

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

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

**Index**

**Senate Confirmation Session  
September 16, 1977**

**Index**

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## SENATE

June 9, 1977

Senate called to Order by the President.

Prayer by Reverend Merrill, Penney Memorial United Baptist Church in Augusta.

Rev. MERRILL: I will be reading briefly from the 13th Chapter of Romans, Verse I and following.

Every person must submit to the supreme authorities. There is no authority but by act of God, and the existing authorities are instituted by him; consequently, anyone who rebels against authority is resisting a divine institution, and those who resist have themselves to thank for the punishment they will receive. For government, a terror at a crime has no terror for good behavior.

Father in this day, in this moment of preparation, we ask that you make us aware of your presence again for these men and women who are involved in the important matters of government. We ask your wisdom in the decisions that they make, help them to be aware of true justice in the dealings of Bills and Laws that come before them.

We also pray that you would make them aware of the people that they serve, of the love you express to us, of the concern you express to us in your revelation, and that they might in turn practice this same kind of love and concern for people of this State. We pray this in your name.

Amen.

Reading of the Journal of yesterday.

## Joint Orders

Expressions of Legislative Sentiment recognizing that:

Miss Mary Ouellette of Stearns High School of Millinocket has won the 1977 State Principals School Girl Golf Championship, the 2nd consecutive year she has won that championship. (H. P. 1670)

Ruth Elaine McCormack has been recognized for her excellent academic record by being chosen Salutatorian of Limestone High School. (H. P. 1671)

Bruce Forrest has been recognized for his outstanding academic record by being chosen Valedictorian of Limestone High School. (H. P. 1672)

Alice Cannan of Caribou has retired after 28 years in the field of education. (H. P. 1675)

Idella H. Estey of Caribou has retired after 25 years in the field of education. (H. P. 1676)

Lorina Wakem of Caribou has retired after 24 years in the field of education. (H. P. 1677)

Frederick E. Burden of Presque Isle has retired after 29 years in the field of education, including 11 years as principal of Caribou Junior High School. (H. P. 1678)

Come from the House, Read and Passed.

Which were Read.

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

Mr. KATZ: Mr. President, I guess the burdens of being in the Senate are such that they take away from us the opportunity to be more sensitive to the successes of our constituents, and I want to commend those who have honored these young people in the State, both for their scholastic and also their athletic successes, and perhaps the sensitivity of the sponsors could be better emulated by more Members of the Senate.

Which Joint Orders were Passed in concurrence.

## Communication

Office of the Governor

June 8, 1977

Honorable Joseph Sewall  
President of the Senate

and

Honorable John L. Martin

Speaker of the House

Dear Joe and John:

This is to formally notify you that Roderick E. Farnham of Hampden was nominated to the State Personnel Board today.

In accordance with Title 5, Section 591 this nomination is heard by the Joint Standing Committee on Labor and to confirmation by the Legislature.

Thank you for your continuing assistance in the crucial area of appointments.

Very truly yours,

(Signed) JIM

JAMES B. LONGLEY

Governor

(S. P. 540)

Which was Read and referred to the Committee on Labor.

Sent down for concurrence.

On Motion of Mr. Carpenter of Aroostook ORDERED, the House concurring, that Resolve, Authorizing Health Insurance Coverage for Fifteen Retired State Troopers, Senate Paper 262, Legislative Document 822, be recalled from the legislative files to the Senate. (S. P. 541)

Which was read.

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

Mr. COLLINS: Mr. President, I do not understand the purpose of this Order, and I would like to have an explanation.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I have this Order before the Senate this morning at the request of a colleague from the other Body.

When I originally put in L. D. 822, and I would appreciate it if as many persons as possible could take a look back at that, there were 15 retired State Troopers, all elderly, who when they retired did not take the Maine Retirement Plan into retirement with them. At a later date they were offered acceptance into the plan, and all accepted the plan.

Then it was discovered that a mistake had been made, and they were in the plan illegally, or should not have been there, so they were all summarily bounced out of the plan.

