

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

Index

KJ PRINTING
AUGUSTA, MAINE

SENATE

Wednesday, June 1, 1977

Senate called to Order by the President.
Prayer by Reverend Doctor Richard Cleaves of the Augusta Mental Health Institute.

Rev. CLEAVES: May we pray. Eternal God, we ask Your blessing upon this Body this day as they seek to carry on the business of Your people of this State, and give them wisdom, understanding, and compassion, and help all of us in our living to seek to serve You well in the trust that has been given to us.

Amen.

Reading of the Journal of yesterday.

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

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

In the Senate May 26, 1977 Minority 'Ought to Pass' Report Read and Accepted, and the Bill Passed to be Engrossed.

Comes from the House, Majority 'Ought Not to Pass' Report Read and Accepted, in non-concurrence.

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

Mr. LOVELL: Mr. President, I cannot understand the actions from the other Body, but I move we insist, and ask for a Committee of Conference.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate insist, and request a Committee of Conference. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

The PRESIDENT: A Division has been requested on the Motion to recede and concur.

Will all those Senators in favor of the Motion to recede and concur, please rise in their places to be counted.

Will all those Senators opposed to the Motion to recede and concur, please rise in their places to be counted.

3 Senators having voted in the affirmative, and 20 in the negative, the Motion to recede and concur does not prevail.

The Senate voted to insist and request a Committee of Conference.

Non-Concurrent Matter

Bill, An Act to Establish a Sign on Interstate 95 Announcing Peaks-Kenny State Park. (S. P. 302) (L. D. 928)

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

Comes from the House, Minority 'Ought to Pass' Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A", in non-concurrence. (H-443)

On Motion of Mr. Greeley of Waldo, The Senate voted to recede and concur.

Senate Papers

Mr. Danton of York presented, Bill, An Act to Ratify Certain Action Taken Relating to Construction of a York County Jail and to Provide for Acceptance of Gifts and Grants for such Purpose. (Emergency) (S. P. 523)

Approved by majority of the Legislative Council pursuant to Joint Rule 25.

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

Mr. DANTON: Mr. President, under suspen-

sion of rules, I move this Bill be given its First and Second Reading, without a public hearing.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate suspend its rules, and that this Bill be given its First and Second Reading, without reference to committee, at this time. Is this the pleasure of the Senate? It is a vote.

The Bill Read Twice.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be passed to be engrossed, and sent down forthwith for concurrence.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: I ask that this be tabled for One Legislative Day, please.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that this Bill be tabled for One Legislative Day, pending passage to be engrossed. Is this the pleasure of the Senate?

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

Mr. DANTON: Mr. President, I request a Division on the Tabling Motion.

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

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

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

15 Senators having voted in the affirmative, and 12 Senators in the negative, the Motion to table for One Legislative Day does prevail.

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

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

**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 Permit Members of Certain Nonprofit Associations or Corporations to use Special Organizational License Plates. (H. P. 1018) (L. D. 1233)

Bill, An Act to Provide for the Licensing of Electronic Technicians. (H. P. 802) (L. D. 1021)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Require that Bills be Mailed within 2 Days of the Billing Date." (H. P. 1301) (L. D. 1539)

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 Concerning the Pricing of Retail Grocery Items." (H. P. 805) (L.D. 981)

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 Ownership of the Stock of a Professional Corporation." (H. P. 567) (L. D. 692)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Require Proration of Unemployment Benefits

for a Person who is Absent for Illness." (H. P. 1374) (L. D. 1575)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide for an Across the Board Tax Refund to Persons Eligible Under the Elderly Household Tax and Rent Refund Act." (H. P. 306) (L. D. 361)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Increase the Income Limitations Contained in the Elderly Household Tax and Rent Refund Act and to Reduce the Percentage by which a Claim is Limited under that Act." (Emergency) (H. P. 918) (L. D. 1114)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act Concerning Property Relief for Widows, Widowers and Retired Persons Living on a Fixed Income." (H. P. 1013) (L. D. 1229)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide a Maine Homestead Property Exemption for the Elderly." (H. P. 1435) (L. D. 1655)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide Maine Homestead Property Tax Relief." (H. P. 1402) (L. D. 1611)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Help Maintain the Purchasing Power of Participants in the Elderly Tax and Rent Refund Program." (H. P. 1015) (L. D. 1208)

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 Election Laws on, Bill, "An Act Revising Procedures for Certain Tied Elections." (H. P. 937) (L. D. 1134)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Assist in the Determination of the Mental Condition of Criminal Defendants." (H. P. 1366) (L. D. 1597)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Election Laws on, Bill, "An Act Relating to Voter Registration." (H. P. 146) (L. D. 176)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-438).

Comes from the House, the Bill Passed to be

Engrossed as amended by Committee Amendment "A".

The Committee on Marine Resources on, Bill, "An Act to Limit the Liability for Damage to Underwater Lines." (H. P. 501) (L. D. 619)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-437).

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

The Committee on Marine Resources on, Bill, "An Act Relating to Purse Seining and Stop Seining." (H. P. 999) (L. D. 1240)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-436).

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

The Committee on Natural Resources on, Bill, "An Act Requiring Permanent Markers Prior to the Sale or Conveyance of Land in an Approved Subdivision." (H. P. 832) (L. D. 1005)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-432).

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

The Committee on Natural Resources on, Bill, "An Act to Amend the Land Use Regulation Commission Statutes." (H. P. 946) (L. D. 1141)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-428).

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

The Committee on Public Utilities on, Bill, An Act to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission. (H. P. 1388) (L. D. 1660)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-431).

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 Clarify the Statutory Provisions Concerning the Legal Capacity of a School Bus. (Emergency) (H. P. 1017) (L. D. 1232)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-427).

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

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

Ought to Pass in New Draft

The Committee on Education on, Bill, An Act Concerning the Effect of Specially Authorized Appropriations upon the Calculation of State Aid to Public Schools. (Emergency) (H. P. 811) (L. D. 986)

Reported that the same Ought to Pass in New Draft under same Title. (H. P. 1612) (L. D. 1817)

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

The Committee on Education on, Bill, An Act to Improve the Laws Relating to Exceptional Children. (H. P. 450) (L. D. 555)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1607) (L. D. 1812)

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

The Committee on Judiciary on, Bill, An Act to Provide a Mandatory Sentence for Leaving the Scene of an Accident which Results in Death or Injury. (H. P. 1083) (L. D. 1307)

Reported that the same Ought to Pass in New Draft under new title: Bill, An Act Relating to Sentences for Leaving the Scene of an Accident which Results in Death or Injury. (H. P. 1610) (L. D. 1815)

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

The Committee on Judiciary on, Bill, An Act to Establish an Action in Trespass for Cutting Trees on Land of Another. (H. P. 1074) (L. D. 1296)

Reported that the same Ought to Pass in New Draft under new title: Bill, An Act Relating to Actions in Trespass for Cutting Trees on the Land of Another. (H. P. 1611) (L. D. 1816)

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

The Committee on Taxation on, Bill, An Act to Exempt Incorporated Non-profit Medical Facilities and Health Facilities from Maine Sales Tax. (H. P. 392) (L. D. 481)

Reported that the same Ought to Pass in New Draft under new title: Bill, An Act to Exempt Nonprofit Medical Facilities from the Maine Sales Tax. (H. P. 1609) (L. D. 1814)

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

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

The Committee on Legal Affairs on, Bill, An Act Relating to the Regulation of Beano. (H. P. 50) (L. D. 71)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1606) (L. D. 1811)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-454).

Which report was read.
On Motion of Mr. Danton of York,
Tabled One Legislative Day, Pending Acceptance of the Report.

Divided Report

The Majority of the Committee on Agriculture on, Bill, An Act to Establish the Maine Food and Farmland Study Commission. (H. P. 1336) (L. D. 1593)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-423).

Signed:
Senators:

HICHENS of York
LEVINE of Kennebec
JACKSON of Cumberland

Representatives:
ROLLINS of Dixfield
WOOD of Sanford
HALL of Sangerville
TOZIER of Unity
MAHANY of Easton
CARROLL of Limerick
TORREY of Poland

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

Signed:
Representatives:

STROUT of Corinth
SMITH of Mars Hill
LOUGEE of Island Falls

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

Which reports were read.
On Motion of Mr. Hichens, of York,
Majority Ought to Pass Report accepted in concurrence.

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Provide for Art in Public Buildings and Other Facilities." (H. P. 1448) (L. D. 1674)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-434).

Signed:
Senators:

KATZ of Kennebec
USHER of Cumberland

Representatives:
MITCHELL of Vassalboro
LEWIS of Auburn
WYMAN of Pittsfield
CONNOLLY of Portland
BAGLEY of Winthrop
PLOURDE of Fort Kent
BEAULIEU of Portland
BIRT of E. Millinocket
FENLASON of Danforth

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

Signed:
Senator:

PIERCE of Kennebec

Representative:
LYNCH of Livermore Falls

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

Which reports were read.
The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this is a very interesting Bill, and I move acceptance of the Majority Ought to Pass Report.

The Bill says that in the future, public buildings which are constructed, or renovations above \$50,000 will generate one percent of the construction cost to a maximum of \$25,000, and that this fund shall be put aside for the use of the Commission in decorating the building with works of Art, Sculpture, Paintings, Graphics, Mosaics, or Photography. It is an extremely altruistic Bill.

If the Bill gets your attention and affirmative support today, it will be Amended tomorrow to exclude schools at a time when we are dealing with some very, very difficult human issues. It seems improbable that this Bill will end up with a very high priority before it is finally on the Appropriations Table. It has significant merit, and I urge your support.

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

Mr. PIERCE: Mr. President and Members of the Senate: I concur with the good Senator from Kennebec, Senator Katz. This is a very interesting Bill. Thereafter, my concurrence comes to an abrupt halt, because I think not only is this an interesting Bill, but most of all it is going to be a very expensive Bill.

The purpose is innocent enough in that it recognizes the need to enhance the culture and the arts. Well, that is all well and good, but I wonder if the way to do that is to mandate from Augusta that all public buildings, you are going to have to spend on the local level, whether you want to or not, at least one percent for the purchase of such things as Graphic Arts and Mosaics and Photography, and I would submit this is certainly the prerogative of local building committees in localities as to whether or not they want to make expenditures such as these. Some people may consider them frivolities and frills, and others may think they

want them, but it certainly is up to that locality to make that decision. I think this very definitely is a bad precedent and something we should not mandate from Augusta.

I would move the indefinite postponement of this Bill and all accompanying papers.

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

Mr. KATZ: Mr. President, I want to apologize to my seat mate for not making the nature of the Amendment a little clearer. The Amendment deals with all of the objections with respect to local situations. It indicates that only those buildings which are completely paid for by the State and our State Buildings will be affected by the Amended version.

The PRESIDENT Pro Tem: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that this Bill be indefinitely postponed.

The Chair will Order a Division.

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

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

16 Senators having voted in the affirmative, and 8 Senators in the negative, the Motion to indefinitely postpone does prevail.

Divided Report

The Majority of the Committee on Education on, Bill, An Act Repealing the Tuition Equalization Fund. (H. P. 1199) (L. D. 1428)

Reported that the same Ought Not to Pass.

Signed:

Senator:

- PIERCE of Kennebec
- Representatives:
- LYNCH of Livermore Falls
- BIRT of E. Millinocket
- FENLASON of Danforth
- PLOURDE of Fort Kent
- BAGLEY of Winthrop
- CONNOLLY of Portland
- LEWIS of Auburn

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-408).

Signed:

Senators:

- KATZ of Kennebec
- USHER of Cumberland
- Representatives:
- WYMAN of Pittsfield
- BEAULIEU of Portland
- MITCHELL of Vassalboro

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

Which reports were read.

On Motion of Mr. Pierce of Kennebec, Majority Ought Not to Pass Report accepted in concurrence.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, An Act to Prohibit Smoking at Public Meetings. (H. P. 361) (L. D. 453)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-417).

