

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

June 16, 1977

Senate called to Order by the President.
Prayer by Reverend Andrew D. Kane, United Baptist Church of Oakland in Oakland.

Rev. KANE: I am going to ask that you take the piece of paper that was on the top of the pile. I hope, it has not been put in the circular file as yet. A prayer is more than just an action, a prayer is an attitude that must be constant, and I would ask that you would join me in saying together in the prayerful attitude as it was written 1 Corinthians 13.

I may be able to speak the languages of men and even of angels, but if I have not love, my speech is no more than a noisy gong or a clanging bell. I may have the gift of inspired preaching; I may have all knowledge and understand all secrets; I may have all the faith needed to move mountains — but if I have not love, I am nothing. I may give away everything I have, and even give up my body to be burned — but if I have not love, it does me no good.

Love is patient and kind; love is not jealous, or conceited, or proud; love is not illmannered, or selfish, or irritable; love does not keep a record of wrongs; love is not happy with evil, but is happy with the truth. Love never gives up: its faith, hope, and patience never fail.

Love is eternal. There are inspired messages, but they are temporary; there are gifts of speaking, but they will cease; there is knowledge, but it will pass. For our gifts of knowledge and of inspired messages are only partial; but when what is perfect comes, then what is partial will disappear.

When I was a child, my speech, feelings, and thinking were all those of a child; now that I am a man, I have no more use for childish ways. What we see now is like the dim image in a mirror; then we shall see face to face. What I know now is only partial; then it will be complete, as complete as God's knowledge of me.

Meanwhile these three remain: faith, hope, and love; and the greatest of these is love.

Let us pray. O God, as we continue our prayer with Thee this day, bless us, help us to understand, Lord, that we represent those who have elected us, but also those who have not voted for us, but primarily, Lord, we represent You. We come to You as servants, but also as children, asking that as we join together in our praise of Thee, we may serve Thee through Your children, our people of Maine.

Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, An Act Prohibiting the Dissemination of Obscene Matter to Minors. (S. P. 533) (L.D. 1861)

In the Senate June 9, 1977 Passed to be Engrossed as amended by Senate Amendment "A" (S-216)

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" and House Amendment "A" (H-637) in non-concurrence.

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

Mr. HEWES: Mr. President, I move we Recede, and I would like to speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. HEWES: Mr. President and Members of the Senate, the House adopted an Amendment, House Amendment "A", which is quite similar to Senate Amendment "A", but I feel they overlap, and I would like to have us reconsider the adoption of Senate Amendment "A", then have us indefinitely postpone that and then adopt House Amendment "A", so that we will be in concurrence with the House.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate Recede. Is it the pleasure of the

Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HEWES: Mr. President, I now move we recede from our action whereby we adopted Senate Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate recede from its action whereby it adopted Senate Amendment "A" to L. D. 1861. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HEWES: Mr. President, I now move for the indefinite postponement of Senate Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate indefinitely postpone Senate Amendment "A". Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. HEWES: Mr. President, I now move we adopt House Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate adopt House Amendment "A", the Secretary will read House Amendment "A".

House Amendment "A" was Read and Adopted.

Passed to be Engrossed in non-concurrence. Sent down for concurrence.

Non-concurrent Matter

Bill, "An Act to Increase the Minimum Wage to \$3 per Hour." (H. P. 1173) (L. D. 1403)

In the House June 10, 1977, Passed to be Engrossed as amended by Committee Amendment "A" (H-529) as amended by House Amendment "A" (H-583) Thereto.

In the Senate June 14, 1977, Report "D" Ought Not to Pass Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

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

Mr. McNALLY: Mr. President, I move that we adhere.

The PRESIDENT: The Senator from Hancock, Senator McNally now moves the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move that the Senate insist and join in a Committee of Conference with the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate insist and join in a Committee of Conference with the House. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Hancock, Senator McNally.

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

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: 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.

Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate insist and join in a Committee of Conference with the House.

A yes vote will be in favor of that Motion. A nay vote will be opposed.

The doorkeepers will secure the Chamber. The Secretary will call the Roll.

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

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

ABSENT — Carpenter, Katz, Mangan.

11 Senators having voted in the affirmative, and 18 Senators in the negative, with 3 Senators being absent, the Motion to insist and join in a Committee of Conference does not prevail.

The Senate voted to adhere.

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

Mr. McNALLY: Mr. President, having voted on the prevailing side, I move for reconsideration.

The PRESIDENT: The Senator from Hancock, Senator McNally, now moves the Senate reconsider its action whereby it voted to adhere.

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

Non-concurrent Matter

Bill, An Act to Provide Relief from Extremely Burdensome Property Taxes. (S. P. 386) (L. D. 1331)

In the Senate June 8, 1977, Passed to be Engrossed.