Well, when they were put out of the plan, they had all cancelled their own private insurances and everything else that they had, and when they were put out they were all at an age where it was very difficult, and in fact, impossible in most cases, to get health insurance.

So at the request of a constituent of mine, I put this Resolve in, after checking with Commissioner O'Sullivan of the Finance and Administration, and he accepted it with some particular wording that was on an Amendment that I will also resurrect if this Order goes through, that would not allow this Order to be construed or this Resolve to be construed as precedent setting, so that other persons who have retired without the retirement plan could not use this to come into the Plan.

I would hope that we would pass this Order here this morning. Thank you.

On Motion of Mr. Speers of Kennebec,

Tabled until later in today's session, pending passage.

Expressions of Legislative Sentiment recognizing that: The Boys' Track Team of Orono High School has won the State Class C Championship. (S. P. 542)

The Girls' Track Team of Orono High School has won the State Class C Championship. (S. P. 543) presented by Senator Curtis of Penobscot

Cosponsors:

DEVOE of Orono

DAVIES of Orono

Which were Read and Passed.

Sent down for concurrence.

## Committee Reports

## House

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

Bill, "An Act to Provide Cost of Living Pay Increases to Classified, Faculty and Professional University of Maine Employees." (Emergency) (H. P. 675) (L. D. 860)

Bill, "An Act Repealing the Requirement that Buyer or Seller of Real Property must file a Declaration of Value with the State Tax Assessor." (H. P. 730) (L. D. 943)

Bill, "An Act to Increase the Exemption on Estates of Veterans." (H. P. 400) (L. D. 510)

Bill, "An Act to Increase Exemption on Estates of Veterans." (H. P. 241) (L. D. 314)

Bill, "An Act to Provide for a Property Tax Credit to Veterans in Place of a Property Tax Exemption." (H. P. 888) (L. D. 1097)

Bill, "An Act to Establish an Income Tax Exemption for National Guard Members and Certain Members of the Military." (H.P. 1014) (L. D. 1230)

Bill, "An Act to Revise the Real Estate Transfer Tax Law." (H. P. 663) (L. D. 804)

## Leave to Withdraw

The Committee on Health and Institutional Services on, Bill, An Act to Limit the Inventories of Drugs and Medicines Maintained by State Agencies. (H. P. 696) (L. D. 878)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, An Act to Create a Maximum Security Facility for Those Adjudged not Guilty of a Crime by Reason of Insanity. (H. P. 753) (L. D. 956)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Marine Resources on, Bill, An Act Concerning Setting of Seines and Nets near Weirs. (H. P. 716) (L. D. 852)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution to Revise the Legislative Apportionment Procedure and to Remove the Supreme Judicial Court as the final Apportionment Agent. (H. P. 948) (L. D. 1157)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on, Bill, An Act Relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike. (H. P. 1292) (L. D. 1524)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Transportation on, Bill, An Act Increasing the Fee for Motor Vehicle Inspection to \$3. (H. P. 1161) (L. D. 1395)

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 Amount of Relief under the Elderly Householders Tax and Rent Refund Act. (H. P. 1097) (L. D. 1321)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

#### Ought to Pass

The Committee on Judiciary on, Bill, An Act to Clarify the Criminal History Record Disclosure Law. (H. P. 1039) (L. D. 1280)

Reported that the same Ought to Pass.

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

The Committee on State Government on, RESOLVE, Authorizing the Secretary of State to Convey the State's Interest in a Lot in Waldoboro, Lincoln County, to Clarify Title. (H. P. 1193) (L. D. 1426)

Reported that the same Ought to Pass.

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

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

#### Ought to Pass - As Amended

The Committee on Fisheries and Wildlife on, Bill, An Act to Permit Farmers to Shoot Marauding Animals. (H. P. 1242) (L. D. 1467)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-516).

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 Repeal Certain Laws Relating to Transportation. (H. P. 1056) (L. D. 1288)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-515).

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 Business Legislation on, Bill, An Act to Revise the Laws Relating to Barbers and Cosmetologists. (H. P. 508) (L. D. 578)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1639) (L. D. 1838)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendments "B" (H-526) and "C" (H-528).