Signed:

Senators:

- SNOWE of Androscoggin
- GREELEY of Waldo
- Representatives:
- FOWLIE of Rockland
- KANE of Augusta
- PRESCOTT of Hampden
- NELSON of Portland
- GOODWIN of South Berwick

- TRAFTON of Auburn
- GILL of South Portland
- BRENERMAN of Portland
- TYNDALE of Kennebunkport
- KERRY of Old Orchard Beach

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

Signed:

Senator:

- PRAY of Penobscot

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

Which reports were read.

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

Mrs. SNOWE: Mr. President, I move the acceptance of the Majority Ought to Pass Report, and I would like to speak to my Motion.

The PRESIDENT Pro Tem: The Senator has the floor.

Mrs. SNOWE: Mr. President and Members of the Senate, the Bill before you would prohibit smoking in all public meetings, and in this Bill public meetings is defined as under the Right to Know Law. It also provides for a fine of not more than \$50.00.

First, I had some reservations about passing such a Bill, and putting restrictions on smoking, because it is an individual right. However, after having given it a good deal of consideration, I felt that the arguments in favor of such a Bill rank consideration.

First of all, as given in testimony at the public hearing, many people testified who stated that they could not attend public meetings because of smoking, and I have known this to be the case here in the Legislature. Many people have left public hearings because smoking has irritated them. With heavy concentration of smoke in the air, it is hard to concentrate. I feel that this Bill would allow everybody to attend and participate in a public meeting.

There have been many studies done that have shown that a person's health is affected by the Carbon Monoxide, Hydrogen Sulphide, Hydrogen Cyanide, Ammonia, Benzene, Tar, Nicotine, Nitrogen Dioxide, Cadmium and various trace substances which are present in tobacco smoke. There are about 15 States which have already imposed some limitations on smoking. I would like to give you some facts on second hand smoke.

First of all, non-smokers make up about two-thirds of the population. Smoke from the burning end of a cigarette contains higher concentrations of harmful substances than smoke inhaled by the smoker, twice as much tar and nicotine, 5 times as much carbon monoxide, and 46 times as much ammonia. Exposure to tobacco smoke has special hazards for people who already have heart or lung disease, allergies or breathing difficulties of any kind. For example, exposure to the levels of Carbon Monoxide produced by second-hand smoke has been shown to reduce significantly the exercise tolerance of some persons with symptomatic cardiovascular disease. Some studies show that respiratory illnesses are more common among children whose parents smoke, compared with those who have non-smoking parents. Carbon monoxide levels in some poorly ventilated, smoke filled rooms have been found to exceed levels considered safe in industry, and above the levels permitted by regulations of the Environmental Protection Agency.

Respiratory diseases ranked high on the list of unmet and unanswered health needs in Maine and in the United States. In 1974, Maine ranked fourth in the nation in the rate of insured workers disabled by respiratory conditions.

Maine has an adjusted death rate for chronic obstructive pulmonary disease which consists of Chronic Bronchitis, Asthma and Emphysema, 22 people per 100,000 population, compared to the United States rate of 17 people per 100,000.

Respiratory disease not only is the 2nd leading cause of hospital admissions in the State, but analysis of hospital discharge data reveals an unexplained wide variation of rates of discharges from hospitals for respiratory disease conditions from one population area to another.

I think this is a Health Oriented Bill. I do not think that we can ignore the facts, and the facts are that smoking is bothersome and hazardous to the non-smoker, not to mention the smoker. Therefore, I urge the Majority Ought to Pass Report.

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

Mr. MERRILL: Mr. President, I move indefinite postponement of this Bill and all accompanying papers. I would like to speak to my motion.

The PRESIDENT Pro Tem: The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President and Members of the Senate: There is no time that we make such bad laws as when we are moved by pure intention. I submit that this Bill is an example of that.

Now this Bill does not say that a majority of people at a public meeting can close the public meeting to smokers. It does not say that the unanimous vote of the people at a public meeting can open the meeting to smokers. What this Bill says is that no matter what all of the people at the meeting want to do, the meeting is closed to anybody who wants to smoke.

The definition of a public meeting under our Right to Know Law, everybody here will recall, is very broad. It can include anybody who is making final decisions, and I would assume that would mean three selectmen sitting in a room in which nobody happens to be there, or which one person who happens to be there is a smoker. Now I assume that if all three of those people were smokers, and they were at the meeting and they were the only ones there, then there would be nobody to say that they had violated the law and had a cigarette or pipe or cigar during the meeting. But, nonetheless, they would have violated the law, and it has always been my feeling that we ought to make laws that people can live with without violating.

I do not think it is the intent of anybody in the Senate to say that if everybody of the three selectmen who are sitting at a meeting want to allow one of the guys to smoke a pipe, that he cannot. The reason that we run into these problems, I submit, in definition, and the definition in this Bill is different than it was in the original Bill. They did not really define public meetings in the original one, and in this one they defined it as broadly as any possible definition that you could find. I submit it is because it is very difficult to make laws in Augusta that deal with every public meeting that takes place at the local or on the state level. The fact that it is so difficult, I think, ought to deter us from doing it.

I am not unsympathetic to the desire of people to stop others from smoking, and especially in some of the smaller rooms, the lower ceiling rooms in which public meetings are held. But there are lots of ways to get around this problem if we leave it to the initiative of the people who are running the meetings. In a large room, it can be handled by dividing the room into Smokers and Non-smokers. In a small and more confined space, greater action will probably have to be taken to protect the non-smoker, but if there is any area that I feel fairly

safe that we can leave this to the people who are at the meeting to make the decisions, it is this one, and I do not think it is necessary for us to put this law in the books.

One minor point; the Amendment, which has become the Bill, removes the requirement that there be posting in order for this law to take effect. I do not know the reason for that, probably the expense, because when you stop and think about all of the places the public meetings might be held in, and remember the broad definition in the Right to Know Law, it would be an enormous task to do the posting.

I urge the Senate to indefinitely postpone this Bill and all its accompanying papers.

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

Mr. HICHENS: Mr. President, I would rise to oppose the Motion to indefinitely postpone, and I would ask for a Roll Call when the vote is taken.

The first speaker this morning mentioned individual rights, and I am a strong proponent of individual rights, as long as they do not infringe upon the rights of others. But I think when you have a public meeting and when non-smokers want to smoke and the public is affected by the smoke, the rights of that person who wants to smoke are over-shadowed by the rights of the other persons who do not want to allow smoking.

Our work sessions and our Legislative meetings would be exempted because that is not a public meeting. I think we have to define which is the difference between a public meeting and a meeting of an Executive Board or such. I would ask that you support this Motion to indefinitely postpone.

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 am a smoker and very much against this Bill, not because I am a smoker, but for the reasons that Senator Hichens from York just outlined.

He talked about the will of the few being imposed on the will of the many. That is exactly what I see in this Bill. This is why I consider it to be the worst kind of a blanket Bill, and I would take objection with the good Senator from York, Senator Hichens, and I will quote to you from House Amendment "A" (H-417) "No person shall smoke tobacco or any other substance in any form in any public proceeding as defined by Title 1, Section 402, Subsection 2, which are held inside". I think that is your Right to Know Laws. I think that the meeting that the good Senator from Cumberland, Senator Merrill, described of three Selectmen sitting down and making final decisions which are open, which are under the Right to Know Laws, is definitely a public meeting as defined by Title 1, Section 402. I think that these individuals, if all three were smokers, as the Senator from Cumberland mentioned, could not smoke without being in violation of the Law. I just cannot understand. I have been to many public hearings, and in public hearings right here in this Legislature, and I have been there many times when I wanted to smoke but a majority of the people there, or some of the people there had asked the Chairman that smoking not be allowed and that was the Rule, and I would have to step outside to have my cigarette. I just think it is bad to put this kind of a blanket piece of Legislation.

Now you stop and think, — You stop and think about the Right to Know Laws, and how many meetings are governed by the Right to Know Laws. Practically everything we do, any kind of Public Body is covered by the Right to Know Laws.

I think we are taking a bad, bad step here.

Any future changes to the Right to Know Laws, any other types of meetings that we may include the Right to Know Laws, would fall under this No Smoking Ban.

I would hope that you would go along with the Senator from Cumberland and indefinitely postpone this Bill.

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

Mrs. SNOWE: Mr. President and Members of the Senate, it is with interest that I rise when I hear some of the Members of the Senate speaking who are smokers. I happen to be an occasional smoker, and I still find it very offensive to be sitting next to people who smoke.

As far as the comments made by the Senator from Cumberland, Senator Merrill, I think that those problems could be taken care of in an Amendment. But I still find that smoking is a pollutant. We do not hesitate to regulate in other areas of things that cause pollution. Smoking is a very serious health hazard to those who are exposed to it, whether they smoke or not. I think that is the question here.

I would like to read you some more information in regards to those who are exposed to smoke and do not smoke. Right now the Federal Air Quality Standards regulate industry, and at the maximum concentrations of carbon monoxide in the air cannot average out to more than 50 parts per million. So, therefore, how much carbon monoxide do cigarettes send into the air? Researchers have found that smoking seven cigarettes in one hour, even in a ventilated room, created carbon monoxide levels of 20 parts per million. In the seat next to the smoker, the level shot up to 90 parts per million, almost twice the maximum set for industry. Smoking ten cigarettes in an enclosed car also produced carbon monoxide levels up to 90 parts per million. The carbon monoxide level in the blood of nonsmokers as well as smokers in the car doubled.

When nonsmokers were exposed to these levels, the carbon monoxide level in their blood not only doubled within the first hour, but doubled again during the second hour.

When nonsmokers leave a smoky environment, it takes hours for the carbon monoxide to leave the body. Unlike oxygen which is breathed in and then out again in minutes, carbon monoxide in the blood lasts for hours. After three or four hours, half of the excess carbon monoxide is still in the bloodstream.

I think these are reasons for voting for this Bill, and I oppose the Motion to indefinitely postpone.

(Off Record Remarks)

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

Mr. MANGAN: Mr. President, I kind of address this Body with some degree of trepidation this morning in light of the fact that the only people who have spoken against this Bill have been Democrats, and those who have spoken in favor of this Bill have been Republicans. I want to assure the Members of this Senate today that there are as many Republican smokers as there are Democratic smokers, and I do not think that it transcends party lines.

Secondly, I have a problem with this Bill in a number of areas. First of all, we have to discuss the matter of rights. Yes, the people who do not smoke do have their rights, but people who do smoke also have their rights. I have seen many meetings where you had 20 people in the meeting, it was a public meeting, and all 20 people smoked. This Bill would eliminate their discretion and their right to smoke. There are also many police officers who do attend meetings, who do smoke, and I think it would be difficult for them to enforce this law in the first place.

Secondly, the Bill throws in that no person

shall smoke tobacco or any other substance. There are certain diseases; Emphysema and what not and where people do have to inhale this fume almost consistently, and they do attend public meetings, and this Bill would prohibit them from smoking or inhaling these fumes and, therefore, you are eliminating their right to attend a public meeting.

Thirdly, I think that this Bill should be amended to include certain other substances which are also obnoxious and which would tend to injure the health of other people. I cite, for example, I have been to many public meetings where there is an obnoxious smell of perfume permeating the entire air. This smell of perfume becomes so thick and heavy at times that my rights have been violated, and I have had to leave the meeting because I could not stand it any longer. I think that we should amend this Bill to include that.

Of course, the good Senator from Androscoggin, Senator Snowe, did mention the effects of smoking in a car and the raising of the carbon monoxide level of the blood of the passengers who do not smoke in that car. I assure her that it would be difficult to call riding in a car a public meeting and, therefore, would urge indefinite postponement of this Bill.

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

Mr. DANTON: Mr. President and Members of the Senate: Since we started debating this Bill, I have got a chest pain.