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

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

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

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves the Senate recede and concur with the House. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

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

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, in the interest of time, and this coming near the end of the Session, I think it would be a mark of good judgment on the part of all of us to recognize when an idea is dead and save some time, and this idea, although I am as committed to it as I ever was, I think is dead in this Legislative Session, and I would urge my fellow Senators to vote with the Senator from Penobscot, Senator Trotzky, and recede and concur with the House.

The PRESIDENT: A Division has been requested.

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.

27 Senators having voted in the affirmative, and 2 Senators in the negative, the Motion to recede and concur does prevail.

Non-concurrent Matter

Bill, An Act to Provide Lifeline Electric Services. (H. P. 1669) (L. D. 1867)

In the Senate June 13, 1977, Passed to be Engrossed as amended by House Amendment "A" (H-561) and Senate Amendment "A" (S-235), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" and "B" (H-656) and Senate Amendment "A", in non-concurrence.

On Motion of Mr. Conley of Cumberland, The Senate voted to Recede and Concur.

Joint Order

ORDERED, the Senate concurring, that the

following be recalled from the Governor's office to the Senate: Bill, "An Act to Require Drivers License Renewal Examinations." (H. P. 397) (L. D. 509) (H. P. 1726)
Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

Communications
Committee on Agriculture

June 14, 1977

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear President Sewall:

The Committee on Agriculture is pleased to report that it has completed all business placed before it by the 108th Session of the Maine Legislature.

Bills received in Committee	38
Unanimous Reports	29
Ought to Pass as Amended	8
Ought to Pass	7
Leave to Withdraw	7
Ought Not to Pass	6
Referred to Another Committee	1
Divided Reports	9

Sincerely,

Signed:

WALTER W. HICHENS
Senator Walter W. Hichens
Chairman

Which was Read and Ordered Placed on File.

Committee on Liquor Control

June 15, 1977

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear President Sewall:

The Committee on Liquor Control is pleased to report that it has completed all business placed before it by the first regular session of the 108th Legislature.

Total Bills Received	31
Unanimous Reports	9
Ought to Pass	3
Ought to Pass as Amended	3
Ought to Pass in New Draft	1
Ought Not to Pass	2
Divided Reports	19
Leave to Withdraw	3
Total Number of Amendments	13
Total Number of New Drafts	6
Total Number of Recommitted Bills	1
Bills Referred from Another Committee	1

Sincerely,

Signed:

RALPH M. LOVELL
Senate Chairman

Which was Read and Ordered Placed on File.

Local and County Government

June 10, 1977

Honorable Joseph Sewall
President of the Maine Senate
State House
Augusta, Maine 04333
Dear President Sewall:

It is with pleasure that I report to you that the Committee on Local and County Government has completed all business placed before it by the 108th Legislature.

Total Bills Received	92
Unanimous Reports	39
Ought to Pass as Amended	23
Ought to Pass in New Draft	7
Divided Report	7
Leave to Withdraw	16
Recommitted Bills	1

Respectfully,

Signed:

PHILIP C. JACKSON
Senate Chairman

Which was Read and Ordered Placed on File.

Committee on Energy

June 15, 1977

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear President Sewall:

The Committee on Energy is pleased to report that it has completed all business placed before it by the 108th Session of the Maine Legislature.

Bills Received in Committee	18
Unanimous Reports	15
Leave to Withdraw	5
Ought to Pass	1
Ought to Pass in New Draft	3
Ought Not to Pass	2
Ought to Pass as Amended	4
Divided Reports	3

Sincerely,

Signed:

HOWARD M. TROTZKY
Sen. Howard M. Trotzky
Chairman

Which was Read and Ordered Placed on File.

Committee on Legal Affairs

June 15, 1977

Honorable Joseph Sewall
President of the Senate
Senate Chamber
Augusta, Maine 04333
Dear Senator Sewall,

It is with pleasure that I report to you that the Committee on Legal Affairs has completed all actions necessary on the business placed before it by the One Hundred and Eighth Legislature.

Total Bills Received	61
Unanimous Reports	8
Leave to Withdraw	5
Ought Not to Pass	16
Ought to Pass	5
Ought to Pass as Amended	5
Ought to Pass in New Draft	5
Referrals	2
Divided Reports	20
Total Amendments	16
Total New Drafts	9

Sincerely,

Signed:

RICHARD D. HEWES
Senator

Which was Read and Ordered Placed on File.

**State of Maine
House of Representatives
Speaker's Office
Augusta, Maine 04333**

June 14, 1977

To: All Members of the 108th Maine Legislature

Pursuant to Joint Rule 23, the Legislative Council has voted to extend the deadline for reporting out those bills which have received approval of the Speaker of the House and President of the Senate pursuant to the requests of Committees from Tuesday June 14th to Friday June 17, 1977.