The Committee on Judiciary on, Bill, An Act to Amend the Laws Relating to Criminal History Record Information. (H. P. 1363) (L. D. 1692)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1629) (L. D. 1832)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendments "B" (H-514) and "C" (H-545).

Which Reports were Read and Accepted in concurrence, and the Bills, in New Draft, Read Once. House Amendments "B" were Read and Adopted in concurrence. House Amendments "C" were Read and Adopted in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on, Bill, An Act Relating to the Practice of Real Estate Brokers and Salesmen. (H. P. 157) (L. D. 195)

Reported that the same ought to pass in New Draft under same Title (H. P. 1631) (L. D. 1833).

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "B" (H-544).

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

The Committee on Natural Resources on, Bill, An Act Relating to Public Utility Electrical Transmission Lines and Gas and Oil Pipelines. (H. P. 1092) (L. D. 1316)

Reported that the same Ought to Pass in New Draft, under same title. (H. P. 1659) (L. D. 1855)

Comes from the House, the Bill in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-543).

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

#### Divided Report

The Majority of the Committee on Energy on, Bill, An Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition. (H. P. 455) (L. D. 560)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-506).

Signed:

Senators:

TROTZKY of Penobscot  
REDMOND of Somerset  
FARLEY of York

Representatives:

TORREY of Poland  
HUBER of Falmouth  
BOUDREAU of Waterville  
DAVIES of Orono  
CONNOLLY of Portland  
JENSEN of Portland  
HOWE of S. Portland  
TRAFTON of Auburn

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

Signed:

Representatives:

BROWN of Bethel  
RIDEOUT of Mapleton

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

Which Reports were Read.

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

Mr. TROTZKY: Mr. President and Members of the Senate, although I signed the Majority Ought to Pass as Amended Report of the Bill, I feel that it is important for all of the Members of the Senate to realize the ramifications of passing this particular piece of Legislation.

Quite frankly, passage of this Bill, though it will protect to some degree small retail gasoline stations, will possibly increase the cost of gasoline to Maine consumers. The Bill is right now basically the Committee Amendment "A" (H-506), and what the Bill states now is that what a distributor charges to its own stations that it owns is the same price that it must charge to independent retail service stations. So, what this Bill does is it gives the independents a better chance to compete with the distributor owned service stations.

But what it also does is it increases to a certain degree, the cost of gasoline to Maine consumers, and I and many Members of the Committee wrestled with this issue, and there does not seem to be really any 100 percent satisfactory solution to the issue. I chose in my vote to protect the small independent gasoline stations

at the expense, to a certain extent of the Maine consumer. Now maybe in the future this Bill will end up protecting the independents and keeping them in business and maintain competition in the gasoline industry.

However, one of the problems we have in the industry, and this was testimony given at the hearing, in years before the Arab Oil Embargo there was a flood of gasoline on the market, and there were service stations proliferating all over the Country. Right now we are heading into a period of a shortage of gasoline, and, consequently, many independent service stations are going out of business.

I would like to describe right now how this Bill operates. Presently for example, if a distributor — lets put it this way — there are many distributors in Maine which own retail service stations. If a distributor sells gasoline for .50 to an independent retail outlet, that independent outlet must mark the gas up by 6 percent under an Act called "The Unfair Sales Act," so, in other words, he has to mark it up to at least .53.

Now, let us assume that, and this has been the complaint, the distributor sells to his own station at .50 per gallon. His own station has to mark it up to .53, 6 percent mark up. If he then sells gasoline to an independent service station for .54, that independent service station under the Unfair Sales Act has to mark it up to .57.

So, consequently, what the Bill is saying here is that if he sells to the independent for .54, he also has to sell to his own stations for .54, and both of them have to mark it up to .57. What this is going to do is cause many distributor owned stations to raise the price of gasoline, but it will protect the independent.