But there is one section of this Bill that we really have not discussed. We have discussed about offensive odors, the Right to Know Laws; how about the \$50.00 fine. How are we going to enforce this? No one has spoken on this. I wish someone would.

I know it would be sort of difficult to go to the City of Saco when they are having a School Board Hearing, and I walk in there and I decide to light up a cigarette, and I do smoke — I was a non-smoker for six years and then I decided to go back to smoking, but suppose I light up a cigarette. Who is supposed to now call the police officer or bring me to court, have me plead guilty or have a big court case going on because I lit up a cigarette.

~~I would hope that someone would get up and explain that particular issue.~~

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

Mr. HEWES: Mr. President and Members of the Senate: In reply to that, I submit that smoking is not allowed presently in the court room and participants, witnesses or spectators go outside of the court room and smoke out in the corridor or outdoors.

I do not think there would be any problem enforcing it, because it is a question of fact. Somebody accuses acts of smoking, and they go to court and the witness says X smoked in the public meeting and X says either I did or I did not, and the fact finder determines whether or not there was a guilty finding.

I would think you would all vote against indefinite postponement today, and then tomorrow the argument that the good Senator from Cumberland, Senator Merrill, put forth about allowing the members or participants at the meeting or spectators at the meeting to vote on it could be added, so that today we would vote to accept the Committee Report and give it its First Reading and then tomorrow it can be amended to allow those in attendance at the meeting to vote if they, in fact, do want to have smoking at the meeting. I hope you vote against indefinite postponement.

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

Mr. DANTON: Mr. President, and Members of the Senate, obviously the good Senator from Cumberland, Senator Hewes, has been spending too much time in the Court. I was not referring to Courts. I was referring to any public meeting that someone may light a cigarette and the Chairman or whoever is running the meeting has to take and call a Police Officer. Then I would imagine that that Chairman would have to go to Court as a witness to say that the good Senator from Cumberland, Senator Hewes, was smoking at the meeting, and then there is a fine up to \$50.00. Am I correct in thinking this? If not, I would like to have someone correct me.

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

Mr. MERRILL: Mr. President, there have been a lot of points brought out in this debate. I would like to narrow it slightly and to address one issue before we finally deal with it.

First of all, I am not arguing that there is a right to smoke. I do not think that you have to believe that in order to think that this should be defeated. But what I am saying is that this Body here, this group of individuals here, cannot make a law which properly sets out the rights of the non-smokers versus the people who smoke, their ability to do so in situations where it does not infringe upon the rights of the non-smokers. You cannot make a law that does that. You could postpone the decision until tomorrow, but the Committee took a Bill that they had, and they worked on it. They gave more work to it probably than anybody here is going to be able to do between now and tomorrow, and this is what they came up with; the Amendment that has been discussed here today, which defines public meetings as anything where there is a Right to Know Law involved. There was a Notice Requirement before and they took out the Notice Requirement. This represents the best work of the Committee that deals with these matters.

The reason that what they came up with is not acceptable to the Members of the Senate is because you cannot sit in Augusta and make a law that defines out the rights of one group that smokes versus the needs of a group that does not. You cannot make a law in Augusta that satisfies all of those different problems. In this Chamber, if we were to consider the problems of the Senator from Androscoggin, Senator Snowe, in regards to sitting next to people who smoke, I submit that if we were to divide the seating on that arrangement and the Senator were to sit on one side where there would be non-smokers, and people over on this side were smoking, that in a room this large, when it is ventilated this time of year, it would cause no problem, and all her counts of carbon monoxide and everything I think, would verify that if tests were done. How are you going to write that into law, — if the room is so big and if the ventilation is so good and there are so many people smoking.

This is the sort of thing that people who get together at the meeting, the four or five people who get together in Stockton Springs at the Selectmen's Meeting can work out themselves, whether or not they are going to let the guy smoke his pipe as he has done for the last 50 years. It does not behoove us to try to make rules and regulations and laws which result in penalties and people going to Court to deal with that, and try as we will, and work as hard as they will, the people who are in favor of this are not going to be able to come up with an Amendment which is going to be able to define what the right solution is to the hundreds and thousands of different sorts of gatherings that would be dealt with in this Legislation. That is why it is a Bill that inherently should be indefinitely postponed.

The PRESIDENT Pro Tem: The Chair

recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President and Members of the Senate, after hearing all of the opponents to this Bill, I would like to pass on the conclusion that I have drawn.

I think perhaps this Bill should have been recommitted to the Committee on Natural Resources, as it hears the Bill related to the Department of Environmental Protection. They do pretty well in enforcing the Smoke Stack Laws. They charge Scott Paper Company \$1,000.00 a day when they emit more smoke than they are supposed to.

Some of my constituents have asked me to support this Bill, because they are very much concerned about the air they breathe and their lungs. They find that the environment in the hearing room is very damaging to their health. They cannot stand that environment.

Therefore, I hope that the good Senators will vote in favor of this Bill.

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

Mr. COLLINS: Mr. President, I will admit to some bias in this matter, because I am one of those creatures who is quite allergic to smoke, particularly from certain brands of cigarettes. Every once in a while someone smokes a brand of cigarette that does not bother me, and I have not figured out yet just what the reason is, but I would suggest to you that most of the objections I have heard here this morning could be taken care of by an Amendment that permits the smoking if there is unanimous consent from the people present. When I think about rights, I always recall the meeting that I attended some years ago where one smoker was distributing his emissions rather broadly among his neighbors and one of his neighbors said, "I wish you wouldn't smoke," and the smoker said, "Well, I have a right to smoke". The neighbor said, "Then I trust you will respect my right to vomit if your smoke causes that result." I have often thought about that story because I think it is a very real situation for many people.

I hope you will vote no.

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

Mr. PRAY: Mr. President and Members of the Senate: As the lone signer on the Ought Not to Pass, I think that perhaps I should up and just point one small fact out, that as a member of the Health Institutional Service Committee, we have never had any problems in the committee hearings or work sessions. I think every one of us are non-smokers.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The pending Motion before the Senate is the Motion of the Senator from Cumberland, Senator Merrill, that this Bill be indefinitely postponed.

A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of the members present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I cannot help but make one observation that strikes me as this debate has gone on.

One of the previous speakers spoke about the problems of smoke in the hearing rooms here in Augusta, and the problems that that presented to his constituents as they related to him. Now in this case, and evidently the Maine Legislature has not been able to deal with this problem up until now to the satisfaction of his constituents, but in this case undaunted by our inability to deal with the smoking problem in this chamber and by our inability to deal with the smoking problem in the hearing rooms, that are our hearing rooms, that are the hearings that we are running, we are going ahead in trepid if we accept this legislation to make a

law that is going to regulate the smoking in every public meeting in the state.

I am sometimes amazed at our ability to make laws and regulations for everybody, when in the course of the debate we pointed out that we have been unable to deal with our hearing room at this point, and we are going to make regulations that are going to deal with everybody in the state.

I think that the Senate should keep in mind that if we pass this law we are making a law that regulates the conduct of the meetings that are held in the cities and the towns and the counties, and not just the state. I think that is a crucial difference. Maybe we should start with just the legislative meetings. Maybe we should start with just the state. See if we cannot do a good job at it there, and then start worrying about how all the towns and other groups have their public meetings.

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

Mr. CARPENTER: Mr. President and Members of the Senate: The more I hear discussed on this Bill, the more fearful I am.

As I said when I started my remarks before, I am a smoker so perhaps I am a little bit prejudiced, but it scared me a little bit that we are going to put this great blanket over the entire state and over the meetings that have been discussed in the debate this morning. The meeting of the three selectmen in Stockton Springs or Hammond Plantation or any place else. Now, the good Senator from Knox, Senator Collins, says well we can amend it so that we can have unanimous consent we can smoke. Well I submit to you that if we have unanimous consent, and one person objects — you know, I think we should be a little bit concerned about the wishes, and I do not use the word rights, because there is some debate as to whether there is a right to smoke or not, but the wishes of the majority will be thwarted by one person who objects, and I do not like this kind of legislation. I think it is very bad, and I am going to have a very difficult time going back to Aroostook County and explaining to my people, to my Town Council why they can no longer smoke during their deliberations that are subject to the Right to Know Laws, because the great Father in Augusta has decreed that you shall not; you shall protect yourself.

My seat mate, the good Senator from Cumberland, Senator Hewes, got up and pointed out what happens in the various Courts in this State. Courts have made Rules that there shall be no smoking or there shall be limited smoking or whatever. I submit to you many of the Committees in this Legislature have made the same kind of a Rule, and we do not need this kind of a Law on the books. I just think it is very frightening. It is very far reaching. It is very bad precedent. Thank you.

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

Mr. KATZ: Mr. President, I have learned to live with the votes on which I think in retrospect I have made a mistake, but there is one vote that sticks in my mind; goes back to the 102nd Legislature. The big issue of the day was seat belts, mandatory seat belts. I thought it was a great idea because the evidence was overwhelming that the use of seat belts would save lives; a real safety measure. I voted for mandatory seat belts and it is strange to say that that vote has really bugged me all these years, because I stood up on a Roll Call and I voted for an intrusion into the private lives of people. Although my motive was worthy, I never felt good about that vote.

I have been sitting listening to the debate today, trying to figure out how I am going to vote, and I keep thinking about the seat belts, and my personal intrusion as to what is good for people. I have just about made up my mind that I am not going to repeat my mistake about the seat belts.

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

Mr. HICHENS: Mr. President and Members of the

Senate, I think the good Senator from Kennebec has just brought up a very vital point. I was against mandatory use of seat belts. I was against helmets on motorcycles, because that affected the one person who used the seat belts or the helmet. But this affects other people, and I think that a person who smokes in the midst of other people who are affected by that smoking is infringing on their rights and infringing on their health, and so I feel that his arguments on the mandatory use of the seat belt or any other thing that encounters that one person alone brings out the point that we would like to get.

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

Mr. LOVELL: Mr. President, Ladies and Gentlemen of the Senate, you have no doubt seen on each package of cigarettes, anyhow on every cigarette advertisement in the paper, the Surgeon General's Warning. I had a number of friends die of Cancer of the Lungs. Of course, I will say that they were not young people. It takes a good deal of time, but there is no question but if the Surgeon General of the United States says that cigarette smoking is dangerous, and maybe as dangerous as smoking marijuana, I certainly do not feel that — I smoke cigars myself, but I do not smoke here, and my wife does not let me smoke in the house, so I have to go out of doors to smoke. So, consequently, if I have got to do that, well, I think, that we should heed the warning that the Surgeon General of the United States says to us on every package of cigarettes.

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

Mr. MANGAN: Mr. President and Members of the Senate, it amazes me that Members here have suggested that if you are in a public meeting and you want to smoke then you should leave the meeting to smoke. What that really does is it infringes on my right of being at the meeting itself. If other people who do not smoke wish to leave the meeting they can also leave the meeting, and, therefore, it leaves it pretty well up to the majority.

The interesting point is that I do not drink and I find drinking, at times it does infringe my rights, especially at certain meetings, and I think we should amend this to include drinkers, because I feel that my rights are being infringed at certain times. I have to reiterate the idea of the perfumes. I think everybody has been in a crowded room where some woman has really laid-it-on-thick, and it really becomes offensive at that point.

I think that when we begin to mandate ordinances from Augusta like this, we are in deep trouble, because we are infringing the right of Home Rule.

The PRESIDENT Pro Tem: Is the Senate ready for the Question? The pending Question before the Senate is the Motion from the Senator from Cumberland, Senator Merrill, that this Bill be indefinitely postponed.

A Roll Call has been ordered.

A Yes vote will be in favor of indefinite postponement. A No vote will be opposed.

The doorkeepers will secure the Chamber.

The Secretary will Call the Roll.

YEA — Carpenter, Conley, Cummings, Danton, Farley, Huber, Jackson, Katz, Levine, Mangan, Martin, Merrill, Morrell, O'Leary, Pray, Speers, Trotzky, Usher, Sewall.