JOSEPH SEWALL
President of the Senate
JOHN L. MARTIN
Speaker of the House
(H. P. 1725)

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

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

House of Representatives

June 15, 1977

The Honorable May M. Ross
Secretary of the Senate

State House
Augusta, Maine 04333
Dear Madam Secretary:

The House today voted to Adhere to its former action whereby the Speaker ruled on Bill "An Act Relating to the Jurisdiction of the Administrative Court" (S. P. 241) (L. D. 733) that it was not properly before the House pursuant to Joint Rule 28.

Respectfully,
(Signed) EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

Expression of Legislative Sentiment recognizing that: The Girls' Softball Team of Massabesic High School at Waterboro has won the State Class C Championship for the academic year 1977. (S. P. 554) presented by Senator Lovell of York.

The Red Riots of Orono High School have won the Eastern Maine Class B Baseball Championship for the academic year, 1977. (S. P. 555) presented by Senator: Curtis of Penobscot Cosponsor: Davies of Orono, Devoe of Orono
John T. Singer of Readfield is retiring after 36 years of dedicated service to the State of Maine. (S. P. 556) Presented by Senator Pierce of Kennebec. Cosponsor: Ault of Wayne.
Which was Read and Passed.
Sent down for concurrence.

Committee Reports

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

Bill, An Act Providing for Improved State Planning and Budget Development. (H. P. 1434) (L. D. 1671)

Bill, An Act to Allow a Governor an Additional Six Weeks for Submission of the Budget. (H. P. 534) (L. D. 649)

Bill, An Act to Conserve the Marine Worm Population by Limiting Commercial Marine Worm Digging from November 25th to March 1st of Each Year. (H. P. 235) (L. D. 298)

Bill, An Act Relating to the Maine State Employees Accident and Sickness or Health Insurance Program. (H. P. 1507) (L. D. 1741)

Leave to Withdraw

The Committee on State Government on, Bill, An Act to Establish the Maine Tourism Development Corporation. (H. P. 1477) (L. D. 1730)

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 Fund for the Development of Health Centers. (H. P. 1469) (L. D. 1707)

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 Concerning Family Crisis Service Provided by Human Services." (H. P. 697) (L. D. 879)

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 Facilitate Return of Children to their Parents." (H. P. 628) (L. D. 769)

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 Authorize the

Department of Human Services to Provide Short Term Emergency Care." (H. P. 457) (L. D. 562)

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 Pertaining to Regional Correctional Facilities." (H. P. 1073) (L. D. 1295)

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 Revise Certain Portions of the Statute Providing for the Licensing of Facilities for Children and Adults." (H. P. 417) (L. D. 524)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report read and Accepted.

The Committee on Human Resources on, Bill, "An Act to Authorize the Indian Township Tribal Council of the Passamaquoddy Tribe of Indians to Establish a Reservation Constitution and Council By-laws to Govern Itself." (H. P. 984) (L. D. 1190)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Permit the Hunting of Wild Animals by Bow and Arrow and to Provide for the Issuance of Resident and Nonresident Archery Licenses." (H. P. 1213) (L. D. 1443)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Human Resources on, Bill, "An Act to Provide for Continued Employment after Age 65." (H. P. 330) (L. D. 421)

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 Exempt the First 500 Kilowatt Hours of Residential Electricity per Month from the Sales Tax." (H. P. 1130) (L. D. 1348)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Reform the State Budgetary Process." (H. P. 1625) (L. D. 1828)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Facilitate the Setting of State Financial and Tax Policy by the Legislature." (H. P. 1398) (L. D. 1666)

Reported that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Establish an Economic Development Policy for the State of Maine." (H. P. 1194) (L. D. 1480)

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 — As Amended

The Committee on Taxation on, Bill, "An Act

to Establish Limits for Elderly Householders' Tax and Rent Refunds." (H. P. 952) (L. D. 1146)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-574).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-612) and House Amendment "B" (H-639) thereto and House Amendment "A" (H-610).

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

Ought to Pass in New Draft

The Committee on Judiciary on, Bill, An Act Relating to the Commitment of Mentally Ill Individuals to State Mental Hospitals. (H. P. 705) (L. D. 911)

Reported that the same Ought to Pass in New Draft under new title: Bill, "An Act Relating to the Commitment of Mentally Ill Individuals". (H. P. 1707) (L. D. 1880)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-651).

Which Report was Read and Accepted in concurrence, and the Bill, in New Draft, Read Once. House Amendment "A" was Read.

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

Mr. COLLINS: Mr. President, I now offer Senate Amendment "A" to House Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to House Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-262) Read and Adopted.