It is not a simple issue here, and I think the Senate in evaluating this Bill, you have to look at this Bill in terms of whether we should try to provide gasoline to the consumer at the cheapest possible price. That is one issue. The other issue is to afford some protection to the independent retailer, which again will cause some increase in price to the consumer. I have chosen to vote in favor of the Bill to protect the small independent. I am not 100 percent comfortable with that vote, and, therefore, I felt that it was important to describe what this issue is to the entire Senate.

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

Mr. FARLEY: Mr. President and Members of the Senate, I want to wholeheartedly agree with the good Senator from Penobscot, Senator Trotzky. It was not the easiest decision to make.

However, I think the one we heard, the decision we did make, was probably the best one for this period of time. It does insure competition. I think down the road, I think the way things are going, obviously we would have had problems. It was not an easy decision for the Committee to make but I think it was the right one.

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

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

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Increasing the State Gasoline Tax." (Emergency) (H. P. 1159) (L. D. 1383)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington  
JACKSON of Cumberland

Representatives:

MARTIN of Aroostook  
MAXWELL of Jay  
CARTER of Bangor  
IMMONEN of West Paris  
CAREY of Waterville  
COX of Brewer

MACKEL of Wells  
TEAGUE of Fairfield

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

Signed:

Representatives:

CHONKO of Topsham  
POST of Owls Head  
TWITCHELL of Norway

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-542).

Which Reports were read.

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

(See action later today)

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on An Act to Clarify the Powers of the Department of Inland Fisheries and Wildlife" (H. P. 0354) (L. D. 447)

have had the same under consideration, and ask leave to report: that the House recede from acceptance of the Minority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife; Substitute the Bill for the Reports; Read the Bill Twice; Read and Adopt Committee of Conference Amendment "A" (H-521) and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-521)

That the Senate recede from its action whereby it Passed the Bill to be Engrossed as Amended by Committee Amendment "A" (H-243); recede from adoption of Committee Amendment "A" and Indefinitely Postpone Committee Amendment "A"; read and adopt Committee of Conference Amendment "A" (H-521) and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-521) in concurrence

GREENLAW of Stonington  
PEARSON of Old Town  
CHURCHILL of Orland

Committee on part of House  
REDMOND of Somerset  
JACKSON of Cumberland  
O'LEARY of Oxford

Committee on part of Senate  
Comes from the House, Read and Accepted.  
Which was Read and Accepted, in concurrence.

**Leave to Withdraw**

Mr. Collins for the Committee on State Government on, Bill, "An Act Authorizing Payroll Deduction for Contribution by State Employees to Maine Health Agencies" (S. P. 395) (L. D. 1354)

Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Concerning Liquor Related Offenses Committed by Juveniles." (S. P. 68) (L. D. 147)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.  
Sent down for concurrence.

**Ought to Pass — As Amended**

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Maine Health Systems Agency, Incorporated, to Ensure that Quality Health Services are Available at a Reasonable Cost to All Maine People." (S. P. 173) (L. D. 490)

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

Mr. Merrill for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Allocate Moneys for the Administrative Ex-

penses of the State Lottery Commission for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (S. P. 107) (L. D. 236)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-209)

Mr. Martin for the Committee on Taxation on, Bill, "An Act Regarding the Sales Tax for Sales Made Through Vending Machines." (S. P. 396) (L. D. 1355)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-214).

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

**Ought to Pass in New Draft**

Mr. Carpenter for the Committee on Public Utilities on, Bill, An Act Relating to the Regulation of Affiliated Interests of Public Utilities. (H. P. 83) (L. D. 191)

Reported that the same Ought to Pass in New Draft under new title. Bill, An Act to Regulate Affiliated Interests of Public Utilities. (S. P. 539) (L. D. 1870)

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

**Divided Report**

The Majority of the Committee on Agriculture on, Bill, An Act Concerning Euthanasia of Cats and Dogs. (S. P. 333) (L. D. 1092)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JACKSON of Cumberland  
LEVINE of Kennebec

Representatives:

STROUT of Corinth  
LOUGEE of Island Falls  
CARROLL of Limerick  
MAHANY of Easton  
HALL of Sangerville  
TOZIER of Unity  
TORREY of Poland

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-213).