NAY — Chapman, Collins, D.; Collins, S.; Curtis, Greeley, Hewes, Hichens, Lovell, McNally, Minkowsky, Pierce, Redmond, Snowe, Wyman.

ABSENT — None

19 Senators having voted in the affirmative, and 14 Senators voting in the negative, the Motion to indefinitely postpone does prevail.

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

Mr. MERRILL: Mr. President, having voted on the prevailing side, I move reconsideration and urge the Senate to vote against me.

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Merrill, now moves the Senate reconsider its action whereby this matter was indefinitely postponed.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Divided Report

The Majority of the Committee on Judiciary on, Bill, An Act to Clarify the Nonliability of Physicians and other Persons Submitting Reports to the Secretary of State Relating to the Physical and Mental Status of Motor Vehicle Operators. (H. P. 706) (L. D. 886).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-439).

Signed:

Senators:

COLLINS of Knox
CURTIS of Penobscot
MANGAN of Androscoggin

Representatives:

TARBELL of Bangor
DEVOE of Orono
SEWALL of Newcastle
HUGHES of Auburn
SPENCER of Standish
HOBBINS of Saco
BENNETT of Caribou
MORRIS of Brewer
GAUTHIER of Sanford

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

Signed:

Representative:

HENDERSON of Bangor

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read

Majority Ought to Pass as Amended Report Accepted in non-concurrence. The Bill Read Once. Committee Amendment "A" Read and Adopted, and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Concerning Warrantless Arrests by a Law Officer." (H. P. 630) (L. D. 771)

Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-418).

Signed:

Senators:

COLLINS of Knox
CURTIS of Penobscot

Representatives:

TARBELL of Bangor
BYERS of Newcastle
HENDERSON of Bangor
SPENCER of Standish
NORRIS of Brewer
BENNETT of Caribou
HOBBINS of Saco
HUGHES of Auburn
DEVOE of Orono
GAUTHIER of Sanford

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

Signed:

Senator:

MANGAN of Androscoggin

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

Which Reports were Read.

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

Mr. MANGAN: Mr. President, I would move the acceptance of the Minority Ought Not to Pass Report, and I would like to speak to my Motion.

The PRESIDENT Pro Tem: The Chair recognizes the same Senator.

Mr. MANGAN: What we have here today, Mr. President. Members of the Senate, is

basically an interesting piece of Legislation which is somewhat of a change in the law.

This Bill relates to the Warrantless Arrest by Law Officers of items in which they only suspect to have reasonable cause to believe that a person will not be apprehended. The Bill itself throws in criminal homicide in the first degree, any Class A, B, or C crime, which has always been the case in the State of Maine; any police officer can arrest or under reasonable suspicion arrest for someone who has committed a felony, or is suspected of committing a felony, but today it adds assault. If the officer reasonable believes that the person may cause injury to others, unless he is immediately arrested, theft with a value of the services \$1,000.00 or less, if the officer reasonably believes that the person will not be apprehended unless he is immediately arrested; forgery, negotiating worthless instruments.

What they are doing here is just adding to the power of the police officer to arrest for allegedly any crime which a police officer reasonably believes that a person has committed a crime. Now it is general law in the State of Maine today that a police officer may arrest for a misdemeanor which has been committed in his presence. However, here it is just barely suspicion. For example, we look at Item 6, Negotiating a Worthless Instrument, I state that there are many people in the State of Maine who have written a check, knowing there is no money in the bank. Now the Statement of Fact throws in the area that these suspects are most likely to leave the State if they can not be arrested. But that does not become part of the law. The only part of the law that is actually there is that part which shows up in Committee Amendment "B" as the Bill is amended. I think that goes a little bit too far, as far as police powers are concerned.

Now anybody who is believed to have committed some assault or may commit some sort of assault may be arrested. I think that this is going to end up clogging the courts with police officers who could reasonably believe almost anything, I suppose, and we are going to have to end paying much more for our court cases and what have you, and I think that this is a dangerous expansion of the law, and I would move that the minority report be accepted.

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

Mr. COLLINS: Mr. President, I oppose the Motion of the Senator from Androscoggin, Senator Mangan, and I request a Division.

This Bill is a modest extension of arrest power, applied to very certain specific situations. One of the embarrassing things that our police have to live with is that they are called into various crime situations where there is a rather obvious performance of crime having just recently happened or perhaps about to happen again, and they have to tell the people who are complaining, calling them there, that there is nothing they can do. The reason that they can do nothing is because the gravity of the crime is in the B or E category, what we used to call misdemeanors, and it means that the person complaining will have to go down to the Court, usually the next day because a lot of these things happen at night, and swear out a warrant, and by that time either there will have been further criminal action, or the criminal will have fled to other parts.

Now there are two specific areas where this happens a great deal. One is the wife beating situation where the officer is called usually at night to the home; the wife has a black eye and blood is running from the wound, and there is the smell of alcohol in the air, and yet the police officer has to say "Well, I am sorry, I cannot do anything about arresting your husband. You will have to come down to the police station and swear out a warrant." He goes away and the

wife gets beaten up again for having notified the police officer.

Another common situation is what we call the paper hanging cases. Every summer artists in check manipulation and forgery come into the State of Maine, and they will go to a bank, usually in our smaller towns, but it does happen in the cities, too, and open a small account with a small deposit and get a check book, and then they will start out to neighboring towns and cites writing checks on this account in excess of the amount of their deposit, and cashing them. These checks, when they are under the amount — I believe it is \$1,000.00, create a crime that is in the D and E category. Usually they get to three or four banks or merchants with these checks, and get them cashed, and then they leave the State or go to another part of the State and maybe they try a little more, and then they leave the State. The banks are getting pretty good at following these things, and the banks cooperate with each other and they phone other banks when they think this is going on, but because there is a deposit if the man moves swiftly enough he may get to cash several small checks. The officer cannot arrest him because the crime is such that it is a misdemeanor. But if there is a telephone call to an officer and he is informed of what is going on, and then the word gets around, then he can get there and make an arrest and catch the fellow before he gets out of the State. This is a very common thing, and we need greater strength to deal with it.

When we first put a Bill out, we applied it broad side. We found some resistance, and the Bill was recommitted to the Committee. We went over the outstanding examples very carefully, and we selected only those where we felt that there was the greatest area of abuse, and the greatest likelihood that the criminal would skip out if not apprehended by this type of warrantless arrest.

Now there is one other thing that we inserted into this Act, because of one of the complaints that we hear about this type of arrest is that it means taking the man down to the police station, particularly in the case of the wife beater, and sometimes he is in very poor condition to go, and that is not necessarily the best way to handle it, or maybe it is a situation where the occasion is at some distance from the police station, but the officer has, under existing Law, the right to take a personal recognizance rather than take the body into the police station. So we have just brought this forward for the benefit of our police officers so that they will be aware of it. Now in the City of Portland, their legal advisor to the Department has educated his troops down there so that they know about this, but I find that in most places in the State they are not aware of this alternative that the police officer has. I think this is a modest extension and one that will help our police officers without giving them an arrogance they should not have, and I hope you will vote against the pending Motion.

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

Mr. MANGAN: Mr. President and Members of the Senate, just an extension to my previous comments. Relating to just a suspicion that somebody has committed one of these crimes; a typical kid in the street who swipes an apple and who eats it, and when the police officer comes by, he theoretically can arrest him. If the police officer reasonably believes that somebody is being assaulted on the third floor of a building and he runs up and there are two doors; he grabs one door and he suspects that somebody is assaulted, he could arrest the first person that comes in on just reasonable suspicion.

I think it is a dangerous area to begin to expand the law and I would urge the Senate to consider this fact. I can see next year with further

expansion of this Law, and eventually we will have a police State.

(Off Record Remarks)

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

A Division has been requested.

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

Will all those Senators opposing acceptance of the Ought Not to Pass Report, please rise in their places to be counted.

3 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to accept the Ought Not to Pass Report does not prevail.

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

The Bill Read Once. Committee Amendment "B" Read and adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation, Bill, An Act to Require Drivers License Renewal Examinations. (H. P. 397) (L. D. 509)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
McNALLY of Hancock
MINKOWSKY of Androscoggin.

Representatives:

STROUT of Corinth
CARROLL of Limerick
JACQUES of Lewiston
LUNT of Presque Isle
ELIAS of Madison

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-399).

Signed:

Representatives:

HUTCHINGS of Lincolnville
JENSEN of Portland
McKEAN of Limestone
LITTLEFIELD of Hermon
BROWN of Mexico

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A", thereto (H-429).

Which Reports were Read.

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

Mr. MINKOWSKY: Mr. President, I move that we accept the Majority Ought Not to Pass Report.

The PRESIDENT Pro Tem: The Senator from Androscoggin, Senator Minkowsky, moves that the Senate accept the Majority Ought Not to Pass Report.

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

Mr. COLLINS: Mr. President, I oppose the Motion of the Senator from Androscoggin, Senator Minkowsky. I hope the Senate will accept the Minority Report.

This Bill has been amended in the other Body so that it now is a Bill which requires a visual examination once in 12 years after the age of 40. I think we all know that after we reach the age of 40 we begin to have, if we have not already, substantial changes in our vision. If we have

never worn glasses, we are likely to begin to wear glasses at that time. If we have been wearing glasses for a long time, many of us have to shift to bifocals by the time we get to be 50. But a lot of people do not realize what is happening to their eyesight.

One of the things that attracted my attention for this particular Bill was that witnesses came to the Hearing who were receiving Aid to the Blind, and stated that they were still having operators licenses and driving cars. This just does not make sense.

I think that the posture of the Bill makes it very easy to get these visual examinations. This is not a road test. This is not a written test. It is simply a check of the eyes, and if the individual has been to their own doctor, their own eye person, within the year, they can bring that certificate, that notation from their own doctor in, and that suffices, or they can have the benefit of the State examination. There is a price tag on the Bill but it has been reduced down, I think, to about \$18,000.00.

I submit that this Bill can mean the saving of many lives, and I hope that you will vote against the Pending Motion.

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

Mr. HICHENS: Mr. President, I introduced a Bill this year to require eye examination on every other license renewal, which has been changed now to 8 years, at the request of the State Comprehensive Committee on Problems of the Blind in our state. At those meetings we had discussed many problems which people encountered as their eyesight deteriorated. They did not realize it until they had to take a test for driving a truck or a school bus or something like that, and we were told by optometrists that the eyes do change very rapidly, after the age of 20 especially, and so they requested me to put the Bill in.

My Bill was heard the same day as Representative Boudreau's Bill, which we have before us as amended today, and Members of the Committee or the Chairman came to me and asked if I would be willing to withdraw my Bill and they will consider her Bill for passage. So it was with a great deal of surprise that I saw that all three Senators voted against her Bill on the presumption that that was going to be used for a Motion to get something like this on the books.

I feel it is very necessary, especially after the age of 40, because, as the good Senator from Knox has already described, eyes do change a lot even after that. The State Police and the Secretary of State's Office could not determine how many accidents it caused, because the question is never brought up when accidents happen as to a person's eyesight. But they did admit that probably a great many accidents are caused because of the deficiency of sight, and so I would hope that you would oppose this Motion to Accept the Ought Not to Pass Report.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I concur with some of the remarks made that there is a great change in vision after age 40. But I do not concur that we have to mandate that the people of the State of Maine who have a privilege of driving a vehicle must go through additional expense in which to have an examination or a certificate from their optometrist to be given to the Department so that they may be reissued a driver's license.

I was at the hearing, and I do not recollect hearing any testimony regarding people who are legally blind that were there that were still driving a vehicle. I do not dispute the point that this is quite possible, but at least as far as I was concerned, no one was there that was legally blind. If I am mistaken, then I will be very glad

to stand corrected on that particular matter.

