.

On Motion of Mr. Pray of Penobscot Tabled for One Legislative Day Pending acceptance of either Committee Report.

#### Divided Report

The Majority of the Committee on Taxation on, Bill, An Act to Exempt Public Libraries from the Sales Tax. (H. P. 1052) (L. D. 1285)  
Reported that the same Ought to Pass.

Signed:

Senator:

WYMAN of Washington

Representatives:

POST of Owl's Head  
CHONKO of Topsham  
TWITCHELL of Norway  
MAXWELL of Jay  
CARTER of Bangor  
MACKEL of Wells

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

Signed:

Senators:

MARTIN of Aroostook  
JACKSON of Cumberland

Representatives:

IMMONEN of West Paris  
COX of Brewer  
CAREY of Waterville  
TEAGUE of Fairfield

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

Which Reports were Read.

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

Mr. WYMAN: Mr. President and Members of the Senate, I move we accept the Majority Ought to Pass Report.

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

The Chair Recognizes the Senator from Aroostook, Senator Martin.

Mr. MARTIN: Mr. President, I request a division.

The PRESIDENT: A Division has been requested.

The Pending Motion is the Motion by the Senator from Washington, Senator Wyman, that the Senate accept the Majority Ought to Pass Report.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, this is a very small matter, but just because it is small does not mean that it is not important. I just want to point out that I believe that there are some 75 percent of all the libraries in the State that are presently tax exempt because they are either municipally owned, and yet there are some 53 libraries which would be non-profit, free libraries, which have in part or whole the municipal or State support.

I think that this is good, and it is only right that they should enjoy the same tax exempt status as the other libraries.

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

Mr. WYMAN: Mr. President and Members of the Senate, this has a small price tag on it, not exceeding \$5,000.00, and it seems to me when we have something like a billion dollar budget, and something like \$300,000.00 for schools, that we can afford to grant this to the libraries, particularly. It is very difficult in small towns to maintain a public library, and I think that if we have citizens that want to take advantage of them, we should give them a lift with this small exemption of \$5,000.00.

I trust you will vote to concur with the House and support the Bill.

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

Mr. JACKSON: Mr. President and Members of the Senate, this Bill looks somewhat like a piece of Legislation we had in here probably a month ago. The piece of Legislation at that time was for historical societies and museums. The price tag on that was not very big either, I wonder what the vote will be today.

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

Mr. FARLEY: Mr. President and Members of the Senate, As I understand it, this same thing is being done on many of the libraries in the State now. This Bill only calls for those who are not excluded or get sales tax free as it is now. Some of them do have it now, and this just merely cleans it up for the rest to have the same thing. That is all that this Bill calls for.

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

Mr. MINKOWSKY: Mr. President, I am sure if the Senator from Androscoggin, Senator Snowe, would be here, she would have some input on this, because she has got a private library, funded by an endowment, in the Town of Poland, and my question would be as to why they could not come under the same sales tax exemption. I am quite sure she would ask the very same question, and maybe the Chairman of the Taxation Committee might answer why they did not give any consideration to the privately endowed libraries in the State of Maine.

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

Mr. WYMAN: Mr. President I am not familiar with her Bill, but I do simply say that I think that we have a great many small libraries that are not endowed in any way, and I feel that we should give our citizens an opportunity to keep these libraries, help them as much as we can, because they are needed especially in small villages.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The pending question

before the Senate is the Motion by the Senator from Washington, Senator Wyman, that the Senate accept the Majority Ought to Pass Report of the Committee.

A Division has been requested.  
Will all those Senators in favor of the Motion to accept the Ought to Pass Report, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to accept the Majority Ought to Pass Report does prevail.

The Bill Read Once, and  
Tomorrow Assigned for Second Reading

**Senate**

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

Bill, An Act to Require Substantiation of Certain Advertising Claims. (S. P. 126) (L. D. 305)

**Ought to Pass-As Amended**

Mr. Katz for the Committee on Education on, Bill, An Act Relating to Adult Education. (S. P. 102) (L. D. 231)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-168).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, As Amended, Tomorrow Assigned for Second Reading.

**Ought to Pass in New Draft**

Mr. Morrill for the Committee on Performance Audit on, Bill, An Act Providing for Improved Accountability of Funds Expended by the Department of Mental Health and Corrections. (S. P. 417) (L. D. 1458)

Reported that the same Ought to Pass in New Draft under new title: Bill, An Act Providing for Improved Accountability of Funds Expended by the Department of Human Services and by the Department of Mental Health and Corrections. (S. P. 514) (L. D. 1807)

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

**Divided Report**

The Majority of the Committee on Judiciary on, Bill, An Act Relating to the Jurisdiction of the Administrative Court. (S. P. 241) (L. D. 733)

Reported that the same Ought to Pass.

Signed:

Senators:

COLLINS of Knox  
MANGAN of Androscoggin  
CURTIS of Penobscot

Representatives:

DEVOE of Orono  
TARBELL of Bangor  
BYERS of Newcastle  
HOBBINS of Saco  
NORRIS of Brewer  
BENNETT of Caribou

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

Signed:

Representatives:

SPENCER of Standish  
HENDERSON of Bangor  
HUGHES of Auburn  
GAUTHIER of Sanford

Which Reports Were Read.

Majority Ought to Pass Report Accepted.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Public

Utilities on, Bill, An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission. (S. P. 263) (L. D. 910)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot  
CARPENTER of Aroostook  
COLLINS of Aroostook

Representatives:

SMITH of Mars Hill  
CUNNINGHAM of New Gloucester  
LUNT of Presque Isle  
TARR of Bridgton  
NADEAU of Sanford  
BERRY of Buxton

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under New Title: Bill, An Act to Create the Office of Community Antenna Television within the Public Utilities Commission. (S. P. 515) (L. D. 1808)

Signed:

Representatives:

KELLEHER of Bangor  
McHENRY of Madawaska  
WOOD of Sanford  
PEARSON of Old Town

Which Reports Were Read.

The PRESIDENT Pro Tem: The Chair Recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I move the Senate accept the Majority Ought Not to Pass Report.

The PRESIDENT Pro Tem: The Senator from Penobscot, Senator Cummings, moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I pose a question through the Chair to the Chairman of the Public Utilities Committee, the good Senator from Penobscot, and ask why the Committee rejected the new draft proposal of the Committee?

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley, has posed a question through the Chair, which the Senator from Penobscot, Senator Cummings, may answer if she so desires.

The Chair recognizes that Senator.

Mrs. CUMMINGS: Mr. President, I think there are many reasons. I can go into all of them now, or in private, but actually the redraft uses languages like advise, recommend, and it reports to merely provide advisory assistance.

If you should read the actual language, some of these sections do not look so advisory. Section 334, for example, says that the new office is to advise municipalities with respect to standards which those municipalities shall follow in drafting franchises, which standards shall provide for a number of different items specified. Again, in the next Section, the redraft talks in terms of minimum standards which also implies a lack of local discretion.

The redrafted Bill adds a layer of cost and red tape to the present regulatory system for both cable companies and towns.

The public utilities committee, a year ago, made extensive study. We had four meetings throughout the State, which were well advertised in advance, and the only people who came and testified, with one or two exceptions, were the cable television men themselves, and actually they were against further regulations, which is understandable. However, our meetings had been enough publicized so that we felt that had there been great discontent among the customers that they would have showed up and really testified as to why they felt that these companies were riding roughshod over their local desires and that their pocketbooks

were being robbed. The committee then, two years ago, recommended that there not be any State regulation of cable television, and I have further reasons, but I think these are the basic reasons for our Committee turning it down.

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

Mr. CONLEY: Mr. President, I wish to thank the good Senator from Penobscot, Senator Cummings, for her remarks, but this morning, this is sort of a biennial event for Senator Conley, and I intend to take as much time as the Senate will allow me to explain at least the new draft that was before the public utilities committee.

First, I think the basic issue in question here is not the language of the original bill or the committee's new draft before you. The issue at hand is the relationship of the Cable Television industry to this Legislature.

For the past several sessions, as I have stated, I have presented the Legislature a Bill which would provide for regulation of cable television at the state level. In fact, in the Session two years ago, the good Senator from Penobscot, Senator Cummings, I believe, co-sponsored that piece of Legislation with me. That bill was never a radical bill. It was conceived by the office of our then Governor, Kenneth Curtis, and was patterned after the New York State Law.

The industry, however, has a number of objections to state regulation, correctly pointing out that cable television is already regulated by the F.C.C. in Washington and by the municipalities in Maine. The industry's resistance to a third tier of regulation is understandable. I hope, therefore, that you will consider the original regulatory bill which I introduced in this Session as L. D. 910, as a matter of ancient history. I now ask that you consider, as I have, the real problem at hand. The problem before our citizens is the inability of our municipalities to effectively regulate cable television. The result is that citizens are shortchanged.

I will avoid the parochial tendency to describe all the problems that we have had in Portland. Except to say that scarcely was the ink dry on the franchise agreement before the firm came in with a rate increase request, and I do not mind saying in point blank English, we were ripped off. We were ripped off. The operator promised to build a studio in Portland and another one in South Portland, and they did so. — they built one right on the City line.

Regardless of what you may think of the Senator from District 9, who has been a member of the Portland City Council throughout this controversy, I think you will concede that we have a fairly professional, competent, and even skilled city management team. Yet cable television has been too complex an issue for us. We have had to bring in outside consulting firms.

If we are at a disadvantage in Portland, I think you will concede other municipalities are equally unskilled in dealing with cable franchise operations. Some operators, such as here in Augusta, and Mr. Owen Hannigan who operates Maine's very few locally owned franchises, have done an excellent job of meeting the obligations and expectations placed upon them. Others, quite frankly, have not.