Signed:

Senator:

HICHENS of York

Representatives:

ROLLINS of Dixfield  
WOOD of Sanford  
SMITH of Mars Hill

Which Reports were Read.  
The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I move that the Senate accept the Minority Ought to Pass Report, and would like to speak on my Motion.

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and Members of the Senate: L. D. 1092 as amended provides for a preferred method of euthanasia of dogs and cats by the administration of a barbiturate overdose, and prohibits the administration of succinylcholine chloride or any other curariform to destroy cats and dogs. It also allows for intravenous injections, chloroform, ether halothane or fluothane and by shooting.

The purpose of the bill is to ensure a humane death for the large number of dogs and cats that must continually be destroyed because of illness or injury, or simply because they are surplus unwanted animals. Such a purpose is in accordance with our state's policy of humane treatment of animals.

There are presently in Maine two decompression chambers being used to euthanise cats and dogs, one in Bangor and one in Westbrook. It is

because of the agony that many dogs and cats suffer, especially because they have a respiratory problem in these chambers that the discontinuance of the use of these chambers is accomplished by passage of L.D. 1092.

The editorial placed on your desks describes how an animal may suffer before dying when placed in one of these chambers. This may be an extreme case, but such cases do happen.

I have received literature from other parts of the Country explaining many of these cases.

The decompression chamber in Westbrook has a window through which anyone could witness the dying of these animals if it were not painted with black paint so no one can look inside.

At the hearing on LD 1092, Members of the Maine Humane Society, the Mass. Humane Society and the National Humane Society in Washington D.C. testified as to the need for alternate methods rather than the use of the decompression chamber. I have received individual letters from over 125 residents of Maine, and petitions with over 700 names urging passage of this bill. I'm sure many of you have received letters and phone calls urging you to vote in favor of L.D. 1092 as amended. Such a law has been passed in Mass., Calif., Wis., and Florida.

Also, in the cities of Chicago, Gary, Indiana and Washington, D.C. prohibiting the use of the decompression chambers.

I, therefore, urge you to vote to accept the minority report and give the dogs and cats of Maine who have to be put away, as painless a death as possible.

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

Mr. LEVINE: Mr. President, I rise with great trepidation to disagree with my good friend, the Senator from York, Senator Hichens, this morning, but this Bill is not quite so simple as it has been presented here today.

There was a good deal of conflicting testimony in the Committee Hearings on this Bill, with a great many professionals in the field disagreeing with the actions of this Bill. As to decompression chambers, it is a very grizzly method of death when used incorrectly. However, there was a good deal of testimony from professionals that said that these chambers, when used correctly and when the chambers were kept up correctly, that it was a very humane method. It is quite a grizzly subject to talk about, talk about putting down little dogs and cats. It is very difficult for me.

My feeling on this Bill is that it should not pass. That we should not Accept the Minority Ought to Pass Report, and I feel that, as in the case of the dog licensing Bill, which the good Senator from York, Senator Hichens, felt, we should wait on a Bill of that type until after the possible task of a Study Order which is now on the table. I feel that this, too, perhaps should wait until we have had a chance to study it further. It is a difficult subject, at best, and, as I said, there was a great deal of conflicting testimony by professionals in the field, with, to my mind, the great majority of professionals, that are veterinarians, testifying against the Bill.

Therefore, I would ask the Senate to vote against this Motion.

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

Mr. HICHENS: Mr. President, in answer to the good Senator from Kennebec, I would advise the Senate that those people who were opposing the Bill were speaking on the Bill itself, and many of them had not seen, in fact practically all of them had not seen the Amendment.

I sent the Amendment to all of these people who are in opposition, and I did not receive a letter back from them, either in favor or against the Amendment. So I feel as a result that they were not that much dissatisfied.

Since the hearing, the Kennebec Valley

veterinarians's Association, who opposed the bill that day, did send me a letter accepting the Bill, and said they did have some reservations to it, but in the whole they thought the Bill was a good Bill as Amended. The York County Veterinarian's Association has done the same thing. All the humane shelters in the State have endorsed this Bill, so I think that it is a good Bill and one that we should pass at this time.