We have many low-income people, many family people, who might have vision problems, but to put them through the added expense of eye examinations after age 40, or even 12 years after that, I think is quite an imposition upon the people. I think, basically, people are very, very cautious when they realize in driving those vehicles that the problem might exist. But to tell them that before you can drive a vehicle that you must have an eye examination, and if you do not pass the eye examination, you relinquish your privilege to drive, and possibly might jeopardize their employment if they are driving a vehicle to and from their job. I think a lot of compassion, a lot of understanding should be given to the people of the State of Maine who may not be of the elite category that can afford to spend \$65.00 or \$100.00 or more for corrective vision.

I would hope the Senate would support my motion.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would like to reply to some of the statements made by the good Senator from Androscoggin, Senator Minkowsky, when he made the mention of the fact he did not know anyone that testified. There was a lady who works for the Department who did testify how a man came in and applied for State Aid for the Blind, and then while they were making up the forms he said, "You will have to excuse me for a moment. I am parked before a meter, and I think my time has run out." So he went out of the office and came back a little later and said, "Now I have moved my car to a safe position, and you can go ahead, and I will sign the form."

Regarding the cost, there would be no cost to having your eyes examined at the Registry of Motor Vehicles or where the testing areas take place. That is where the cost comes on the Bill. It does state that if a person has had their eyes tested by an optometrist or ophthalmologist within a year of the time of the renewal of their license, they do not have to go to the Division of Motor Vehicle and have their eyes tested. The only thing would be the inconvenience of perhaps having to take off an hour from their work to go down and have those eyes tested, but I think it is time well spent and a very valuable asset to these people, and to the others who are driving the highways.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, regarding the fiscal note of \$18,000.00 on the amended version, it is not really clearly spelled out, as far as I can see at the present time, that there would be central locations where people could have their eyes examined. Am I to understand from this particular version, if this Bill is enacted, that people with potential eye problems would have to congregate at one central location in the State of Maine, and then stand in line to have their eyes examined for the privilege of driving their vehicles?

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

Mr. HICHENS: Mr. President, again in answer to the question that was just asked, we have Driver Examination Stations all over the State of Maine. Each one is equipped with eye testing devices, and that is where the people would go. I do not think it would involve very much standing in line to have these eyes tested.

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

Mr. MINKOWSKY: Mr. President, so if that

might be the case, a person can be denied at the Registry Office their driver's license, and then would be compelled to go out and spend the additional money, and then come back and get another eye examination. I think you will find many people in the State of Maine quite frustrated with this particular mechanism that you describe, Senator Hichens, and I sincerely hope that this Bill does not receive passage.

I think as a mandatory stipulation at the present time under Maine Law that a person reaching age 70 or 75 is compelled to have eye examinations, but I do not feel it should be mandatory at the present time to have others compelled, depending upon their economic status, to have eye examinations every 8 or 12 years.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, you have to have your eyes tested at age 65. I know, because I am over that age.

But the thing that bothers me most on this Bill and the thing that is most important, Dr. Clyde Sweat from Island Falls, who is District Governor of Lions and myself, who is District Governor of Lions for the southern part of the State, formed the Maine Sight Conservation Association by the Lions Clubs of Maine, and we sent Mobile Units around the State. This was back in 1956. It is still operating. But the biggest thing is glaucoma. Glaucoma causes blindness, and at the age of 40, or even younger, glaucoma can start in a person's eyes, and if it is not treated or caught you will eventually end up blind, and 25 percent or more of the people get glaucoma. Many of them do not realize it until it is too late because it can not be cured. It can be stopped from spreading, but it can not be cured. I think persons should have a physical and an examination every five years, from 30 years on, never mind the 40s.

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

The Chair will order a Division.

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

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

8 Senators having voted in the affirmative, and 14 Senators in the negative, the motion to accept the Majority Ought Not to Pass Report does not prevail.

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

Senate

Ought to Pass in New Draft

Mr. Minkowsky for the Committee on Performance Audit on, Bill, An Act to Simplify, Improve and Reduce the Cost of State Agencies Auditing Human Service Contracts and Grants. (S. P. 435) (L. D. 1647)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 522) (L. D. 1826)

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

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 Sagadahoc, Senator Chapman, to his seat on the floor of the Senate.

The PRESIDENT: The Chair would like to thank and congratulate the Senator from Sagadahoc, Senator Chapman, for doing his usual fine job here this morning.

(Applause)

Second Readers

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

House

Bill, An Act to Revise the Excise Tax on Camper Trailers. (H. P. 953) (L. D. 1147)

Bill, An Act Relating to Communicable Diseases. (H. P. 1602) (L. D. 1805)

Which were Read a Second Time and Passed To Be Engrossed, in concurrence.

Bill, An Act Providing for Improvements in the Sales Tax Collection Provisions Specified by Statute. (H. P. 395) (L. D. 501)

Which was read a second time.

On Motion of Mr. Jackson of Cumberland, Tabled until later in Today's Session, Pending passage to be engrossed.

Bill, An Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law. (H. P. 464) (L. D. 569)

Which was read a second time.

On Motion of Mr. Jackson of Cumberland, Tabled until later in Today's Session, Pending passage to be engrossed.

House — As Amended

Bill, "An Act to Amend the Law Regulating Mass Gatherings." (H. P. 1603) (L. D. 1806)

Which was Read a second time.

On Motion of Mr. Katz of Kennebec, Tabled for One Legislaive Day, Pending passage to be engrossed.

Bill, "An Act Clarifying the Saco River Corridor Commission Statutes." (H. P. 1281) (L. D. 1517)

Bill, "An Act to Promote Direct-Marketing of Agricultural Commodities." (H. P. 1339) (L. D. 1619)

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

Bill, "An Act to Eliminate Weight Limits on Certain Species of Fish and to Provide for Uniform Possession Limits by Numbers." (H. P. 188) (L. D. 250)

Which was Read a Second Time.

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

Mr. USHER: Mr. President, I move that L. D. 250 be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Usher, now moves that L. D. 250 be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President and Members of the Senate: I move to oppose that motion from Senator Usher, and I request a division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: Yesterday we debated this Bill to some length. I would just like to share with you, those of you that are not fishermen, as to what the Commissioner does presently, and what the last sentence that we talked about in the statutes does. It allows the Commissioner the right to promulgate rules and regulations on the different waters of the State of Maine. For those of you that are not fishermen, this is what

the Commissioner does. Two large pages of all the different counties, setting aside different water sheds in the State of Maine for different weight limits and different numerical limits on the number of fish that can be caught.

Basically, what will happen, this piece of paper will stay in effect, but the Commissioner, instead of cutting down the limits from the present statutes, will increase the limits and to most people in the eyes of the general public, the Commissioner is going to look like a good guy because he has increased what the Legislature has taken away.

I think that the Motion by the good Senator from Cumberland, Senator Usher, is appropriate at this time, and that this Bill should half its progress through this process.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Usher, that L. D. 250 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 opposed to indefinite postponement, please rise in their places to be counted.

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

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

Mr. CONLEY: Mr. President, having voted on the prevailing side I now move the Senate reconsider its action whereby L. D. 250 was indefinitely postponed, and I hope you vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby L. D. 250 was indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested on the reconsideration Motion. 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 pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby it indefinitely postponed L. D. 250.

A yes vote will be in favor of reconsideration. A nay vote will be opposed to reconsideration. The Sergeant-at-Arms will secure the Chamber.

The Secretary will call the Roll.

YEA — Chapman, Collins, S.; Huber, Lovell, Minkowsky, Morrell, Pierce, Redmond, Snowe, Speers, Trotzky.

NAY — Carpenter, Collins, D.; Conley, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Jackson, Katz, Levine, Mangan, Martin, McNally, Merrill, O'Leary, Pray, Usher.

ABSENT — Cummings, Wyman.

11 Senators having voted in the affirmative, and 19 Senators in the negative, with 2 Senators being absent, the Motion to reconsider does not prevail.

Bill, An Act Relating to Exhibition Dates for Agricultural Fairs and Exhibitions. (H. P. 420) (L. D. 525)

Which was Read a Second Time and Passed

To Be Engrossed, As Amended; in non-concurrence.

Sent down for concurrence.

Enactors

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

An Act to Assign the Responsibilities of Sewage Disposal to the Department of Environmental Protection. (H. P. 1578) (L. D. 1791)

An Act Concerning Admission of Certain Children into the First Grade. (H. P. 1306) (L. D. 1543)

An Act Concerning Insurance Coverage for Deaf, Mentally Retarded, Blind and Developmentally Disabled Persons. (S. P. 507) (L. D. 1792)

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

An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine. (H. P. 408) (L. D. 502)

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

Mr. KATZ: Mr. President, for purposes of reconsideration, I move that the Senate suspend its rules.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate suspend the rules. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I move that the Senate reconsider its action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I move that the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, there is an appropriation on this Bill, and it is in Committee Amendment "A", that is going to make it impossible for this Bill to be enacted promptly, and it should be enacted promptly. The proper place for the appropriation is in the budget, along with all of the other appropriations. In order to get this thing moved along so it can be promptly enacted, I move that Committee Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate indefinitely postpone Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

It is now the pleasure of the Senate that this Bill be passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would just pose a question through the Chair to the Chairman of the Appropriations Committee, the Senator from Cumberland, Senator Huber, and that is as to whether or not the money will be in the Appropriation Act to take care of this.

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

Mr. HUBER: Mr. President and Members of the Senate, as I am sure you all know, we are at present considering the Part 1 budget, which, as presented by the Governor, did not include for

freshmen positions in these programs. Tentatively we have decided to include a number of positions into these educational slots. We will have to consider any additional people or additional categories as a Part 2 item, which will be given due consideration in the Part 2 budget.

Which was Passed to be engrossed in non-concurrence.

Sent down for concurrence.

An Act Concerning Certain Powers of Joint Standing Committees Responsible for Acting on Gubernatorial Nominations. (H. P. 1288) (L. D. 1521)

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

(Off Record Remarks)

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

Mr. SPEERS: Mr. President, I move the Senate stand in recess until the sound of the bell.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate stand in recess until the sound of the bell. Is this pleasure of the Senate? It is a vote.

(Recess)

After recess

The Senate called to order by the President.

Bond Issue

"An Act to Authorize a Bond Issue in the Amount of \$300,000 for use in Conjunction with Approximately \$600,000 to be Raised by the Maine Maritime Academy for the Renovation of Leavitt Hall at the Academy." (H. P. 1346) (L. D. 1626)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table, 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 26, 1977 by Senator Speers of Kennebec

Pending — Passage

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

Mr. CARPENTER: Mr. President and Members of the Senate: We quite often receive these Joint Orders across our desks, and I would like to take just a moment of your time this morning to speak to you about one that I consider to be a little bit special.

On Mother's Day, May 10th, two couples and their families were having a little get together at Chimney Lake, which is in southern Aroostook County, just outside of Houlton a little ways, and the parents and the grownups in the party were apparently in the cottage at the lake, and nine year old Mark Boyd was fishing from the pier a little distance from the cottage. With Mark was two and one-half year old Jonathan Wright, who was doing what all two and one-half year olds do. He was out there playing around.

Well apparently Jonathan threw something into the water, and then as little boys are prone to do, jumped in after it into what is between four to five to six feet of water. Jonathan is a very small boy for his age of two and one-half, and he was well over his head. Mark immediately jumped in after him and first grabbing him by the ears, and then by the training pants, pulled him back onto the shore, where at this time the parents, the adults in the party apparently saw what was going on and did get down to the wharf.

But I just wanted to point out that the bravery and heroic action of young Mr. Mark Boyd

probably saved the life of young Mr. Jonathan Wright, and I am sure in the years to come that Mr. Jonathan Wright will be very pleased that Mark was around.

This Order has been around for a few days. I have had it tabled. The good Majority Leader, Senator Speers was good enough to table this for me until I could get Mark Boyd down here. Mark just met with the Governor, and the Governor congratulated him and offered his appreciation to his quick thinking and saving the life of young Mr. Jonathan Wright, and, if I might, I would like to introduce to the Maine Senate Mr. Mark Boyd, his sister Terry, and his parents Emmett and Joan Boyd, and they are in the back of the room.