When we talk about local control, we are generally talking about local control of schools, taxes, land use, and other matters that our municipal officials and citizens know something about, because they are much closer to the problem. We do not, however, know how to deal with the cable television industry. Furthermore, we do not have any means of assisting our citizens or municipalities with the problems.

Mr. Howard Cunningham, secretary of the



Public Utilities Commission, recently advised my office that the P.U.C. receives several complaints a week pertaining to cable television, and yet the P.U.C. cannot respond to these complaints.

To repeat, our municipalities are unable to effectively regulate cable television. This is neither a new or isolated conclusion. Virtually every national study has noted the lack of expertise at the local level. Our own committee of Public Utilities conducted a special study four years ago at which time the vast majority of local officials who testified asked for state assistance. The committee was divided on how to respond. Some favored a state regulatory approach. Some favored an advisory approach. This redraft abandons previous attempts at regulation and goes the advisory route. Those who call the shots in the industry, however, want no legislation at all.

It would be easy to rant and rave about the industry. And, believe me, I find it very easy to do. It would be easy to point to articles in leading business publications which state that the industry is taking in record profits, after years of marginal operations. It would be easy to point out that most of the franchises operating in Maine are controlled by huge out of state conglomerates. But that is not the issue.

We want to cooperate with the industry. We have asked for their input on this bill. We have offered to incorporate into the legislation some items important to the industry, such as pole attachment provisions or theft of service provisions.

The industry's attitude is that they will get what they want in separate legislation and that the towns do not need advice, except from the industry. I do not think that is the proper approach. If the industry has objections to certain provisions in this bill, I will be glad to consider amendments.

If the industry has problems with the fee schedule, we can talk about it. If the industry has problems with the section of the bill which provides for arbitration, if requested by both parties, we can talk about that. If there is any language in the bill which the industry feels is suggestive of back door regulation, we can talk about that. But this Legislature should not have to tolerate the industry's arrogance, which the writer of one national cable publication termed "stupid" in a conversation with my office.

Maine needs some state wide capacity to deal with cable television. As of next year, on March 31, the F.C.C. has ordered that all franchise agreements must be renegotiated. It would be nice if our municipalities had some assistance in going about this.

In the past year, the U.S. Congress has taken a decisive step towards decentralized regulation of cable television. A former vice president of cable television's national organization, who has been assisting my office with this subject, and who also finds the attitude of the Maine industry difficult to understand, writes that "the trend seems to be in the direction of greater regulatory power for the states and cities, and less for the F.C.C." This individual urges that "something be done to help the smaller cities and towns in Maine."

Let me restate that this is not parochial legislation. In fact, a subcommittee report published by Congress last year states that cable development is not uniform where municipalities make the regulatory decisions and, as a result, rural areas of a state suffer from random cable development.

This is not regulatory legislation. As I have stated, I would be more than happy and glad to discuss with the industry any language which they find threatening. This is simply a measure intended to help communities and to set up some knowledge within the state in order that we can provide advice on statewide questions which may come up.

This Senate can accept the ought to pass report in order that the industry have the opportunity to make constructive suggestions, or we can follow the industry's hard line and kill the bill.

In that case, I would remind the industry that the time will come when they will be facing off, not against a few selectmen, but against powerful competitors such as Ma Bell. Cooperation, I would suggest, is always a two way street.

Mr. President and Members of the Senate, I would hope that the Senate would defeat the Motion of the Senator from Penobscot, Senator Cummings, and reject the Majority Ought Not to Pass Report.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I agree with the Senator, my good Floor Leader, Senator Conley from Cumberland, that this is a considerably watered down version of the original Bill. I did not support the original Bill and I do not support this Bill, and would like to take just a few moments and explain why.

The Bill would lead you to believe that its only intent is to help the poor, struggling cable companies and the poor municipalities who can not cope with these corporate giants. I would just re-emphasize what the good Senator from Penobscot, Senator Cummings, pointed out earlier. While the statement of fact says: "According to this new draft, the office of Community Antenna Television will advise and provide technical expertise to municipalities which provide franchises to cable television systems". Much of the language is shall, much of the language is mandatory, much of the language is regulatory. I would just hope that on that one item alone, we could take a real hard look at this Bill.

Senator Conley has just pointed out that the FCC has ruled that by March of next year all cable television franchises must be opened back up in every municipality in the State. Granted that the cable television business is a very technical business, but I feel certain that if I were living in the City of Portland, to use the example put forth by the Senator from Cumberland, Senator Conley, if I was living in the City of Portland and was on the City Council, and I would hope that a majority of the City Council would feel this way, and I did not feel that that cable company had lived up to its franchise agreement, first of all, I would hope that I could break that franchise and I would very seriously attempt to do so if they had not lived up to their franchise. Secondly, now the FCC says that the franchise must be re-opened and re-examined. So here is a second opportunity.

Yesterday we heard a great deal of debate in here about local control. I have attended a public hearing before a City Council on granting of a new cable television franchise at the request of my good friend and constituent, the gentleman from Houlton that Mr. Conley referred to, Mr. Owen Hannigan, who does own cable television. I am not standing here today as a puppet of this gentleman, or of the cable industry, but I look at cable television as a private, profit making business, and not a public utility. I lived on a farm way out in woods for 21 years. We did not have cable television, and I got along just fine without it. It is nice to have if you want to pay the six bucks to seven bucks, which is somewhere around the average going rate.

I would just like to point out to you right now local municipalities know what they want. Their City Councils know. Perhaps they do not have the technical expertise of the ins and outs of the cable industry, but I have a list of nine sources of information and assistance that cable television organizations and associations

that the municipalities can call on if they need help. But you know in your own municipalities how much people want to pay for this non-public utility, this non-essential, this non-necessity. You know where you want the studios built. If it is in the franchise that a studio be built in a certain place, or something else be done or not done, I would think that the particular municipality would have grounds to break that franchise.

I am not saying that all of the cable television companies in this State are wonderful, by no means. I am sure they are not. I just do not think this particular measure, or the original, which was worse, is going to help your local municipalities.

The Senator from Cumberland, Senator Conley, talks about local control of issues that we understand. I question how much our local officials understand LD 1994. I question how much our local officials understand the very complex and mind boggling Land Use Regulations that he mentioned in his remarks.

This is a tax, makes no bones about it. This will increase the fees, the user charges, if you will, that the cable companies now charge. For \$25,000.00 or actually for \$20,000.00 of their personal services, the appropriation in this particular Bill, we are going to hire experts of some type, or an expert maybe, I do not know, to: "represent the State before the FCC and other Federal agencies in respect to community antenna television matters". Well, I would submit to you for that price tag we are not going to get very much. I would also submit to you that if the PUC has to take on this burden, then the Bill we have seen from them this Session to provide more people in their Department is going to jump substantially in the next Session.

I would hope that this morning we would reject the arguments of my good friend, the Senator from Cumberland, Senator Conley, and not vote to put a third-tier regulation, a regulatory agency on what is essentially a private industry that is doing well in the State of Maine. I do not argue with that.

Another point that I would like to bring out that has not been brought out. There is no area in the State of Maine today without a cable television franchise that any cable company in the State, that I know of, is seeking to go and franchise. You stop and think about the areas of the State of Maine that now are under a cable television franchise. They are all gone. If regulation was needed, it was needed 20 years ago. It is not needed now. There is no new franchise likely to be opened in the State of Maine in the foreseeable future. All that you have left are rural areas. So, what are the cable companies doing now? They are consolidating what they have. They are improving. In many instances, I know in the case of Mr. Hannigan, they are expanding their facilities to bring in 38 and 56 from Boston. But nobody is out there beating the bush looking to open a franchise in West Overshoe.

It is not economically feasible. So this is a classic case of closing the barn door after the whole herd of horses have escaped, and I would hope that you would accept the Majority Ought Not to Pass Report. Thank you.

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

Mr. MANGAN: Mr. President, I am probably in a unique situation as I do not really know anybody who owns a cable TV franchise. I have never been spoken to by anybody who owns one. As a matter of fact, I have a cable TV in the home, but I have never met the individual who installed it. He came in while I was out at work.

It just strikes me, however, that the cable TV industry is a relative infant industry. It strikes me that the municipalities are regulating cable TV, and they have the opportunity to regulate because of the competition that is involved. I



am sure that if the franchises are wide open, that you will have five or six competitors coming in to offer cable TV services, and they will do a good enough job knocking each other to see who will get what, when and where.

I am extremely pleased with the service that we are getting in Lewiston. We have a fine company. I have received probably about six complaints so far. Those six complaints came within 24 hours, and that was earlier this year, as a matter of fact, and I received the complaints as a municipal official. This was the same time that WGAN went off the air because of the ice storm, and our cable TV antenna apparently became ice logged up on Mt. Washington.

It also impresses me that cable TV is a luxury and not a necessity. If it were a necessity like telephones, like bus service, like any other public utilities regulated area, I could see PUC regulation, but it is not. If you do not want it, do not buy it.

Also, as far as studios on city lines, if the City of Portland really does not want their cable TV, if they feel they have reneged on it, let them renegotiate their contract, and I am sure probably even the outfit that controls or works the cable TV in Lewiston would be happy to compete with the outfit in Portland, and they would probably do a fine job for the City of Portland; and that is up to the municipal officials of Portland to make that decision.

I would hope that the members of this Body would accept the Majority Report of the Committee, and let the Bill go on its merry way down to file 13.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, I have no particular reason to have any special love for cable TV. I have been told that I will never get it since I am a country boy and I am too far away to economically justify having it sent to my house. But cable TV's do enjoy a local monopoly, and I can see the arguments, possibly, for oversight.