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

Mr. DANTON: Mr. President and Members of the Senate: I am not going to allow my good friend, Senator Hichens, to stand up alone on this issue.

This is a good Bill. I have got phone calls on this Bill. I do not have any pets. I have never had any in my life, but when they tell me they take animals and have to run them through a gas chamber two and three times before they can put them away, there has to be something wrong with that system. So, let us go along with the Senator's Bill. I think it is a good Bill, and let us do something right.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from York, Senator Hichens, that the Senate Accept the Minority Ought to Pass as Amended Report of the Committee.

The Chair will order a Division.

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

Will all those Senators opposing the Motion to Accept the Ought to Pass as Amended Report, please rise in their places to be counted.

21 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to Accept the Minority Ought to Pass as Amended Report does prevail.

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 Veterans and Retirement on, Bill, "An Act to Revise the Judicial Retirement System." (S. P. 497) (L. D. 1776)

Reported that the same Ought to Pass.

Signed:  
Senators:

COLLINS of Knox  
O'LEARY of Oxford  
LOVELL of York

Representatives:

CLARK of Freeport  
HICKEY of Augusta  
THERIAULT of Rumford  
LAFFIN of Westbrook  
AUSTIN of Bingham  
NELSON of Roque Bluffs  
BUNKER of Gouldsboro

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

Signed:  
Representative:

LOUGEE of Island Falls

Which Report was Read.

Majority Ought to Pass Report accepted. The Bill Read once, and Tomorrow Assigned for Second Reading.

#### Second Readers

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

##### House

Bill, "An Act Creating the Maine Capital Corporation." (H. P. 1011) (L. D. 1250)

On Motion of Mr. Collins of Aroostook,  
Tabled One Legislative Day, Pending passage to be engrossed.

#### House — As Amended

Bill, "An Act to Change the Deadline for Change in Party Enrollment in Order to Qualify Voting in a Primary Election." (H. P. 1028) (L. D. 1246)

Which was Read a Second Time.

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

#### Senate — As Amended

Bill, "An Act to Impose a 4-Quart Limit on the Taking of Smelts Throughout the Entire Smelting Season." (H. P. 320) (L. D. 1077)

On Motion of Mr. Speers of Kennebec,  
Tabled One Legislative Day, Pending passage to be engrossed.

Bill, "An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission." (S. P. 92) (L. D. 216)

RESOLUTION, Proposing an Amendment to the Constitution to Combine the Guarantee Limits for the Insurance of Enterprises within the State. (S. P. 252) (L. D. 778)

Bill, "An Act to Provide that Regular Annual Reports of the Executive Branch be Made Through the Maine State Government Annual Report." (S. P. 336) (L. D. 1121)

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

Sent down for concurrence.

#### Enactors

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

"An Act Revising Procedures for Certain Tied Elections." (H. P. 937) (L. D. 1134)

"An Act Concerning the Definition of a General Lines Consultant and a Life Consultant under the Maine Insurance Code." (H. P. 1617) (L. D. 1818)

"An Act Relating to Partnerships Between Husbands and Wives." (H. P. 683) (L. D. 865)

"An Act to Establish Procedures to Evaluate the Efficiency of Energy Utilization in State-financed and Leased Facilities." (H. P. 549) (L. D. 666)

"An Act to Increase Limited Partnership Filing Fees." (H. P. 404) (L. D. 514)

"An Act Relating to Notice of Authorization to Registers of Probate." (H. P. 182) (L. D. 244)

"An Act Concerning Solicitation Sales of Consumer Merchandise." (H. P. 256) (L. D. 325)

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 Exempting from the Sales Tax Sales to Nonprofit Corporations Providing Home Health Services." (H. P. 840) (L. D. 1027)

"An Act to Improve Prosecution Services." (H. P. 1571) (L. D. 1785)

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

"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)

On Motion of Mr. Jackson of Cumberland, Tabled until later in Today's Session, Pending Enactment.