(Off Record Remarks)

Which Joint Order was passed.

Sent down forthwith for Concurrence.

The President laid before the Senate:

House Report — from the Committee on Appropriations and Financial Affairs — Bill, "An Act to Increase the Salaries of the Judiciary." (H. P. 310) (L. D. 401) Ought to Pass as Amended by Committee Amendment "A" (H-379)

Tabled — May 27, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Report Ought to Pass as Amended Report Accepted. The Bill read once. Committee Amendment "A" read.

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

Mr. USHER: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" (S-177), and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Usher, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption. Is this the pleasure of the Senate?

Senate Amendment "A" to Committee Amendment "A" (S-177) read.

On Motion of Mr. Huber of Cumberland, Tabled for One Legislative Day, Pending adoption of Senate Amendment "A" to Committee Amendment "A"

The President laid before the Senate:

Senate Reports — from the Committee on Judiciary — Bill, "An Act to Regulate Security Deposits on Residential Rental Units." (S. P. 222) (L. D. 686) Report "A" Ought to Pass as Amended by Committee Amendment "A" (S-169); Report "B" Ought to Pass in New Draft Under Same Title (S. P. 519) (L. D. 1813); Report "C" Ought Not to Pass.

Tabled — May 27, 1977 by Senator Speers of Kennebec

Pending — Acceptance of a Report

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

Mr. TROTZKY: Mr. President, I move the Senate accept Report "B", Ought to Pass in New Draft, and I would like to speak to my Motion.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves the Senate accept Report "B".

The Senator now has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate, this Bill is entitled "An Act to Regulate Security Deposits on Residential Rental Units." Now, security deposits are put up by the tenant and given to the landlord in case there are damages to the dwelling unit. It is my belief that the security deposit is really always the property of the tenant until he creates some damages in the apartment. The original Bill that was put in, that was my Bill that was put in said that security deposits should be held in escrow. It should be put in a separate account and

not mixed with the personal funds of a landlord, nor used for the personal profit of that landlord.

Now Report "B" has amended out the escrow account, because I understand there are certain problems the committee has come up with in terms of the IRS and so on. I hope someone will elaborate on that. Anyway, it provides, first of all, that this money, security deposit, that when the tenancy is over, and a tenancy had to be at least a year, if there are no damages the security deposit is given back to the tenant with five percent interest. That means that the security deposit should be put in some savings account somewhere separate from the landlords.

Secondly, it provides an orderly procedure for the return of the security deposit. The landlord, if he is going to keep the security deposit, part of the security deposit or all of the security deposit, he has to give the tenant an itemized list of the damages and the amount of the damages.

I do not feel that Report "A" does anything. All Report "A" requires is a written agreement between the tenant and the landlord, and I think that the landlord stands at a much better position in writing a written agreement and taking advantage of the tenant.

I would also say that we are talking about large landlords here, because one of the provisions in the Bill, Report "B" exempts owner-occupied buildings with five or fewer dwelling units. So we are talking about landlords who own many units, and it is not right again, I believe, for landlords to have interest free loans at the benefit of tenants, using their money.

I hope the Senate would accept Report "B".

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

Mr. CURTIS: Mr. President, I request a Division because I feel that some times it is not necessary to go into such great detail as we try to do in writing laws to protect people from themselves. We have a situation in which some people testifying before the Judiciary Committee indicated that they felt that they ought to be able to obtain interest on the security deposit which they as tenants had given to the landlord. We heard from some landlords, including one in my District, which is a non-profit organization, which takes security deposits and utilizes the interest earned from the security deposits to reduce the rents for all the people involved in that particular housing foundation project. We heard from other people who have various different problems.

It would seem to me the most logical solution here would be rather than dictate that interest would be earned at five percent and provide for all of the other things that Report "B" does in L. D. 1813, that we might alert both the landlord and the tenant to what most Maine people know anyway, being good horsetraders, that they have the ability to bargain, to determine what the rent will be, and what the terms and conditions will be of their tenancy.

The second Report which is not before you right now, but which I will offer if the pending Motion is defeated, provides simply that security deposits and the provisions regarding what happens to them shall be reduced to writing, so that it is clear to both parties what will happen to those security deposits. It would provide that if any interest is to be paid to the tenant, that the provision for that interest be made in writing at the time the lease is initially made.

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

Mr. MANGAN: Mr. President and Members of the Senate, one of the problems I have had with Report "B" on this thing is that, among other things, the landlord has got to notify the tenant within 21 days as to the reasons for

withholding any security deposit, if any has been placed in the first place. One of the problems I have seen is that, especially in the eviction situation, it is almost impossible to find the tenant to collect the last four months rent, let alone returning a security deposit.

Secondly, it says that the landlord is deemed to have complied with this section by mailing a statement and any payment required to the last known address of the tenant. The last known address of the tenant is the place he just got evicted from or just left, and this requirement becomes kind of an exercise in futility. It is really unneeded.

Further, the issue of security deposit interest; this Bill requires five percent payable to the tenant at the end of the tenancy. The question comes in here is should not a landlord and a tenant be able to agree on a contractual relationship amongst themselves as to what the interest is going to be, be it six, seven, eight percent or four percent. So I feel that this is really infringing upon the contractual relationship between a landlord and a tenant, and that this matter should be indefinitely postponed.

I would Move the indefinite postponement of Report "B" and all of its accompanying papers.

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

Mr. TROTZKY: Mr. President and Members of the Senate, there is no problem with interest if the money is put in a savings account. I think all savings accounts earn at least five percent interest in the State today.

Secondly, I would like to remind the Members of the Senate there are many low-income tenants who have very little bargaining power with landlords. They take anything they can get.

Another point made, 21 days, to hold the security deposit more than 21 days is a long time, and can be quite a hardship on many low-income tenants.

I hope the Senate would oppose the Motion to indefinitely postpone this Bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: I concur with the good Senator from Penobscot, Senator Trotzky, and I would hope the Senate would vote against the indefinite postponement of Committee Report "B".

I think the good Senator from Penobscot, Senator Trotzky, has explained the merits of the legislation very clearly. I think for years there were a great number of problems with tenants and landlords, particularly landlords who felt that they had no recourse to tenants who did damage to their apartments and such at the time. But I think today that there is a great deal of protection for them, and I think that this particular Bill is a Bill that gives at least economic protection to those that have to put the security. Therefore, I think that they have to put the security up, and I think obviously that they should also receive any remuneration from that money being put into a separate escrow account and receiving some sort of an interest rate.

When the vote is taken, Mr. President, I request that it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President and Members of the Senate: I would like to speak out on just one point that has been raised here this morning.

Contractual Agreement — It is my personal conviction that if you are a parent of two, three, four, five or even more children and you are looking for a rent, you are going to have to take what you can get for whatever price is asked of you. You are going to have to sign whatever

contract that landlord wants. We have to remember that people who rent, especially people with children, have an extremely difficult time finding a rent, and much of this has to do with the fact that children often do damage to that property.

Well this Committee Amendment "B" does not do away with the protection of the landlord. It just gives those tenants some rights. It gives them some protection. I do not feel that they should be strangled. I have been in a position where I have rented before, and have had to put down a security deposit, and not only did not receive that security deposit back at the end of the time of my tenancy, although I always paid my rent, and always on time, I might add, but I never even received an explanation of why that security deposit was not returned. Now I may have had some legal recourse, but I would speak now to the Members of the Senate that that would take much of my time, and would not economically be feasible to me in most instances. I repeat, if you have three, four, or five children and you are looking for rent, you are going to have to take what you can get, you are going to have to sign whatever contract that landlord wants, or you are just not going to be able to get a rent at all.

Therefore, I would oppose the Motion to indefinitely postpone this.

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

Mr. MANGAN: Mr. President, due to parliamentary questions on the Motion I proposed, I would ask leave of the Senate to withdraw the Motion to indefinitely postpone, and I would urge the Senators to vote against the pending Motion, which is the Motion to accept Committee Report "B", and I would ask for a Division.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now request leave of the Senate to withdraw his Motion to indefinitely postpone Report "B". Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request a Roll Call on the pending motion.

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 present 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.

(Off Record Remarks)

Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate accept Report "B", Ought to Pass in New Draft Report of the Committee.

A yes vote will be in favor of accepting Report "B". A no vote will be opposed to accepting Report "B".

The Sergeant-at-Arms will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Conley, Danton, Farley, Huber, Jackson, Katz, Levine, Lovell, Martin, Merrill, Morrell, O'Leary, Pierce, Pray, Redmond, Speers, Trotzky, Usher, Wyman.

NAY — Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Hewes, Hichens, Mangan, McNally, Minkowsky, Snowe.

21 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to accept Report "B" does prevail.

The Bill, in New Draft (S. P. 519) (L. D. 1813),

Read Once, and Tomorrow Assigned for Second Reading.

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

Mr. HUBER: Mr. President, I move that L. D. 1788, Resolve, Authorizing a \$450,000 Advance from the General Fund to the Department of Educational and Cultural Services to Provide Working Capital on Renovation of and Equipping of Building at Eastport" be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that L. D. 1788 be taken from the Special Appropriations Table. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President, I would like to briefly explain this Bill. It would provide a \$450,000.00 advance from the general fund to provide funds which would be reimbursed from the Economic Development Administration Grant prior to the close of the coming biennium. This grant was a technical program to provide support for the fishing industry, this program being set up at Eastport. The Bill would have caused no loss of revenue in this biennium, but may provide a cash problem in providing these funds in the first year. They would be reimbursed to the General Fund, however, prior to June 30, 1979.

There would be no operating expenses during the biennium that we are considering, in the part I budget, this budget biennium. There would, however, in the biennium to be dealt with by the subsequent legislature, there would be about \$140,000.00 per year continuing cost.

This program was presented to us unusually prior to getting established, and I welcome this change. Too often programs are developed, and when funding, either Federal or otherwise, disappears, we are presented with an existing program, which is an accomplished fact. I think the support of the fishing industry, which is one of our renewable industries, is valuable, and I think this program could be valuable to the State.

I hope that the Senate will enact this Bill.

This being an emergency measure, and having received the affirmative vote of 24 Members of the Senate, was finally passed, and having been signed by the President was by the Secretary presented to the Governor for his approval.

The President laid before the Senate:

Bill, "An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations." (H. P. 1144) (L. D. 1391)

Tabled — May 27, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
Which Bill was passed to be engrossed as amended in concurrence.
Sent down for concurrence.

The President laid before the Senate:

Joint Order — Relative to Department of Transportation publishing bilingual legends on Transportation Maps. (H. P. 1604)

Tabled — May 31, 1977 by Senator Katz of Kennebec

Pending — Passage.
Which Joint Order was passed, in concurrence.

The President laid before the Senate:

House Reports — from the Committee on Taxation — Bill, "An Act to Exempt Property

under Construction from Real Property Taxation." (H. P. 1327) (L. D. 1554) Majority Report — Ought not to Pass; Minority Report — Ought to Pass

Tabled — May 31, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Wyman of Washington to Accept Minority Report
On Motion of Mr. Speers of Kennebec, Retabled until later in today's Session.

The President laid before the Senate:

SENATE REPORTS — from the Committee on Taxation — Bill, "An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment." (S. P. 436) (L. D. 1513) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — May 31, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator Jackson of Cumberland to Accept Majority Report
On Motion of Mr. Speers of Kennebec, Retabled until later in Today's Session.

The President laid before the Senate:

Senate Reports — from the Committee on Taxation — Bill, "An Act to Establish a Property Tax Exemption for New and Expanding Businesses." (S. P. 416) (L. D. 1457) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — May 31, 1977 by Senator Jackson of Cumberland

Pending — Acceptance of Either Report
On Motion of Mr. Speers of Kennebec, Retabled until later in Today's Session.