I merely rise, however, to pose a question. The Senator from District 9 knows I on occasion listen to the radio coverage of the Portland City Council meetings with some interest. There was an evening when he presented this matter before the Portland City Council requesting their endorsement of his proposal. I listened to the debate with some interest, and I would kind of like to ask the question as to why late that evening when the Council took the vote, they rather overwhelmingly decided not to endorse his proposal.

The PRESIDENT: Pro Tem: The Senator from Sagadahoc, Senator Chapman proposes a question through the Chair to the Gentleman from Portland, who, may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I am very delighted to respond to the question made by the good Senator from Sagadahoc, Senator Chapman.

First of all, let me state that I never requested of the Portland City Council endorsement of the Legislation before this Session.

Secondly, I would point out that the tentacles of cable television spread out very, very wide and very far, and AT and C, which is the major owner of public cable that services Portland, whose tentacles spread very wide, too.

As long as I am on my feet, I think I will continue to respond to the issue of the Portland City Council. The good Senator from Aroostook, Senator Carpenter, addressed himself to the PUC and the burden. He addressed himself in several areas that I am very much concerned with. Let me speak to you about as to whether

or not I or any Member of this Senate chamber, sitting here today, if a public cable firm had an installation in your community, and you were a Senator from District 9 sitting in Portland City Council Chamber and they came in and requested an increase in their rates, how would you as an individual, as a part-time City Councillor, as you are a part-time legislator, have the technical knowledge to be fair one way or the other to grant that rate increase or deny it? There is simply no way.

When the good Senator from Aroostook, Senator Carpenter, speaks about the fact of local control and that municipal bodies are well informed, let me tell you I can assure him that in spite of the fact, as he has stated, that he went to Westbrook to help Mr. Owen Hannigan try to obtain a franchise for his firm, — let me inform you that even public cable itself in Portland could not justify or state clearly as to whether or not they were living up to their franchise agreement. Let me state that they asked the Portland City Council to appropriate, — and I am sure the good Senator from Sagadahoc, Senator Chapman, reads as well as he hears, that he read in the paper editorialist time and time again where the City should not be putting taxpayers money up of \$5,000.00 to hire an outside consultant to come in and study the franchise, and also the rate structure, and then advise the Portland City Council as to whether or not a tax rate would be justified or not, and then that the City of Portland would be reimbursed its \$5,000.00 by public cable. Now that to me sounds a little bit ludicrous, and I am sure that the good Senator from Sagadahoc, Senator Chapman, heard me express my views very loud and clear on several occasions.

We talked about competition. Does New England Tel and Tel have competition in your area? Does Central Maine Power provide competition in my area? Does Bangor Hydro Electric provide competition or does Maine Public Service provide competition? I hope I have hit them all. Let me tell you something. Once that franchise is handed over, the competition is no longer there, and let us forget about the ball park. I want you to know how very comfortable I feel that the chief lobbyists for the cable firms is sitting directly in back of me. I was hoping that he was sitting in back of the Chamber at the Public Utilities hearing, — but he is sitting in back of me, and he makes me feel real comfortable. Let me tell you this. Once that contract goes, that franchise is given out, and then the public has their complaints, who do they respond to. They are going to respond, like in our particular case, the Portland City Council, — we have no more jurisdiction over it. The only jurisdiction we have is whether we renew their option, whether it is five years or ten years down the road. The awarding of franchises is gone. That day is gone. For all practical purposes, all of the franchises have been given out. Just about every area in the State that is going to have cable, as Senator Chapman has pointed out, now has cable.

Fourteen competing firms came to our city, including the good friend of the Senator from Aroostook, Senator Carpenter, Mr. Hannigan, who I have the greatest respect for. If we had operators in Maine right across the State like Mr. Hannigan, the State should be well proud, because he is a straight man, an honest person. We had 14 competitors, and ask Mr. Hannigan how the cards were dealt in Westbrook, how the cards were dealt in Portland, or any other community around this State. ATC is not a Portland based company. It is out in Oklahoma. Excuse me, I want to make sure of that, — Denver, Colorado. But most of them are out in the far West. Let us see how much money they milked last year, or in 1975. Before taxes 1975 was \$4,287,000.00. In 1976, \$7,369,000.00, an increase

of over 72 percent. Let us remember when they come in to purchase the franchise the first thing we heard was "look, we have to operate in the red for five years. We recognize that for five years there is no way we can come into the black".

Yet the great firm we had before us was back again less than a year, and behind closed, I might add, behind closed doors, and not on the radio so that Senator Chapman could understand and hear their very enlightening words. No, no, they want the shades down. They would lie the doors barred. But they have a fellow there to deal with people like myself, and I am telling you, I do not mind saying, Mr. President, and I am glad I have the floor, and as long as nobody objects, I wish honestly that the citizens of this State could be in this Chamber to watch the proceedings that are going on here, because this is an outright farce. It shows and proves to me how much control these firms have in this State, and there is going to come a day; there is going to come a day when this Legislature or another Legislature will react differently, and the people of this State will be safe from these vultures.

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

Mr. CARPENTER: Mr. President, while I cannot match the eloquence of my colleague from Cumberland, Senator Conley, I do not know whether I should be angry or not, with regard to his last remarks about control.

I would just like to, however, touch on three points that the good Senator brought up. First of all, I would submit to you in a continuing disagreement with my colleague, Senator Conley, that this is a parochial issue. This is an issue brought about because of dissatisfaction in a particular area of the State, to go unnamed.

He talks about ATC or this company coming in for a rate increase within a year after being awarded a franchise, and the Portland City Council not having the expertise to say yes or no. If I was on the Portland City Council, I would have no problems at all. If they were awarded a franchise at a certain price, and this is the way it goes, — the various competing companies come before the municipal body and they say we will provide such and such a service at such and such price for these many years, and if within a year this company was back in, I would have no problem at all, none whatsoever, in making my decision without having to know the intricacies of an antenna or cable laying procedures. I could very easily say no. All right, if the company says then after two years "well, we just cannot operate at this price, we made a mistake", fine. You know what that does. That puts competition right back into it, because that franchise is then for sale, and the 13 companies who came in at that price who did their research, who said they could do it for that price, then are back in the running again. This is where competition comes in.

You know, we heard not two weeks ago, and I happened to be on the opposite side at that point, and I hope the vote goes the same way this morning that it went that morning, we heard about a great discussion in this Chamber about putting a lid on a fee, putting lids on salaries or income. The Senator from Cumberland, Senator Conley, quotes you figures, quotes you income from this company. They are making too much money. Let us take them out of the market. They are making too much money. The good Senator from Penobscot, Senator Cummings, stood up and told you the great public out-cry that was witnessed a few years ago when this Legislature sent a Committee around the State to find out just how happy people were with companies. There was no public out-cry. I have not received any public

out-cry. There was no public out-cry at the public hearing on this Bill.

I submit to you there is no ripoff. The people in this State are not terribly upset with their cable companies, and I hope that we will accept the Ought Not to Pass Report.

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

Mr. LOVELL: Mr. President and Members of the Senate, I had not intended to say anything on this Bill. Sanford has a population of over 17,000; eleventh largest place in the State of Maine. I have had no contact from the cable television station, but, however, the three selectmen in Sanford who are all three very fine Democrats stated definitely to me that they wanted me to get up and say that they were very happy with cable television having home rules, and they did not want to see this Bill passed. I would say that this probably is a Bill that Portland can handle themselves. It is a Portland Bill.

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

Mr. O'LEARY: Mr. President, I am going to have to take exception with the last two speakers, Mr. President. I heard that this was a purely parochial issue that belongs just to Portland, but I talked with my local officials in Rumford, my local officials in Mexico, and my local officials in Jay. They have problems and they want this Bill passed, and I think that if you check around with some more of your local officials you will see that they have problems, too, and would like to see this piece of Legislation passed.

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

Mrs. CUMMINGS: Mr. President, I do not think anyone is saying that there are not problems and many local municipalities, small municipalities have perhaps entered into franchises that are more than uncomfortable, but just keep in mind that next March 15th their problems will go away if they are smart enough to take the measures now so that when that date comes they are ready and able to cope with the new regulations that they want to be sure are in the new franchise. They can demand that there are public hearings before the rates are changed. They can demand that the cable television company has a complaint office which, if it is contacted by whatever percentage of discontented customers that they put into the franchise, will have to act accordingly. The municipalities have been given an absolutely unprecedented second chance so that wherever they have been burned, wherever they have been hurt, why they can put on the unguentine and get out the band-aids, and they can solve their problems now without forcing onto the State of Maine a whole new bureau, with an open ended cost, and put us into something that actually will take away the local control which is going to be given back to these municipalities another time, on March 15th.

(Off Record Remarks)

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 Cummings, that the Senate accept the Majority Ought Not to Pass Report.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I think this is an important issue, and I request the vote be taken by the yeas and nays.

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.

Is the Senate ready for the question. The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Cummings, that the Senate accept the Majority Ought Not to Pass Report.

A yeas vote will be in favor of accepting the Majority Ought Not to Pass Report. A nay vote will be opposed.

The Sergeant-at-Arms will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Collins S.; Cummings, Curtis, Danton, Greeley, Huber, Jackson, Katz, Lovell, Mangan, McNally, Minkowsky, Morrell, Pierce, Redmond, Snowe, Speers, Usher, Wyman.

NAY — Conley, Farley, Hichens, Levine, Martin, Merrill, O'Leary, Pray, Trotzky.

ABSENT — Hewes, Sewall.

22 Senators having voted in the affirmative, and 9 Senators in the negative, with 2 Senators being absent, the Motion to accept the Majority Ought Not to Pass Report does prevail.

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

Mr. MORRELL: Mr. President, having voted on the prevailing side, I now ask the Senate reconsider its action, and I hope you will vote against me.