(See Action Later Today)

"An Act to Require Drivers License Renewal Examinations." (H. P. 397) (L. D. 509)

Comes from the House, Failed of Enactment. The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: I request for a Division.

The PRESIDENT: A Division has been Requested.

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

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

19 Senators having voted in the affirmative,

and 10 Senators in the negative, this Bill is Passed to be Enacted, and will be signed by the President.

Sent down for concurrence.

#### Emergency

"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." (S. P. 523) (L. D. 1827)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

"An Act to Expedite the Construction of Natural Gas Pipelines in the State." (H. P. 1247) (L. D. 1477)

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

Mr. HEWES: Mr. President, because of a possible conflict of interest, I respectfully request that I not be asked to vote on this Bill.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now requests leave of the Senate to refrain from voting on L. D. 1477 because of the possibility of an occurrence of conflict of interest. Is it the pleasure of the Senate to grant this leave? It is a vote.

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

#### Emergency

"An Act Limiting Three Lobster Traps to One Warp." (H. P. 648) (L. D. 792)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### (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 to the sound of the bell.

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

(Recess)

#### (After Recess)

Senate called to order by the President.

#### Orders of the Day

The President laid before the Senate: House Reports — from the Committee on Business Legislation — Bill, "An Act Relating to an Increase in the Volume Fees Paid by Major Creditors under the Maine Consumer Credit Code." (H. P. 180) (L. D. 242) Majority Report Ought to Pass as Amended by Committee Amendment "A" (H-485) Minority Report — Ought Not to Pass

Tabled — June 7, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

On Motion of Mr. Speers of Kennebec,

Retabled for Two Legislative Days.

The President laid before the Senate: Bill, "An Act to Increase the Salaries of the Judiciary." (H. P. 310) (L. D. 401)

Tabled — June 7, 1977 by Senator Speers of Kennebec

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 to Revise the Water Quality Program." (S. P. 508) (L. D. 1793)

Tabled — June 7, 1977 by Senator Chapman of Sagadahoc

Pending — Enactment.

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

Mr. CHAPMAN: Mr. President, under suspension of rules, I move the Senate reconsider its action, whereby L. D. 1793 was passed to be engrossed.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now moves that the Senate suspend its rules and reconsider its action whereby LD 1793 was Passed to be engrossed. Is it the pleasure of the Senate? It is a vote.

Mr. CHAPMAN: Mr. President, I now offer Senate Amendment "C" (S-217) and move its passage.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "C" and moves its adoption. The Secretary will read Senate Amendment "C".

Senate Amendment "C" Read.

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

Mr. CHAPMAN: Mr. President and Members of the Senate, this Amendment strikes out three sections of this Bill which relate to the discharge of untreated sanitary waste into shell fishing areas.

This matter has been discussed at some length by me and others with the Department of Marine Resources, and with the Department of Environmental Protection. They both agree to this Amendment.

Actually what we are doing here is permitting some discretionary flexibility when we are going to consider whether or not treated or untreated sanitary waste should be discharged into open shell fishing areas. Federal regulations, first of all, are very strong in this area. The problem with the present wording in the Bill is that it does not allow for the consideration of exceptions. We could have a situation where a municipality is making steps to establish a municipal sewer system, which then would have the treated effluent discharged through a pipe. The present wording does not permit this, and I think this should be considered.

There are open shell fishing areas, areas that are not closed to shell fishing, where there is not a fishable resource of shell fish, and that such an out-fall pipe should be considered and possibly allowed.

Also the present wording tends to perpetuate closed areas that are closed now due to pollution. In my view and the department's, they should be gradually cleaned up and we should not by inference in such wording be perpetuating additional out-fall into closed areas.

Senate Amendment "C" Adopted.

On Motion of Mr. Collins of Knox, Tabled one Legislative Day. Pending passage to be engrossed.