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 31, 1977 by Senator Conley of Cumberland

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

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

Mr. HEWES: Mr. President and Members of the Senate, I hope you vote against the indefinite postponement motion.

This is a Bill that would allow up to \$750.00 of tuition payments to be deducted on your State Income Tax form, the same way other deductions are included. It seems to me that this is a Bill that encourages education, hence the students will benefit, the State of Maine will benefit, and the educational institutions that have these students will benefit. It seems to be a fair, reasonable amount, a ceiling of \$750.00, and I would certainly hope that you would vote against the Pending Motion to indefinitely postpone.

The PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that this Bill and all its accompanying papers be indefinitely postponed.

A yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The doorkeepers will secure the chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Danton, Farley, Greeley, Hichens, Huber, Katz, Levine, Lovell, Martin, McNally, Merrill, O'Leary, Pierce, Pray, Snowe, Usher.

NAY — Curtis, Hewes, Jackson, Mangan, Minkowsky, Morrell, Redmond, Speers, Trotzky, Wyman.

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

Sent down for concurrence.

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)

Tabled — May 31, 1977 by Senator Speers of Kennebec

Pending — Enactment

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

Mr. O'LEARY: Mr. President, I move to suspend the rules.

The PRESIDENT: The Senator from Oxford, Senator O'Leary has now moved that the Senate suspend its Rules.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

The PRESIDENT: A Division has been requested.

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

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

12 Senators having voted in the affirmative, and 18 Senators in the negative, the Motion to suspend the rules does not prevail.

This being an Emergency measure, and having received the affirmative votes of 17 members of the Senate, and the negative vote of 13 Members of the Senate, and 17 being less than two-thirds of the entire elected membership of the Senate, this Bill failed enactment.

The President laid before the Senate:
Bill, "An Act Relating to Adult Education." (S. P. 102) (L. D. 231)

Tabled — May 31, 1977 by Senator Merrill of Cumberland

Pending — Passage to be Engrossed

On Motion of Mr. Speers of Kennebec

Retabled for one Legislative Day.

The President laid before the Senate:
Bill, "An Act Relating to Refusal to Accept Work as Disqualification for Benefits under the Employment Security Law." (H. P. 360) (L. D. 452)

Tabled — May 31, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

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

Mr. CONLEY: Mr. President, I move that this Bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the indefinite postponement of L. D. 452.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I oppose the Motion to indefinitely postpone, and I would like to read a letter which I received today from an industry in Maine. It says, "We as an industry in the State of Maine, representing approximately 1,500 people, including the Orono and Corinna area, feel very strongly in favor of L. D. 143. Even though unemployment is running high, we have found it very difficult to get or keep our help. We have had to shut machines down due to the fact that people would rather collect their unemployment, even with a 12 week penalty. It is difficult enough to try to compete with the foreign imports without having this problem."

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

Mr. PRAY: Mr. President and Members of

the Senate: I also received that letter today, and I would like to invite the former speaker, the Senator from Penobscot, Senator Trotzky, anytime he would like to talk about that industry, and what it has done to the labor market, I would happily share the information that I have.

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

Mr. KATZ: Mr. President, I request 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 present in favor of a Roll Call, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, I, too, received a letter today from an industry in Maine, an industry very similar to that of the good Senator from Kennebec, Senator Katz, only it is located in Portland. It said, "Dear Senator Conley, I urge you to vote for L. D. 452. We already have a \$20 million deficit in our unemployment program. L. D. 452 ought to eliminate abuse of this system and make our payments an insurance rather than a form of welfare." I love the closing paragraph, because these things always encourage me to vote the way they want me to vote, "We will be watching your final vote on this measure with great interest."

Well, they do not have to watch, because I have spoken on this issue several times now, and if the gentleman would only read the press or pay attention to what is going on up here, he may have a clearer understanding as to what this is all about. Unfortunately, he signs his name as the Treasurer of this particular company, and I have met few treasurers in my life at the unemployment office signing up for unemployment compensation, and I am sure that I will never see his face there.

We debated this issue at length last week. We continued to debate it again today. The problem we have with unemployment is the lack of jobs. There are job programs. In fact, we had a great Senator from Sagadahoc County who served in the last Session, I believe it was, that created a jobs program, and did a fantastic amount of work throughout the State trying to create employment. Some members of this Senate I believe, served on that Committee, that Select Committee. Very few answers came to the unemployment problem.

But, if what we are considering is fraud in the unemployment area, or collecting Workman's Unemployment, then I think what we ought to do is hire more people to search out the frauds, and I would be the first one to support that Legislation.

If anyone is taking advantage of the system unfairly, then put them in jail where they belong. But, let us not cast a blanket or shadow or cloud over everyone by saying that anyone who is unemployed is fraudulently trying to collect Workmen's Comp or Workmen's Unemployment Insurance, because of the fact they do not want to work. Provide the jobs and they will work, but they are not going to work at less money than what they have been currently accustomed to, no more than I think the President of Great Northern, if something would happen to that poor industry, would want to end up in the City of Portland sweeping streets.

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

Mr. PRAY: Mr. President and Members of the Senate, there is just two points I would like to bring out that has been mentioned today. One

is the fact of the \$20 million. That is down to \$14.9 million because the economy in the State is coming back.

The second thing is the Committee on Labor last Session, we did a study on the unemployment situation, and one of the areas we covered in that study was fraud. I would point out at this time that the Department of Manpower Affairs has the ability at any time to expand its manpower and concentrate in this area. But it is their feeling there is not enough fraud going on to warrant the additional expense of increasing their work load. It does not warrant the concentration in that area to any greater extent than they have done so.

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

Mr. SPEERS: Mr. President and Members of the Senate, just so that the record is perfectly clear on this matter. We have had a lot of talk about the question of fraud by the individuals who happen to oppose this particular measure. The question really is not one of fraud however. The question is one of compliance with the Laws of the State of Maine the way they are presently written.

The good Minority Leader of this Body, the Senator from Cumberland, Senator Conley, suggests that if something should happen to an individual and he has his present job no longer available to him, that sure he is not going to want to work for wages that are less than what he is being presently paid. Well, I do not think that any of us would want to work for wages which are less than what we are being presently paid, and I am sure that many of us would prefer to work in some other industry, some other profession, probably, and most unfortunately there are very few people who are perfectly satisfied with the particular position they presently hold.

But I think that the question has to go further, and I think you have to look at the alternative, the alternative which the good Senator from Cumberland would have us continue to accept. And that is rather than having an individual go to work for wages less than what he is presently receiving, or than what he is used to receiving, the good Minority Leader of this Body would have that individual do nothing, and yet receive even less, because this Bill and this language guarantees that the individual would be getting at least 120 percent of the unemployment benefits. Well, the alternative that he would propose and promotes here by his opposition to this particular Bill — excuse me, Mr. President, I do not mean to get personal. — What the opponents of this Bill would have us adopt is not that an individual has to go to work for wages less than what he is used to receiving, but that the individual will be doing nothing and receive even less than what he might otherwise be receiving by going to work.

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

Mr. KATZ: Mr. President, last week I debated this measure and I said that we, the Legislature, have created a problem of disincentives in the labor market and everybody in the Senate seemed to agree that we had a problem, and the problem was not one of fraud. The problem was that of the Legislation which we have created, which gives to some people an alternative to working which is attractive enough so that they have accepted it.

We were forced the other day, as I recall it, to raise taxes on Maine business by three-tenths of one percent, because of the fact that we owe the Feds a bundle of money. Incidentally, we owe the Feds the bundle of money because we were assured by Members of the other party at the time that Bill was Enacted that the Feds would never, never come to us to collect the money.

But the other day I issued a challenge to my friends in the Democratic Party, and it is ap-

parent to me that this at least is growing into a partisan issue, that if you identify the existence of disincentives, if you identify the problem and if you feel that the Legislature had a part in creating the problem, what is your response. What is your constructive answer?

Now I get mail, too. I do not get mail from companies. I get mail from individuals. I did not get an awful lot of letters, maybe three or four, and all of them expressed a desire to see this disincentive taken away. So far as I can recall, every Presidential Candidate in recent years has pointed up to this problem and asked for a solution.

Well, here is a tiny bit of a solution here today and I ask my friends in the Democratic Party if you are going to vote against this, where is your constructive solution?

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

Mr. MANGAN: Mr. President, I take time here to read part of the Amendment that has been proposed for this. The Amendment reads that an individual after the first 12 consecutive weeks of unemployment, the Commission shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, the distance of available work from his residence and the cost of travel available to the work. But, that has been variously interpreted to mean by several of the appeals that I have had is that you have basically a warm body that breathes.

It bothers me to think, and I have had a few phone calls from some of the people that worked, for example, at Jay at the International Paper Mill, who were making in the vicinity of \$9.00-\$10.00-\$11.00 an hour for skilled labor that they have gone to school for or that they have worked very hard for over the space of the years. All of a sudden because of a lull in construction, because there is no longer access to certain steel beams that are needed for construction, or that there is a delay in oil shipments or anything else, they are laid off temporarily and they will go back to work probably 15-16 weeks later. What this means is that at the end of 12 weeks they are now qualified to work in Dairy Queen at \$2.50 an hour, since all they are required to do under this Bill is to get \$84.00 a week, which is 120 percent above the unemployment benefits, which is \$77.00.

I question as to whether we are really encouraging an incentive here by taking them out of the available work force where we are killing their incentives to go out and find work. If we leave them at the \$77.00 a week they will find work quickly enough. It is not generally the skilled laborers in the State of Maine that have difficulty finding employment. It is the people who are unskilled, and those who have nothing to benefit by actually going out to find work.

I would urge the Members of the Senate to vote for the indefinite postponement of this Bill. I do not think it is irresponsible. I think it is irrational. Thank you.

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

Mr. MERRILL: Mr. President and Members of the Senate, it has been apparent from the beginning, I guess, that this is a Partisan Issue, and I think it is Partisan because the Members of the Democratic Party are asking for an even-handed approach to the problems that we have with the Unemployment Security Fund.

It has been apparent to me and to those who are students of the System that for a long time the biggest abusers of the System, in terms of the net profit it brings to them, are the intermittent businesses which proliferate in this State, which use the unemployment security system as a means of keeping their labor force intact, or relatively intact, while they go in and out of business. This practice is prevalent in some of Maine's most important industries, and

it is profitable for these companies to do so, because of the way that we go about charging the employers.

If this were an even-handed approach to doing something about the unemployment security problems, it would deal with that problem. It would deal with the abuses that the employers are heaping onto the system now, which cost an untold millions of dollars as they move these people on and off the unemployment roles on the basis of whether or not they can make a profit in that month by having business activity. And yet this Bill does not deal with that problem.

While we are throwing out challenges, I throw out a challenge to the Majority Party to harness their righteous indignation with an equal hand for employer and employee. Now if we are not talking about frauds and if we are not talking about abuses, then we are talking about people who are going out and making every effort to find a job as they are required to do. We are saying after 12 weeks, no matter how many years you have put in in your profession, no matter how much pride you have in the fact that you have reached a particular level of attainment, that at that point that is all gone. There is no more unemployment security for you if you can get a job earning the minimum wage.

Well, I do not think that is the solution to the problems that we face. It is an attractive one. It is simplistic, and I am sure on first impression that it is popular to many people, and that is why the Majority Party is so attracted to it. We are dealing with a much more complicated problem than that, and we are dealing with a system that was created by the Democratic Party over the opposition of the Republican Party, the great defenders of the system now who were opposed to it when it was created. And, when they were in power in this Country there was no protection for the working man — none. And there was a Depression and most of the people in this country were out roaming the streets, begging for a living, and the Republican President of the United States said that is just fine, that is just hunky-dory. The Democratic Party put this program into effect, and it is holding up our economy right now. It is holding it up and it is putting money in the hands of the people who are running these stores and it has kept us from going into a Depression when we went through this Republican Recession, and now the Republican Party is trying to dismantle the system. Well, if you will come forward with an honest solution that affects the Republican employers, as well as the employees, that is when we will talk about having an honest solution to this problem, but this is a simplistic suggested solution that will not accomplish the problem, and it is really just an attack on the whole fundamental system, which is to guarantee a guy that loses his job a chance to spend some time, the necessary time, to find employment, so that he can go back to the profession that he had.