The PRESIDENT: The Senate from Cumberland, Senator Morrell, now moves the Senate reconsider its action whereby it voted to accept the Majority Ought Not to Pass Report.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I did not think the question was necessary.

(Off Record Remarks)

A viva voce vote being had,  
The Motion to Reconsider does not prevail.

#### Divided Report

The Majority of the Committee on Liquor Control on, Bill, An Act to Increase the Number of State Liquor Inspectors. (S. P. 454) (L. D. 1569)

Reported that the same Ought Not to Pass.

Signed:

Senator:

LEVINE of Kennebec

Representatives:

MAXWELL of Jay

NADEAU of Sanford

CONNERS of Franklin

LIZOTTE of Biddeford

JACQUES of Lewiston

TWITCHELL of Norway

RAYMOND of Lewiston

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

Signed:

Sensors:

LOVELL of York

DANTON of York

Representatives:

MARSHALL of Millinocket

GRAY of Rockland

IMMONEN of West Paris

Which Reports were Read.

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

Mr. LOVELL: Mr. President, I would like to

move the Minority Ought to Pass Report, and speak briefly to the Motion.

This, Ladies and Gentlemen of the Senate, is calling for five new liquor inspectors. We have 16 at the present time. We have had as high as 28. Now in this Session when we passed the law that no one could buy liquor or drink liquor under 20 years of age. So actually the sheriff's departments and the police departments have not, in many cases, or in most all cases, do not pay much attention in a bar room to the age of the person, and with 16 liquor inspectors, with Maine's 34,000 square miles, 481 towns, why we have even got 2,500 miles of seacoast, plus a thousand miles on the islands how are these inspectors, 16 that they have now, even going to begin to handle this Bill. Now this Bill calls for \$178,000.00 in the next biennium. But it is a Bill that is very essential if we are going to keep the 18 and 19 year olds from still buying liquor, drinking in the bar rooms, and if we are going to keep them from getting it for the 17 and 16 and the 15 year old ones.

I would urge you, very sincerely, that you should pass this Bill. I will admit that we took in \$24 million clear profit on liquor last year. \$178,000.00 might cut it down a little bit, but if you had passed the dessert wine Bill yesterday, well you would have brought it back up again, but you did not. But, nevertheless, I think this Bill is very important. I would request a Divison unless it goes under the hammer.

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

Mr. LEVINE: Mr. President and Members of the Senate, I rise with great trepidation to dispute at all with the good Senator from York, Senator Lovell.

I, too, agree that we need more liquor inspectors if, in fact, we are going to keep the Bureau of Liquor Enforcement in its place and use that to enforce liquor laws. We need new inspectors. We need many more inspectors. Five is very minimal. I do not think they will do very much good. I just do not think that with these five added inspectors they can cover enough ground to make any real headway towards the solution of the problems we have.

The reason I signed the Ought Not to Pass Report is very simple. It calls for a price tag of \$178,101.00 over the biennium. I think that this may very well pass, and if it should it will go to the Appropriations Table and, very likely, promptly die. It may be unfortunate that it will die there. It may have been unfortunate that I signed it Ought Not to Pass. I have not decided yet whether that is fortunate or unfortunate. That is a political consideration. I will not enter it here.

However, I think we had ought to understand one thing. It does not behoove us to pass a Bill knowing that it is not going to go anywhere. If, in fact, we are going to increase the number of liquor inspectors in the State of Maine, we should at least double that number in order for them to have any real effect. If adding five liquor inspectors to the Bureau of Liquor Enforcement is going to have a very minimal effect, and it is going to cost us \$178,101.00, I am not at all sure that we should do that. Perhaps this should be passed today and an Amendment should be added on to it to add further liquor inspectors. I would be agreeable to that. I do not think five new liquor inspectors are going to have any appreciable affect at all upon the illegal actions that are now going on in the area of liquor in the State of Maine.

Therefore, I would rise to my feet today to oppose the Motion of the good Senator from York, who I have a great deal of respect for, Senator Lovell, to accept the Minority Ought to Pass Report.

The PRESIDENT Pro Tem: The Chair

recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate. I think that five inspectors more are better than no more. And certainly those five men are going to be doing something, because they are going to have cars and they will be cruising around and watching and listening for complaints.

Now as far as on the Appropriations Table, I am not so much worried about the Appropriations Table, because I have not talked with the Governor, but I understand that we have \$10 or \$11 million more monies than we thought we had. So, if we have \$10 or \$11 million more money, maybe it came in too early on the income tax, somebody said. But I think that some of those Bills are going to pass on the Appropriations Table. Now I do not mind seeing it amended to ten, but I think amending it to ten might spoil the Bill.

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

Mr. LEVINE: Mr. President and Members of the Senate, I do not understand how amending it to ten would spoil the Bill. I think it would aid in the enforcement of liquor law violations in the State of Maine, the enforcement of the laws dealing with those violations.

I would perhaps like to see an Amendment on to add more liquor inspectors. If, in fact, the Bureau of Liquor Enforcement is going to try to solve some of these problems they need help. They do not need five new employees. Perhaps they need many more than ten new employees. I say again that five employees will have a very minimal effect and I am afraid that we are short changing the people of Maine. I am afraid we may be fooling ourselves in thinking that adding only these five people will, in fact, help.

Therefore, I will not oppose the Motion of the good Senator, Senator Lovell, that this Minority Ought to Pass Report be accepted, and would hope that someone might add an Amendment to add more inspectors.

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

Mr. LOVELL: Mr. President, just very briefly. Ladies and Gentlemen of the Senate, the only reason that I was afraid of putting on ten would be that it might get killed on the Appropriations Table. Now the good Senator from York, Senator Hichens, wants 25. Well now probably we could use 25, but we just do not have that kind of money, so I am happy to go along with ten if the Appropriations Chairman, — he is not here, — we can not ask him his opinion, but nevertheless I just do not dare to ask for more than five.

The PRESIDENT Pro Tem: Is the Senate ready for the question. The pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senate accept the Minority Ought to Pass Report.

A Division has been requested.

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

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

19 Senators having voted in the affirmative, and 4 Senators in the negative, the Motion to accept the Minority Ought to Pass Report does prevail.

The Bill read once, and Tomorrow Assigned for Second Reading.

#### Reconsidered Matter

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

Mr. COLLINS: Mr. President, calling the attention of the Senate to Bill, An Act to Permit Hunting with Muzzle-loading Rifles. (H. P. 563) (L. D. 693) having voted on the prevailing side. I now move reconsideration.

The PRESIDENT Pro Tem: The Senator from Knox, Senator Collins, now moves the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report.

A viva voce vote being had,

The Motion to reconsider does not prevail.

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 Kennebec, Senator Speers, to his seat on the floor of the Senate.

The PRESIDENT: The Chair would like to thank the Senator from Kennebec, Senator Speers, for his usually fine job of being President Pro Tem this morning.

(Applause)

#### Second Readers

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

##### House

Bill, An Act to Authorize the County Commissioners of Hancock County to Transfer Certain Accounts to Certain Active Unorganized Townships. (H. P. 1176) (L. D. 1404)

Bill, An Act Concerning Record Checks on Applicants for Employment with Fire Departments. (H. P. 1214) (L. D. 1451)

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

##### House - As Amended

Bill, An Act to Amend the Priority Social Services Program to Serve Elderly Health Needs. (H. P. 224) (L. D. 288)

Bill, An Act Concerning Fly Fishing in the Kennebec River. (H. P. 550) (L. D. 667)

Bill, An Act Relating to the Licensing of Auctioneers. (H. P. 905) (L. D. 1118)

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

##### Senate - As Amended

Bill, An Act Relating to the Exemption of Financial Institutions from the Unfair Trade Practices Act. (S. P. 162) (L. D. 438)

Bill, An Act Relating to Bidding Procedures Involving the Bureau of Public Improvements. (S. P. 429) (L. D. 1514)

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

Sent down for concurrence.

##### Enactors

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

An Act to Amend the Law Creating the Commission on Governmental Ethics and Election Practices. (H. P. 621) (L. D. 762)

An Act to Designate the Arnold Trail Highway. (S. P. 367) (L. D. 1217)

An Act to Eliminate the Requirements that Registrars View Naturalization Papers of Naturalized Citizens. (S. P. 343) (L. D. 1127)

An Act Relating to Membership on the Maine Council on Alcohol and Drug Abuse Prevention and Treatment. (S. P. 190) (L. D. 587)

An Act Concerning the Powers of the Eagle Lake Water and Sewer District. (H. P. 1521) (L. D. 1747)

An Act to Establish Procedures for Promulgation of Regulations Governing Travel Expense Reimbursement. (H. P. 656) (L. D. 799)

Which were Passed To Be Enacted and having been signed by the President, were by the

Secretary presented to the Governor for his approval.

#### Indefinitely Postponed

An Act to Prohibit the Sale and Use of Devices for the Detection of Radar. (S. P. 147) (L. D. 389)

Comes from the House, Indefinitely Postponed.

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

Mr. MINKOWSKY: Mr. President, is a Motion to recede and concur in order?

The PRESIDENT: The Chair would advise the Senator in the negative since we are not in non-concurrence. A Motion to indefinitely postpone would be in order.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I now move the indefinite postponement of this Bill.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that L. D. 389 be indefinitely postponed. The Chair recognizes the Senator from Kennebec, Senator Pierce.

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

The PRESIDENT: A Division has been requested.

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

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

11 Senators having voted in the affirmative, and 13 Senators in the negative, the Motion to indefinitely postpone does not prevail.

Which was passed to be enacted, and was signed by the President.

Sent down for concurrence.

(See Action later Today.)