The President laid before the Senate: Bill, "An Act Prohibiting the Dissemination of Obscene Matter to Minors." (S. P. 533) (L. D. 1861)

Tabled — June 8, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. CARPENTER: Mr. President, I present Senate Amendment "A" to L. D. 1861 (S-216), and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now offers Senate Amendment "A", and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: What this Amendment does is it simply adds the words religious literature to these various exemptions that have been granted within this Bill. I think these words are efficient to take care of some of the problems that were raised here on the floor the other day. We are allowing the District Attorney in the various prosecutorial districts and ultimately the Superior Court of the State of Maine to decide what is religious literature, just as we are allowing them to decide what is obscene and what is not obscene. It will be up to these persons or individuals, and ultimately a jury of one's peers to decide if the Brand X is in fact an organized religion and, in fact, their literature should be exempt under this law.

I just want to clear up one other misconception that perhaps I left with the members of this Senate the other day, and that is that we are not by this Bill creating a state-wide obscenity standard. No way. If you read the Bill, you will see that the standards for Aroostook will probably always be different than the standards for Cumberland, based on the prevailing community standards as determined by the District Attorney, and ultimately, as I said, by the Superior Court and a jury of one's peers in the Superior Courts of the various counties of the prosecutorial districts.

I would hope that we could pass this Bill to be engrossed this morning, and sent it on its way down to the House.

Senate Amendment "A" Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act to Authorize Bond Issue in the Amount of \$2,348,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute, a Mechanicals Building at Eastern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute." (H. P. 1618) (L. D. 1819)

Tabled — June 8, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed

On Motion of Mr. Speers of Kennebec, Retabled One Legislative Day.

The President laid before the Senate: Bill, "An Act to Amend the Maine Income Tax Law." (H. P. 1514) (L. D. 1749)

Tabled — June 8, 1977 by Senator Morrell of Cumberland

Pending — Passage to be Engrossed

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

The President laid before the Senate: Bill, "An Act Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (S. P. 530) (L. D. 1859)

Tabled — June 8, 1977 by Senator Morrell 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 to Avoid Delays in Payment of Workmen's Compensation Claims because of the Involvement of Two or more Insurance Carriers." (H. P. 1261) (L. D. 1490)

Tabled — June 8, 1977 by Senator Hewes of Cumberland

Pending — Passage to be Engrossed

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

Mr. HEWES: Mr. President, I offer Senate Amendment "A" (S-211) and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now offers Senate Amendment "A", and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read and Adopted.

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

Sent down for concurrence.

The President laid before the Senate: SP541, Order, which was tabled earlier in Today's Session by the Senator from Kennebec, Senator Speers, pending passage.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, because of my lack of grace the last time I was up, I was not able to fully explain this.

There is no fiscal note attached to this Bill, simply because that when the budget for the Department of Public Safety was drafted two years ago, monies were allocated for these particular 15 individuals, and so there will be no further expenditure of State funds. This is not, as I started to explain the last time I was speaking on the subject, this is not a precedent setting piece of Legislation in that the particular wording in this Resolve, which I would hope would go back before the State Government Committee and allow them to make their own determination on this Bill, the particular wording was drafted by Commissioner O'Sullivan in Finance and Administration, and he is happy with it or he can accept it, so I would hope that we could recall this Bill from the Legislative files.

Which Joint Order was Passed.

Sent down for concurrence.

The President laid before the Senate: The Majority of the Committee on Taxation o., Bill, An Act Increasing the State Gasoline Tax. (Emergency) (H. P. 1159) (L. D. 1383) which was tabled earlier in today's Session by the Senator from Kennebec, Senator Speers, pending acceptance of either Report.

Majority Ought to Pass Report Accepted. In concurrence.

The Bill read once. House Amendment "A" read.

On Motion of Mr. Greeley of Waldo House Amendment "A" indefinitely postponed.

The Bill, tomorrow assigned for Second Reading.

The President laid before the Senate: 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 tabled earlier in Today's Session by the Senator from Cumberland, Senator Jackson, pending enactment.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that LD 569 be tabled pending enactment. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

Will all those Senators in favor of tabling LD 569, please rise in their places to be counted.

Will all those Senators opposed to tabling LD 569, please rise in their places to be counted.

21 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to Table does prevail.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,  
Adjourned until 1:30 tomorrow afternoon.