I suggest to you that if you think of the problem, for example, in Portland, when American Can closed, and there were machinists that worked there, and they had spent their whole lives as machinists, and they had developed a skill that they were proud of as people who are in professions, who are doctors and lawyers and are proud of the skills that they have. I suggest to you that when that business closed, it sometimes takes longer than 12 weeks for them to find some sort of a profession that is similar. Now, there is a general feeling on the part of a lot of people, well, these people work with their hands, and so they are all the same, but a person should be able to have pride in his profession, and I do not think when times are as bad as they are that we can expect all those people are going to be able to find that sort of employment in 12 weeks. And,

remember, we are talking about people by the definition of the Majority Leader who are not frauds, who are making every effort to find a job.

So, if we want to make every effort to reform the unemployment security system, if we have the expertise to do that — and all the Presidential candidates have talked about it, but they have not yet come to a solution — then let us at least make it even-handed. And, when that is done, I will look upon the Senators from Kennebec that are so concerned about the Democratic solution, I will look upon it as an honest attempt, and not an attempt to make political hay at a time when people are getting upset because there is so much unemployment about.

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

Mr. CARPENTER: Mr. President and Members of the Senate: I am sorry that this has boiled down to a party issue, because I seem to be the only person in here out of sync. I have been out of sync since last week when we voted on this, and I suspect that when the vote is taken today that I will still be out of sync, and I have been talked to by many people on both sides of this issue, and I have been reminded what party I belong to, and I have been reminded who put me here, and I do not particularly feel this should be a partisan issue.

I would just remind all the Members of this Body that this Bill was drafted by the former Democratic Floor Leader of the other Body, who happens to be the Employment Security Commissioner now.

I thought maybe last week after I voted on this Bill and sat here was very quiet, did not say anything, that maybe I had made a mistake. I went back home and I talked to my people, Democrats and Republicans, but heavy emphasis on my Democrats. The Democrats had asked me to run in 1974 and asked me to come down here. Now maybe I represent a different kind of Democrats than other people, but overwhelming, and I am talking about people who belong to and work for labor unions. And overwhelmingly they said they agreed with the concept of this Bill. I did not talk to the bosses. I did not talk to the leaders. I talked to the rank and file. I think maybe that is where the difference is, and it bothers me just a little bit — and I am not accusing anybody in this Body — but it bothers me just a little bit to talk to Members of the Maine Legislature who agreed with me that this is not a bad Bill, but I will not vote for it. I object to that, because I do not need this job that badly that I have got to run scared from anybody, and I do not. I was reminded again last evening of who put me here, and there is nobody in the hallways this morning talking for or against this Bill that put me here, I guarantee you that.

And if I did not feel that this Bill was right and if I did not feel that a vast majority, and I do feel a vast majority of the people that I represent in southern and central Aroostook County, Democrats, Republicans and Independents, if I did not feel that they really wanted this Bill, — and I went back and I explained it as best I could have, gave both sides of the argument — if I did not feel that they knew what the issue was, and if I did not feel that they wanted this Bill, then I sure as heck would not vote for it this morning. But I am going to vote for it this morning.

We have heard a lot of talk about fraud. I agree this Bill is not designed to get at fraud. This Bill is designed to maybe — and it is only a very small step, it is only a baby step, if you will, in the direction.

Last week my own Floor Leader got up here and asked how many people supporting this Bill have ever stood in an unemployment line. Well, I have. I have. And I have seen the people come

in and answer the two questions. The only two questions you have to answer: are you able and available for work, and have you been seeking work, and then go back out to their part time job. I have seen that. I saw it in 1974 when I first got out of service, when I stood in an unemployment line for 12 weeks, because I could not find work of any kind.

I talked to my people back in my area this weekend, people I again emphasize that do belong to unions, and I do have a few in my area. They are working men and working women in this State, and they are getting tired of picking up the tab for the preplanned vacations. I do not object to anybody's philosophy on this issue. I do not object to anybody's vote on this issue, if we are all straight forward with each other, if we are all straight forward with the majority of the people I represent.

I issued a challenge last week privately to a couple of people who said they could not vote for this Bill. I asked them to please get me a meeting with their rank and file in their area, and I would come, and if I could not sell this Bill I would change my mind and I have not had any meetings set up for me yet. I can sell this Bill to the rank and file that work. I honestly believe I can. I may be wrong. I am sure that as soon as I sit down there will be four or five people jump up to assure me that I am wrong, and I am sure there are other people around here who will assure me that I will never return to the Maine Senate. Well, that is just fine. I say again, I do not need the job that badly, if I can not come down here and represent what I honestly feel to be the best for all the people in my particular area. Thank you.

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

Mr. CONLEY: Mr. President and Member of the Senate, I believe the Members of my Party share the philosophy of what I think the vast majority of Democrats, not only in this State but in this Country aspire to, as their own particular feeling, and never at anytime have I ever leaned on any Member of my Party to vote a particular way. I am sure the good Senator from Aroostook, Senator Carpenter, is well aware of that fact. We have never discussed this particular Legislation. In fact, in caucus, this Bill has never been discussed only until after it was voted upon last week.

But let us get back to the Bill. I think that it is important. I think it is important that, as I stated before, that jobs were found, and I have been informed that within the Division of Manpower Affairs as of right now we have 25 existing vacancies, — 25 existing vacancies within the Department of Manpower Affairs, jobs that are supposed to be used to help find people who are unemployed jobs. So, how do you attack a problem when we ourselves will not address the problem that is before us right at the moment.

When the Commissioner of Manpower Affairs allegedly drafted this Bill, let me remind the Senate of the philosophy of the Chief Executive of this State.

But if we want to try to solve the problem, let us follow up on what the good Senator from Kennebec, has stated.

Let us sit down and try to search out and resolve the problem. Let us not try to solve it this way.

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

Mr. SPEERS: Mr. President and Members of the Senate, I want to commend the good Senator from Aroostook, Senator Carpenter, who apparently has had a considerable amount of pressure placed upon him by those who feel that they were responsible for sending him to this Senate. But I would submit that the good Senator is very well aware, as I am sure we all are, that it was the people of his District that sent him to this Senate, and no one else.

I would submit as well that the people of his District, as well as the people of the rest of the State of Maine, as well as the people in this Nation, are very much concerned about a situation of which we are all aware with regard to unemployment compensation. Our good Senator from Cumberland, Senator Merrill, I feel has provided a perfectly good example of what one does in forensic argument. When one really does not have the convincing argument in opposition, you drag in everything else under the sun and flail away at that.

Well, I am not sure exactly which Republican President he was referring to in the establishment of the unemployment compensation program, but I would like to follow the lead of the Minority Leader with his suggestion of let us get back to the Bill, and what it is that the Bill states, and what it is that the Bill does. And, very simply, the Bill states that if an individual is offered a job, if he is offered a job after 12 weeks, which meets a considerable number of criteria, then that becomes involved in whether or not he is qualified under the Workmen's Compensation Laws for continued compensation. Now we have heard a challenge issued to come up with an alternative approach to what is recognized universally as a very serious problem and we have not received any kind of an alternative approach. The only comments that we have heard are that the approach should be even-handed. The good Senator from Kennebec, Senator Katz, has mentioned what the problems in unemployment compensation have meant for businesses in this State with the increased taxes upon businesses to provide for unemployment funds, and apparently the even-handed approach of the Minority Party of this Body, the even-handed approach of the Democratic Party, is basically tax, tax, tax, and that is the solution with which we are presented.

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

Mr. MERRILL: Mr. President, in answer to the question, not quite ready for the question, Mr. President.

I congratulate the Members of the Majority Party for writing their profiles and courage on this Bill and going with what they think the majority of the people think. That is pretty courageous.

There are more people that have jobs than people that do not have jobs, and I am sure that most of the people that have jobs become concerned about all the people that do not have jobs. Unless you go to an area where people have recently found out that they are not as secure as they believed that they were, like maybe an area where an American Can Plant has just closed, or maybe Madison, Maine where a paper mill has just closed, I think that it is true that you find a lot of people that do not think that the unemployment security system is there for them. So I do not think there is any great argument that if you put this issue to a lot of people and they did not have a chance to think about it, that they would say that maybe we ought to make this change.

But I think that if we are looking for a constructive solution to this problem, then let us take a look at the wote problem. Why have not we dealt with this intermittent problem. Has it been unknown to the Republican Party that there are businesses that do this? And, you know, think about it for a minute, when the businesses do this, when the unemployment security system lets them go in and out of business and keep their labor force intact, there are jobs that are lost there in that period of time. People are not working. The work effort is being destroyed. Boy, I would think that the Republican Party listening here today would think that there was a top priority problem, and yet I do not find it in this Legislation.

If I was interested in pulling the wage scale down in the State of Maine, if that were my goal, if I were a business man or a servant of a business man that took that narrow a view of what is good for society, to pull the wage in Maine even lower than it is now, I would love this Bill. And, maybe that is why the Republican Part is so enamored with it here today.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, we have three bills later which will bring plenty of new industry into Maine and plenty of jobs, so for the gentleman from Portland and the gentleman from Cumberland County, you do not have to worry. We are going to have plenty of jobs in Maine when these three Bills are passed.

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

Mr. LEVINE: Mr. President and Members of the Senate: Until such times as these three measures are passed and, in fact, do that, I think that we have to look at another problem in this Bill. I not only represent Democrats, I represent Republicans, I represent Independents, and I am sure there may be Socialists in that group. I am not positive of that, but with a District as large as we all have there may be in fact Socialists there. I do not care what party they belong to. I do not know what their philosophy is. Mine is this on this issue.

You are going to tell these people you have to take jobs for whatever — \$84.00 a week, minimum wage. That is well and good. We have an unemployment rate in the State of Maine as of the month of March that was 10.1 percent, so where are these jobs going to come from that they are going to be forced to take. These jobs are going to be the jobs held by those people in this State that are on the lowest economic rung of the ladder — the little guy, the guy that does not have any training, the guy that does not have the background. Where is he going to go? He is going to run to the unemployment office. He is going to start collecting, and once he starts collecting, I do not think he is ever going to come off of it. This is the little guy who may have had pride enough to keep working, although be it at minimum wage, or at a part time job, to keep working to try to take care of his family and himself, without going to the State and "going on the dole." Now he is going to be "on the dole". And is he ever going to come off of that? Are his children going to come off of that? We are talking here about discouraging people from seeking employment, well, what are we going to do to this poor guy? He is going to throw his hands up in the air and say well, look, I am on the bottom of the ladder and this proves it. I am not going to have a job anymore, there is no sense in my even going to look for it, because according to the law they passed in Augusta, people that have received years of training, people that have worked at much more difficult jobs than mine are going to be in the same market place I am for the same job and, therefore, they will be hired ahead of me.

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

Mr. HUBER: I 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 Cumberland, Senator Conley, that the Senate indefinitely postpone this Bill and all its accompanying papers.

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 pending question is the Motion by the Senator from Cumberland, Senator Conley, that L. D. 452 and all its accompanying papers be indefinitely postponed.

A yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, O'Leary, Pray, Usher.

NAY — Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Lovell, McNally, Morrell, Pierce, Redmond, Snowe, Speers, Trozky, Wyman.

11 Senators having voted in the affirmative, and 21 Senators in the negative, the Motion to indefinitely postpone does not prevail.

Which Bill was Passed to be engrossed as amended, in non-concurrence.

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

Mr. SPEERS: Mr. President, having voted on the prevailing side, I move reconsideration, and urge the Senate to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby L. D. 452 was passed to be engrossed.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Sent down for concurrence.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,
Adjourned to 8:30 tomorrow morning.