Resolve, Authorizing the Exchange of Certain Public Reserved Lands with Brown Company. (S. P. 375) (L. D. 1390)

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

#### Emergency

An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Year Ending June 30, 1978. (S. P. 105) (L. D. 234)

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

#### Emergency

An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions. (H. P. 98) (L. D. 122)

Comes from the House, failed of Enactment. On Motion of Mr. Katz of Kennebec Tabled for Two Legislative Days Pending Enactment.

#### Orders of the Day

The President laid before the Senate:

JOINT ORDER — Relative to Mark Boyd of Houlton. (S. P. 512)

Tabled — May 24, 1977 by Senator Speers of Kennebec

Pending — Passage

On Motion of Mr. Speers of Kennebec, Tabled until Wednesday next. Pending passage.

#### Reconsidered Matter

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

Mr. DANTON: Mr. President, I move the Senate reconsider its action whereby it enacted An Act to Prohibit the Sale and Use of Devices

for the Detection of Radar. (S. P. 147) (L. D. 389)

The PRESIDENT: The Senator from York, Senator Danton, now moves the Senate reconsider its action whereby it enacted LD 389.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request a division.

The PRESIDENT: A Division has been requested on the reconsideration motion.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate, I think this Bill has gone far enough. First of all, if we want to talk about an entrapment, that is exactly what we are talking about with this bill.

What does this device do? I really do not know. I do not have one, but for those that do have them they tell me it gives off a beep. Well, if you are going 65 miles an hour and you hear that beep, the first thing you do is you take your foot off the gas and you slow down. So, in essence, what this radar device is really and truly doing is controlling traffic and making it safe.

Now if we want to do something, why don't we also back this Bill and do away with the CB sets. As I drive back and forth to Augusta, four out of five vehicles, trucks and cars, all have CB sets and they are there looking for Smokey, or whatever they call the State Police, the Fuzz and everything else.

Let us get back to when we first had radar for the State of Maine. This goes back a few years. Maybe some of the younger Senators cannot remember, namely the sponsor of this Bill, but when radar first came into the State of Maine, as some of the elderly Senators can remember, they used to take and set up signs. They would put a sign on the northbound and the southbound lanes, they would go three or four miles down the road, and they would put up another sign, and it would say in this area the traffic is controlled by radar. Immediately when you would approach that area you would slow down.

Then some great Legislator came along and put a Bill in and they did away with those signs. Then they put permanent signs on longer stretches of road, Radar Zone. Those lasted for a year or two, then some great legislator came along and took those down. Then we put up one big sign as you come into Maine, — our roads are patrolled by radar, and that is the end of it. That is the only sign you have. Wherever you come into Maine they let you know that we use radar.

Now as you read this Bill it impounds your car. Maybe some relative of yours is coming from Pennsylvania, has a gift for you, — he thinks it is a nice gift, — one of these radar devices, and gets caught for speeding. Before he can deliver you the Christmas present, his car is gone and he has to walk to your house with the Christmas present. This is really a bad Bill.

We should reconsider this Bill and I hope you go along with me and then we move to kill it. Thank you.

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

Mr. PIERCE: Mr. President and Members of the Senate, I think I now know where the name Sneaky Pete came from.

When I first put this measure in, I certainly did not expect it was going to cause the hub-bub that it has. I understand it was the subject of a rather intense lobbying effort yesterday, much to my surprise, and certainly it went to its demise in one Body thereafter.

I think it is quite interesting that I had a call just this morning from the Fuzz Buster Company in Ohio. They were very interested in this Bill. I also found out, talking with the Fuzz

Buster Company, that not only do they manufacture Fuzz Busters, they also manufacture the police radar. So, as they sell more Fuzz Busters, they sell more anti-radar devices, and they are making out like bandits on both sides.

I would hope that this would not be the Body that would put this item to rest if it is to go to rest. I think it is a good Bill. These Fuzz Busters are used for one purpose, and for one purpose only, and that is to avoid the laws which we make here, and I would hope this Body would not go along with the Motion to reconsider. Thank you.

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

Mr. DANTON: Mr. President and Members of the Senate, I was not planning on getting up. I have heard the term Sneaky Pete used in the other Body in reference to the dessert wine Bill. I never thought we would hear it on the radar device.

But I want you to know that I am really concerned about safety on our highways, and this does play a very important part, in that when you do pick up a signal you automatically slow down. Let us not do away with it. I do not think we want everybody being run through the courts, because we will only have the judges back in two years wanting more money because of how hard they are working.

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

Mr. FARLEY: Mr. President and Members of the Senate, I do not want to disagree with my seat mate, but to be serious for just a minute here. Can you imagine how ridiculous we are going to look to the press and every newspaper in this State, every means of the news media in this State, when we pass a law saying 55 miles an hour, and then we allow a piece of equipment to circumvent the law that we legalized in the State of Maine. Just think of that before you vote on this Bill.

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

Mr. CONLEY: Mr. President and Members of the Senate, I would only suggest that if we want to maintain the speed limit at 55, then we make the auto industry put on governors that limit cars to 55 miles per hour, and let us stop the nonsense, kill the Bill and get this Session on the road.

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

Mr. PRAY: Mr. President and Members of the Senate, I point out the only nonsense I have heard is from the opponents of this Legislation.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from York, Senator Danton, that the Senate reconsider its action whereby it enacted LD 389.

A Division has been requested.

With all those Senators in favor of the Motion to reconsider, please rise in their places to be counted.

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

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

The President laid before the Senate:

Bill, "An Act to Clarify Sex Discrimination in the Maine Human Rights Act." (S. P. 260) (L. D. 821)

Tabled — May 24, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, this Bill came out of Committee, as unanimously Ought to pass, but

since that time, due to the efforts of some very good Senators, I have found that there are discrepancies in the Bill.

I do not mind the allowing, you cannot refuse to hire a pregnant woman, that is fine, and they cannot terminate a pregnant woman's employment, well, that is fine. But, it goes on, which I did not realize, and I had thought that if a company had insurance but it did not include pregnancy, that they did not have to have pregnancy. But now I find that every company in the State of Maine that has insurance, if this Bill passes, has to take out this extra insurance, which runs .70 to \$2.40 a month, some such price as that.

Now in the Amendment of the Bill, we have in the Amendment, which got in there, it ends up that, that requires where such benefits are available, they are equally available to man and woman. Well, I do not look for any men to need this. I do not think the Amendment is appropriate, and also, if this passes, the schools throughout the entire State will have to take out pregnancy insurance on their policies. So there should be a fiscal note on this Bill. So, consequently, I am going to ask somebody to table this Bill for Two Legislative Days, so that we can work out and see what the cost of this Bill is going to be and change the Amendment.

On Motion of Mr. Speers of Kennebec, Tabled for Two Legislative Days Pending passage to be engrossed.

The President laid before the Senate:

HOUSE REPORT — from the Committee on LABOR — Bill, "An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations." (H. P. 1144) (L. D. 1391) Ought to Pass as Amended by Committee Amendment "A" (H-350)

Tabled — May 24, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Report

Ought to Pass as Amended Report accepted in concurrence.

The Bill Read Once. Committee Amendment "A" Read. House Amendment "A" to Committee Amendment "A" Read and Adopted.

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

Mr. KATZ: Mr. President, I think the Senate is aware of the very sticky problem faced by some very good people who are employees of our Vocational Technical Institutes. I hope though that this Bill is not the solution to their problems, and it can be worked out through an appeal procedure. I think we might improve the likelihood of an appeal procedure working if we keep the Bill alive, but I hope it is not necessary for it to go all the way.

Committee Amendment "A" as amended adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate: Bill, "An Act Relating to State Income Tax Deduction for Student Tuition Payments." (S. P. 402) (L. D. 1385)

Tabled — May 25, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Katz of Kennebec to Indefinitely Postpone Bill and Papers.

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

Mr. SPEERS: Mr. President, I move this item lie on the table for One Legislative Day.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that L. D. 1385 be tabled for One Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request a Division.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, a parliamentary inquiry, — is a Tabling Motion for Two Days of a higher precedent?

The PRESIDENT: The Chair would advise the Senator that the earlier time would take priority.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request leave of the Senate to withdraw my Motion to table for One Legislative Day.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now requests leave of the Senate to withdraw his Motion to table for One Legislative Day. Is it the pleasure of the Senate to grant this leave?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would move that we vote on the tabling for One Legislative Day.

The PRESIDENT: The pending question is the request by the Senator from Kennebec, Senator Speers, that he be allowed to withdraw his Motion to table for One Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move the item lie on the Table for One Legislative Day.

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

Mr. SPEERS: Mr. President, a parliamentary inquiry, is it necessary to vote in order to grant permission to withdraw a Motion?

The PRESIDENT: The Chair would advise that if the leave is not granted unanimously, the Motion would be put to a vote.

The pending question at the moment is the request by the Senator from Kennebec, Senator Speers, that he be allowed to withdraw his Motion to table this Bill for One Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request permission to address the Senate off the Record.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests permission the address the Senate off the record. The Chair hears objections. The Senator may not.

The Chair will order a Division on the request by the Senator from Kennebec, Senator Speers, that he be granted leave to withdraw his tabling Motion.

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

Will all those Senators opposed to granting this leave, please rise in their places to be counted.

26 Senators having voted in the affirmative, and no Senators in the negative, the request by the Senator from Kennebec, Senator Speers, to withdraw his Motion does prevail.

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

Mr. CONLEY: Mr. President, the item is now before the Senate?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a point of order.

The PRESIDENT: The Senator may state his point.

Mr. SPEERS: Mr. President, I understand the Senator from Cumberland, Senator Conley,

has made a Motion to table this item for One Legislative Day.

The PRESIDENT: The Chair would advise that at the moment there is no Tabling Motion before the Body.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: The reason I oppose the Tabling Motion is because this Bill was tabled yesterday to give the sponsor of this piece of Legislation the opportunity to be here to debate it. Now it seems to me if we are going to just continue to table and table and table and table and table Bills because Members cannot be here or are not here, then I do not think that is why we are here. That is why I think the Senate ought to take action or should take action on this particular measure.

It has been debated several times, and because of the fact that the sponsor is not here today, was not here yesterday, then I think the Senate has more important things to do to get at hand the business of today.

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

Mr. SPEERS: Mr. President, Members of the Senate, I simply want to say that I share the concern and the comments by the Senator from Cumberland, Senator Conley, with regard to tabling items simply because a Member is not here in order to debate a particular item. I do think in this case, however, that we have a rather special consideration, because the item that is before us has been a particular concern of the individual that is not here today. Unfortunately, it is also a particular concern of an individual who will not be able to be here tomorrow.

If it were a matter of importance that this item be enacted or killed at an early time in this Session, or even at this point in the Session, then I would certainly agree with the good Senator from Cumberland, Senator Conley, that in spite of the difficulties of individual Members that we do proceed on this matter, because I share his concern and because I usually am very much in favor of the position that he is taking at the present time. I really do not have very strong feelings on this matter, but I do want to point out to the Senate the reasons for the Motion and let the decision fall as it may.

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

Mr. PRAY: Mr. President and Members of the Senate, I have to stand up and agree with the Democratic Floor Leader. The days that we have dealt with this Legislation and the requests have been made to table it, it has been because he is not here, not because he expressed an interest in the Bill or had asked for it to be tabled, and I think I would definitely take different consideration if the individual sponsor of a Bill had requested it, but just to look around the Chamber and notice that some individual is not here that may have a particular interest in the Bill when we are setting a bad precedent. I do not want to be here until the middle of July or the end of July or August, and if we start now, it is just going to get worse as we go along.

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

Mr. MERRILL: Mr. President, is there a Motion to table before this Body?

The PRESIDENT: The Chair would answer in the negative. The pending question is the Motion by the Senator from Kennebec, Senator Katz, that this Bill be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, previously in this earlier parliamentary maneuverings I heard something that is very unusual in this Senate, and that is the denial of unanimous consent. I think that is a very bad precedent, and I would point out to the Senate that as I read the

rules, there is absolutely no rules against debating a tabling motion, if you are debating whether or not the item should be tabled. Instead of pointing that out, somebody asked for unanimous consent and it was denied, and I think that is a bad precedent, and unsenatorial.

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

Mr. PIERCE: Mr. President and Members of the Senate, It was with great hesitation that I made the Motion, because I have the utmost respect for the Minority Leader, the Senator from Cumberland, Senator Conley. However, we went through here a couple of weeks ago a great charade and a great show by the minority party concerning tabling motions, and I think that the majority party has been very fair with the minority party in tabling motions and many other motions. I certainly do not consider myself, and I do not think many other people do, the most partisan person in the world by any means, but when the Majority leader of this Body is challenged on a tabling motion by the minority leader, then I think that is wrong. We are the majority party, and I think if the majority leader wants something tabled, then we ought to be able to table it with out a great confrontation. You want courtesy, we want courtesy.

The PRESIDENT: The Senator from Kennebec, Senator Speers, requests a Roll Call. 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 or a Roll Call, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President, would it be in order to move we table this Bill for Two Legislative Days.

The PRESIDENT: The Chair would advise in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President, I so move.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now moves this Bill be tabled for Two Legislative Days. Is this the pleasure of the Senate?

The Chair will order a Division.  
Will all those Senators in favor of the Motion to table L. D. 1385 for Two Legislative Days, please rise in their places to be counted.

Will all those Senators opposing the Motion to Table L. D. 1385 for Two Legislative Days, please rise in their places to be counted.

22 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to table for Two Legislative Days does prevail.

The President laid before the Senate:  
Bill, "An Act to Permit Carpools Under the Public Utilities Law." (H. P. 247) (L. D. 319)  
Tabled — May 25, 1977 by Senator Speers of Kennebec

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, this particular Bill, "An Act to Permit Carpools Under the Public Utilities Law", came before the Committee on Transportation, and I believe it did have a unanimous Ought to Pass Report.

This was a Bill presented by the Department of Transportation because they felt there should be some regulation insofar as carpooling takes place in the State of Maine. I would like to advise the Senate that carpooling is not a relatively new idea. I can remember back in World War II people worked in the South Portland Shipyards and the Bath Iron Works, and they were carpooling at that segment of time. Even



at that time, people in Lewiston working in the Bath Iron Works were carpooling as a fuel conservation measure. This is a very good idea today because of the limited fuel supply that we do have.

Private taxi companies and some social service people and private bus companies felt that this was an infringement upon their rights of being regulated under the Public Utilities Commission and the Interstate Commerce Commission, because social service agencies do this for donation and not necessarily do it according to rules and regulations of the agencies that other companies must work under.

I received a letter this morning from a bus company, and I would like to read it into the record, Mr. President and Members of the Senate. I am writing to you to express my opinions relative to L. D. 319. If allowed to pass, it would permit carpooling for motor vehicles having a capacity of 12 passengers or less without restriction.

I cannot understand why private bus companies must operate, and have operated for years under the Public Utilities Commission or Interstate Commerce Commission regulations, yet those with mini-buses or vans can legally operate unregulated. I think this has a very vague meaning, because I think this Bill goes much further.

Another factor brought out is in regard to insurance. If a person was to transport five or six, or maybe a dozen people, and should be involved in an auto accident, and there were fatalities, the members of their families would not be able to collect simply because the person does not have the proper type of insurance to cover that type of situation.

Another factor that the private transit companies and taxi companies felt was in the present Bill, — It states under Section A, Public Utilities Commission may promulgate rules and regulations for vehicle liability insurance for car pools or van-pools. Under the present circumstances, until this can be further clarified, and I have not had an opportunity to do so, Mr. President and Members of the Senate, I feel that it would be advisable to table for another day so I might check with the Public Utilities Commission as to what rules and regulations they would present, so that this may be presented to the private taxi services, as well as the bus companies, in the State of Maine.

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

Mr. SPEERS: Mr. President, I would pose a question through the Chair, and perhaps it can be answered at this point, but if it is tabled for a Day, perhaps it will be answered then, as to the need for placing car pools under the Public Utilities Commission law.

I am in favor of carpools and I think it is an energy saving measure. I know many of them are voluntarily organized, and I do have some question as to the need for this placing them under the Public Utilities Commission, and I would hope that an answer would be forthcoming.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, in all sincerity, after analyzing this further. I do not see why it is under the Public Utilities Commission regulations at this particular point, and I would move for indefinite postponement of LD 319.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves the indefinite postponement of LD 319. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested on the Motion to indefinitely postpone.

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

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

8 Senators having voted in the affirmative, and 18 Senators in the negative, the Motion to indefinitely postpone does not prevail.

On Motion of Mr. Levine of Kennebec, Tabled for One Legislative Day, Pending enactment.

The President laid before the Senate: Bill, "An Act Relating to Recoupment Procedures under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act." (H. P. 514) (L. D. 632)

Tabled — May 25, 1977 by Senator Huber of Cumberland

Pending — Enactment  
On Motion of Mr. Huber of Cumberland, Retabled for One Legislative Day.

The President laid before the Senate: Bill, "An Act to Dissolve Vocational Region 9 and to Establish a Vocational Center to Serve Northern Oxford County." (H. P. 1113) (L. D. 1372) (Emergency)

Tabled — May 25, 1977 by Senator Katz of Kennebec

Pending — Enactment  
On Motion of Mr. Speers of Kennebec, Retabled for Two Legislative Days.

The President laid before the Senate: House Reports — from the Committee on Labor — Bill, "An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court." (H. P. 281) (L. D. 375) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-269); Minority Report — Ought Not to Pass

Tabled — May 25, 1977 by Senator Morrell of Cumberland

Pending — Motion of Senator McNally of Hancock to accept the Minority Report.

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

Mr. PRAY: Mr. President, I believe I requested a Roll Call.

The PRESIDENT: 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 Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, it seems to me the key need that is trying to be addressed here with this Bill is trying to expedite the hearing and appeal procedures to cure the built-in delays harming employees particularly, and also employers.

The solution, in my view, is not to mandate payments while the appeal procedures are in progress, — payments which subsequently may be deemed improper or unwarranted. Forgetting the insurance companies, it would hurt the self-insureds.

I feel the Bill opens up the door for anyone to appeal, regardless of the validity of their claim, and to be able to collect benefits, knowing that they would not be able to receive compensation, and knowing also they would not be able to pay it back, or possibly knowing they could not be

able to pay it back, or possibly knowing they could not pay it back.

The Bill, on its surface, sounds good, but I think it is setting the stage for abuse. I think it was pointed out earlier that only five or six cases might fall into this category. I submit if the Bill passes, we will have more cases fall into this category.

I think we should address the real problem, which is the administrative delay, and address that directly. At best, this Bill addresses only the symptom and not the cause.

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

Mr. CONLEY: Mr. President, I would pose a question through the Chair to the Senator from Sagadahoc, Senator Chapman. Does not one have the right to appeal today irrespective of the law?

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

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President, there is the right to appeal. This Bill would permit payments to be made during that appeal.

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

Mr. SPEERS: Mr. President and Members of the Senate, I think the questions that I have had on this Bill have been stated before, and I will not state them again.

I would point out, however, that there are very limited number of cases, very few problems involved with the employee who may have already been granted a hearing and a determination already having been made by the Industrial Accident Commission with regard to the merits of his case, and that decision is appealed, and because of the back-log or administrative delays or what have you, the cases may be delayed for several years. There are very few cases, indeed, where something like this happens, and I do not like the inference to be left that there will probably be more cases, because this Bill has no application whatever to the instances where the Industrial Accident Commission's initial finding is that there is no claim whatever, and certainly the individual may appeal that decision, but if he does appeal that decision he is not automatically granted benefits for that appeal period. I think the argument that there would be more appeals would be applicable if that was the case, but the Bill does not do that.

I have had some problems with this Bill because there is no provision for pay-back involved where the Supreme Court may find that there was indeed no merit to the particular claim. I have talked with a number of individuals with regard to this, — however, and it has been pointed out that there are procedures available for the recoupment of the benefits that have been paid pursuant to this Bill, if the Supreme Court does determine that there were no merits to the claim whatever. I think it is a legitimate question as to whether the individual would be in an economic position to pay back those funds in the future, but at the same time I think that the problems that exist with regard to the delay and the economic condition of that individual during that delay out-weigh the other considerations, and I intend to support the Bill at this time.

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

Mr. McNALLY: Mr. President, may I ask a question through the Chair. If I understood correctly, only the employer is the one that can appeal a decision, that the employee cannot appeal and still be paid during the time, providing that he does not like the award. Supposing that



the employee has been told that he cannot receive any money for his injury and he appeals, did I understand that it is only the employer that can make an appeal to the Law Court.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, it is my understanding that according to the Bill that the benefits will be paid during the period of appeal only where the Industrial Accident Commission has found in favor of the employee, and obviously in that case the employee would not be the one who would be instituting the appeal. The employer would be instituting the appeal.

In the case where the Industrial Accident Commission finds that the employee is not entitled to benefits, his right to appeal is not abrogated. He can still make that appeal to the Supreme Court, but in that case the benefits will not be paid during the pendency of the appeal.

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

Mr. McNALLY: Mr. President and Members of the Senate, I can only make one remark about this Bill. It seems to me that may be the way to attack what is happening and what has happened in the past. Perhaps the Industrial Accident Commission is a little slow on some of their approvals and disapprovals of cases, not even this Bill is going to help that situation.

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

Mr. REDMOND: Mr. President, I rise again to oppose this Bill, because of the request made by the lawyers in my District, and that is that it is the entire system, and the Industrial Accident Commission needs to be looked into, and I do agree that there are very few cases that are sent to the Supreme Court. However, there would be a good deal less cases if the Industrial Accident Commission was in the situation where they could handle those cases in a better manner. Therefore, I still believe that we are only subsidizing a problem that exists, rather than attacking it the way we ought to.

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

Mr. PRAY: Mr. President and Members of the Senate, I think we have identified two problems, and in this Bill only went after one of those problems, and that is what the Bill addresses, and I think that is what this Chamber should address at this time.

We are talking about those individuals who, after going through the process of public hearing with the Industrial Accident Commission, and are felt by that Commission to be deserving of the award, and the insurance company or the employer disagrees with that, and exercises their full right to appeal. In those instances we are saying the Industrial Accident Commission has a right to say, pending the appeal, that that supposedly injured employee has a right to collect the compensation benefits.

I will agree with the previous speakers that there is a long delay and back-log in the Industrial Accident Commission, but just let us not confuse it with the issue at hand. A lot of delays occur, because one of the two sides cannot make the scheduled hearing, and they call down to the Industrial Accident Commission and say my attorney or I cannot be here on that day and ask for another day. Either the employee or the employer could travel a distance here for the hearing. — the hearings are held in Bangor, Waterville or even in Augusta, and come down and find the other side asked for a delay, and then it is put off for another month. This is a practice that could be used by the in-

surance company and by the employer to stretch out the time period which the employee is receiving nothing, and forcing him to make a cash settlement. We do not address that problem.

We address the problem here of where the Commission had the claim, the employee was awarded benefits, and the insurance company or the employer appeals. In that case the employee could collect during the appeal process, and that is what we are addressing and I think we ought not to confuse the two problems. If they are concerned about the other problems, I would like to have some one come forward.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, I want to thank the Senator for clarifying a point that I misunderstood, and I understand it is directed to the attention of those payments that were awarded in favor of the employee, — that they should pay.

I support this Bill in that form.

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

Mr. McNALLY: Mr. President, I also would like to call your attention to the fact that this Bill does not address the problem providing that the injured party regains his health and goes back to work on another job. He still will receive payments for being injured up until the time the Law Court acts.

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

Mr. SPEERS: Mr. President, I apologize for prolonging these comments, but I think this is important for the record to reflect this.

I would point out that I believe the comment of the good Senator from Hancock, Senator McNally, is incorrect, that should the individual go back to work and if it is shown that he is not continuing to be incapacitated, that he does have the capacity to work, and this is brought to the attention of the Commission, that this individual is no longer compensable and is capable of work, then even though that matter may be under appeal to the Court, under the House Amendment placed on it, it is very clear no longer will compensation be paid even though the case may still be pending before the Supreme Court.

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

Mr. LEVINE: Mr. President, I rise with great trepidation to agree with the Majority Floor Leader, the Senator from Kennebec, Senator Speers. I think I am basically in favor of this Legislation. I do have a problem though.

There is no pay-back clause in here, and I object to sending it on its way today. Perhaps someone could prepare an Amendment to take care of that problem.

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

A yes vote will be in favor of accepting the Minority Ought Not to Pass Report. A nay vote will be opposed.

The Sergeant-at-Arms will secure the doors. The Secretary will call the Roll.

#### ROLL CALL

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

ABSENT — Hewes, Katz.  
 3 Senators having voted in the affirmative, and 27 Senators in the negative, with 2 Senators

being absent, the Motion to accept the Minority Ought Not to Pass Report does not prevail.

Majority Ought to Pass Report accepted in concurrence.

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

The President laid before the Senate: Bill, "An Act to Repeal Certain Laws Relating to Alcoholic Beverages." (H. P. 1206) (L. D. 1434)

Tabled — May 25, 1977 by Senator Carpenter of Aroostook

Pending — Adoption of Senate Amendment "A" (S-166).

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

Mr. HICHENS: Mr. President, I would ask for a Division on this motion.

If you will read this Amendment, it provides elections on local questions shall be held in special State-wide elections, not Town meetings or Municipal elections. Two years ago the liquor industry encouraged the Legislature to pass a Bill which would allow local special questions to be heard in Town meetings, so they would be held every year instead of every two years. The arguments were given they felt people should have a right to vote on issues every year, rather than every two years.

As was stated yesterday by the good Senator from York, not too many people showed an interest in municipal meetings, and he did show concern for this Senator by stating wets would not appear, and so I was saved from embarrassment in many situations, as a so-called prohibitionist. But I think the trouble is that the wets did not show up, and some Towns went dry that had been wet before, because they were interested in stopping the flow of liquor in their Towns, and they did show an interest and showed up at Municipal elections.

Now the liquor industry wants to come back and put it in the general election, so more people will be out to vote.

As a result of that, I would ask for a Division on this Motion.

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

Mr. LOVELL: Mr. President and Members of the Senate, the Senator from Aroostook, Senator Martin, asked a question on how the votes would be counted in the unorganized territories. I did not expect opposition from the good Senator from York, Senator Hichens, because at the State elections, and primaries, and we have the possibility of referendums, so the question is not, well, they are going to vote on it two or three times in the towns over a two year period, only one time at the local level. But the thing that bothers me most at the local level, sometimes they only get 10-15-20 percent of the vote out, and when Mr. Hichens said back on the previous Bill on election day, that was one of the first Bills to come out of the Liquor Control Committee, and he was very much against it, serving liquor on election day, and it was defeated, so we cannot serve liquor on election day, but on Municipal or Town elections they can serve.

I feel we should pass this Amendment.  
 The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Chapman.

Mr. CHAPMAN: Mr. President, Ladies and Gentlemen of the Senate, as Senator Lovell mentioned, he solved my problem, and I would now urge the adoption of Senate Amendment "A".

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

Mr. CONLEY: Mr. President and Members of the Senate, this is not the biggest issue to come before the Senate; however, it clarifies one thing. It certainly gives the largest number of people the opportunity to vote on these questions, and that is the important objective everybody would like to see, whether wet or dry. It makes available on the general primary election the opportunity for more people to participate.

The PRESIDENT: Is the Senate ready for the Question? The pending question before the Senate is the adoption of Senate Amendment "A". Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

A Division has been requested.

Will all those Senators in favor of adopting Senate Amendment "A", please rise in their places to be counted.

Will all those Senators opposed to adopting Senate Amendment "A", please rise in their places to be counted.

21 Senators having voted in the affirmative, and 5 Senators in the negative, the Motion to adopt Senate Amendment "A" does prevail.

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

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act Concerning County Contingent Funds and the Rate of Interest Which May be Charged for Delinquent County Taxes." (H. P. 877) (L. D. 1102)

Tabled — May 25, 1977 by Senator Pierce of Kennebec

Pending — Motion of Senator Mangan of Androscoggin to Adhere

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

Mr. JACKSON: Mr. President, I request a Division.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, requests a Division.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I again rise to address the Members of this Senate on this very important issue.

There are basically only three elected governments in the State of Maine, — Municipal government, County government and State government. I only wish to speak briefly on this matter because I feel it is a very important issue, but we have debated this four times already.

Currently in County government today, the County Commissioners have got to the point where, although elected to attend to County government, and elected by the people, and they are also your County office holders, and they budget as much as they possibly can, and they have to submit the budget to the Legislative Delegation. The Legislative Delegation presents it to the Legislature; therefore, the County Commissioners lose control over the budget at that point.

What this bill is attempting to do is to require that the one area of discretion that the County Commissioners currently have left, that concerning the contingency account, be submitted for the approval of the Legislative Delegation, again I bring up the two issues here, one, if the roof blows off the County building during a hurricane, we will have to call the Legislative Delegation together, even though it is the month of August, and everybody is in Florida. Secondly, I question as to whether the Legislative Delegation can in itself approve the use of tax dollars without the entire approval of the entire Legislature. I seriously question as to whether the Legislature wishes to limit the Counties, and the County Commissioners to just playing the role of simply rubber stamping that

which the Legislative Delegation has done. And I question whether the people who have elected their county Commissioners to administer their County really realize that when they elect the Members of Legislative Delegation, they are also electing their County Commissioners, since the County Commissioners have to do anything that is mandated by the Legislative Delegation.

I seriously feel that this whole area of County government should be reconsidered instead of fooling around with County budgets here for month on month on month, and it was the intent last year when the Legislature passed County budgets on an annual basis, to get the budget out as earlier as the month of February. I cannot find fault with the Committee on Local and County Government. I think they have done a fine job, I think that it comes to the point where County budgets are being so complicated and so difficult to work with that probably the County Commissioner should have that degree of home rule as far as their own budgets are concerned, and let them be the people who are actually making up the budgets, and who are actually being elected or thrown out of office by the people for their actions, rather than for the actions of Legislative Delegation.

I strongly urge the Members of the Senate to adhere where we indefinitely postpone this Bill and all its accompanying papers.

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

Mr. CONLEY: Mr. President, I would only remind the Senate that the 16 several counties are nothing but creatures of the State, and that this is the Supreme General Court, the Legislature, and I think that this is weird. That power should remain. The Legislature should oversee exactly what is going to transpire within County government and Municipal governments as a whole.

Although we granted home rule to our local communities, there is certainly the process that has to take place relative to the exercising of that home rule. As far as the counties are concerned, I think that the General Supreme Court, the Legislature, should continue to be the chief overseer of the county.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I concur with the remarks made by the good Senator from Cumberland, Senator Conley, I have been around here enough years now to have a good handle upon the activities of County government, and the activities of the Legislative Delegations, and it is true that the County government is a creature of the Legislature, and it is true that the Legislative Delegations in their wisdoms do screen, evaluate, and analyze the county budgets, because of their concern. In my Municipality in particular, I think we pay almost 48 per cent for the maintenance of County government, and yet we have all those particular services which are paid for by the taxpayers.

When I first discussed this Bill, not realizing there was another matter attached to it in another Bill, I was concerned with the ability of County government to be able to tax a Municipality interest on the assessment since they do not have any taxing power of their own.

I would hope that the Senate would concur with the feelings expressed by Senator Conley of Cumberland, that we opposed the Motion to adhere, and give the Delegations who represent all the people in that particular County the flexibility to weigh and analyze the contingency account of County government.

I would further call to the attention of the Senate that this morning on my desk, I received a letter from the office of the Governor. I do not

know if every Senator received it because it pertained to Androscoggin County, and I am just going to read a portion of this letter into the record to show you the dilemma that we are faced with in Androscoggin County, and the Governor states as follows: "To the Members of the Local and County Government Committee: I am allowing to become law without my signature L. D. 1745 "A Resolve for Laying of County Taxes and Authorizing Expenditures of Androscoggin County for the year 1977." I cannot sign this Bill into law because of the many problems and questions concerning waste and inefficiency relative to Androscoggin County Government. As I have expressed in other communications to the Legislature concerning County government, Maine taxpayers are being faced with a growing bureaucracy at increased cost and a level of government that must be more accountable and responsible." I do not think I am going to go beyond that particular point, Mr. President of the Senate, I think that sums it up very, very nicely.

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

Mr. MANGAN: Mr. President, it is not my intent at this time to make Androscoggin County the butt of this argument, of this debate. It impresses me, however, that much of the waste and the inefficiency that was brought into the Androscoggin County budget was approved by the Legislative Delegation.

We are solely here concerned about government of the people. We have to understand primarily that government of the people, by the people, and for the people begins at the local level. The next level of government is County government, and certainly the governments furthest away from the people as far as the elected government in the State of Maine is concerned is the State government.

I feel that the people in the County have to feel that their County Commissioners are responsible for a County budget, and these County Commissioners should stand for election or defeat based on the way that they have handled their own County budgets. It is impossible for the people to know how their County budgets are being put together, and it is impossible for the people to actually criticize their County Commissioners when there is a Legislative Delegation that either adds or takes from the County budgets. If the people seriously want to get involved in their County budgets, now is the time to return to the County level the control of their budgets so that the people take much more of an interest in this, instead of having the budgets approved up here in Augusta with the Legislative Delegations.

I feel that by forcing the Legislative Delegation to run over to the County Building everytime there is an emergency appropriation, every time that the coke machine breaks down, every time that the door falls off it really is not a line item budget, every time that the phone company, as happened last year with the oil companies, especially when the cost of oil doubled in the space of a year, and the County Commissioners were faced with these outrageous bills from the oil companies, and the line items did not include amounts for increased oil budgets, the contingency account has to be tapped. In that case they would have to call Legislative Delegation, and say, listen, we have just received twice our budget as far as the oil allocations. Can we or can we not approve of this? And at that point it becomes simply a ministerial thing, we have no choice, we have to pay those bills. So, I feel that the Senate, the Members of the Senate cannot at this time take away that degree of local control, no matter how small that Counties currently enjoy, and I would urge you to vote to adhere on this Bill.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: I am sure by now after this past week of debate on this little piece of legislation which consists of two lines, that everybody knows exactly what it does.

I had reservations when I heard this Bill as to putting in the Legislative Delegation in a position to approve any of the emergency expenditures. Being open minded as I am, I decided I better take a look at the other side. I see this piece of Legislation as a Legislation which could possibly bring the Legislative Delegation and the County Commissioners together. In observing the last three years the County budget, and what transpires from the date of hearing in the Counties to enactment here in the Legislature, usually, and presently I guess, late April, early May, before the first of June, that there really is a lack of participation between the County Commissioners, and your Legislative Delegation. I see this document, if it should be enacted, as a tool which would bring the two governmental bodies together, and possibly they could work out a viable solution. Maybe they might have a key that would unlock the door to make County government a little more responsible and a little more accountable.

Therefore, that is why I am supporting this measure. I think that many Members of the Legislative Delegation of the various Counties in the State of Maine do not understand County government, and I think that this is one way that we can bring the Legislative Delegation to the Courthouse to see the workings of County government, and the procedures which I feel should be followed to improve County government, and this is one way to do it.

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

Mr. FARLEY: Mr. President, Members of the Senate, I suppose two or three years ago I probably would have supported this measure before us, or again supported Mr. Mangan's position on this. However, in the last two terms down here, we have had in my County several problems with County Commissioners. Two of them to be exact. Two that I might add that the Senator from Androscoggin brought 21 Legislators from York County to court with to testify on a piece of law in regard to County government, that the Judge swiftly threw out of Court.

Two weeks ago, the York County Delegation had to add to its county budget, a total of \$107,000.00, solely because of the misuse or the misappropriation of County funds by two County Commissioners, one of ours, and one of the opposite party in this body. Thank God we have two County Commissioners now who are a lot more responsible.

But this is the way the former County Commissioners turned into the present Commission the amount of \$107,000.00, — \$46,000.00 of that is under an account called erroneous estimates, — \$46,000.00, now is that competent County Commissioners? Until a day comes that we are assured in all 16 Counties that we are going to have competent County Commissioners, then I would disagree with the good Senator from Androscoggin, Senator Mangan.

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

Mr. HUBER: Mr. President, I now move the previous question.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the previous question. Is this the pleasure of the Senate? It is a vote.

The previous question is the Motion by the Senator from Androscoggin, Senator Mangan, that the Senate adhere.

A Division has been requested.

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

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4 Senators having voted in the affirmative, the 22 Senators in the negative, the Motion to adhere does not prevail.

On Motion of Mr. Jackson of Cumberland, The Senate voted to recede and concur.

The President laid before the Senate:

Bill, "An Act Relating to Expenditure of Municipalities for General Assistance." (H. P. 237) (L. D. 300)

Which was tabled earlier in Today's Session by the Senator from Kennebec, Senator Speers, pending acceptance of the Committee Report.

Ought to Pass as Amended Report accepted in concurrence.

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

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

Mr. MORRELL: Mr. President, I would just like to call the attention of the Senate to the Amendment, and on the second page of the Amendment to comment on a clerical error. The reference to the three-tenths formula should be four-tenths formula, and, as I understand it, that does not have to be formally corrected as that is in the Statement of Fact.

Committee Amendment "A" Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The Senator from Kennebec, Senator Pierce, was granted unanimous consent to address the Senate on the record.

Mr. PIERCE: Mr. President and Members of the Senate, for the record, I think that I should clear the air, and address the tabling issue which we had this morning.

Obviously at the time, I felt very strongly about it. I still do. I think that I was right over the hassling issue.

However, I had several courses of action open to me. I picked the one that was closest at hand, and the easiest, and used that course of action. Obviously, when I did this, I overlooked a broader issue, and that broader issue, and very important issue is every Senator's right to speak on any issue. No matter how trivial, and obviously I knew at the time that not much was going to be said in debate over a Tabling Motion.

But there is that broader issue and a very important one to us all, and I would hope that that action this morning did not set a bad precedent as some have expressed, but would instead underline to us all how important that right to speak is, and after talking with the good Senator from Cumberland, Senator Conley, he understood full well the context in which the motion was made, and certainly did not ask for nor does he want an apology, but I think that he does deserve one, and I would like to so issue one to him at this time, and at the same time reserving the right to take him to task in other manners over the tabling issue.

(Off Record Remarks)

On Motion to Mr. Huber of Cumberland, Adjourned to 11:00 tomorrow morning.