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

The Committee on Education on, Bill, An Act to Provide Alternatives to the Compulsory Attendance Law. (H. P. 615) (L. D. 815)

Reported that the same Ought to Pass in New Draft under new title: Bill, An Act Relating to Habitual Truants and School Dropouts. (H. P. 1650) (L. D. 1851)

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendments "A" (H-582) and "D" (H-636).

Which Report was Read.

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

Mr. COLLINS: Mr. President, as I look around, I do not see too many members of the Education Committee here, but I do have some questions about this Bill, and I wonder if some Member of the Education Committee would explain what the Bill does in its present posture.

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

(See Action later Today.)

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, An Act to Provide for Snowmobile Registration in Municipalities. (H. P. 411) (L. D. 507)

Reported that the same Ought Not to Pass. Signed:

Senators:

REDMOND of Somerset
USHER of Cumberland

Representatives:

McKEAN of Limestone
TOZIER of Unity
MacEACHERN of Lincoln
DOW of W. Gardiner
ROLLINS of Dixfield
PETERSON of Caribou
GILLIS of Calais
MASTERMAN of Milo

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-589).

Signed:

Senator:

PRAY of Penobscot

Representative:

PEARSON of Old Town

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

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Labor on, Bill, An Act Concerning Weekly Benefits Paid to Persons who are Partially Unemployed. (H. P. 125) (L. D. 158)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-568).

Signed:

Senators:

REDMOND of Somerset
PRAY of Penobscot

Representatives:

TARR of Bridgton
PELTIER of Houlton
FLANAGAN of Portland
BUSTIN of Augusta
BEAULIEU of Portland
LEWIS of Auburn

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

Signed:

Senator:

McNALLY of Hancock

Representatives:

LAFFIN of Westbrook
DUTREMBLE of Biddeford
McHENRY of Madawaska

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-641).

Which Reports were Read.

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

Mr. REDMOND: Mr. President, I Move that we accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves the Senate accept the Majority Ought to Pass, as amended, Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, I am going to agree with that, because I am afraid that the people that signed it Ought Not to Pass do not understand the Bill. We may be a little bit dull and dense, and if there can be any good come out of this Bill, I think it ought to be passed.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought to Pass as amended Report of the Committee?

It is a vote.

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

The Bill Read Once. Committee Amendment "A" Read and Indefinitely Postponed in Concurrence. House 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 to Establish Procedures to Record Judgment in Registry of Deeds to Create a Lien on Debtor's Real Estate." (H. P. 1203) (L. D. 1429)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1656) (L. D. 1854)

Signed:

Senators:

COLLINS of Knox
MANGAN of Androscoggin
CURTIS of Penobscot

Representatives:

BENNETT of Caribou
DEVOE of Orono
SEWALL of Newcastle
TARBELL of Bangor
GAUTHIER of Sanford

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

Signed:

Representatives:

NORRIS of Brewer
SPENCER of Standish
HENDERSON of Bangor
HUGHES of Auburn
HOBBINS of Saco

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

Which reports were read.

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

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

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would ask the Senate to vote against the Motion.

This Bill is a procedural technique Bill that, in my judgment, will save money for both creditors and debtors. At the present time, if you sue to collect a bill and you are successful in getting a judgment against the debtor, if you then go to a levy against the real estate of the debtor in order to collect the bill, you have to proceed within a certain period of time, and you get the Sheriff to serve a fresh round of papers on the debtor, and you advertise the Sheriff's sale and go ahead with the Sheriff's sale if the bill is not paid.

Now this procedure would permit the creditor, instead of doing that and paying a fresh round of fees to Sheriffs and newspapers and so on, all of which fees eventually have to be paid by the debtor, would permit the creditor to take the judgment which has been awarded by the Court and record evidence of it in the Registry of Deeds. This becomes, of course, an encumbrance on the property, but it avoids the necessity for a prompt Sheriff's sale. Frequently this works out better for both the debtor and the creditor. We have had a Bill recently increasing fees for Sheriffs and the cost of newspaper advertising, if that is indicated, is getting higher and it seems to me that this is a good way to somewhat shorten the process.

We must remember that before the creditor can ever get to this point, the debtor has had full opportunity to defend his case. Frequently there has been two hearings, one when the creditor seeks an attachment, and, secondly, when the creditor has to prove his case on the merits. All of the due process requirements of

the Constitution have been met, and this procedure simply helps the parties to carry through on this process of collecting the debt.

I ask the Senate to vote no on the pending motion.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair will order a Division.

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

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

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

Is it now the pleasure of the Senate to accept the Majority Ought to Pass in New Draft Report of the Committee.

It is a vote.

Majority Ought to Pass in New Draft Report accepted.

The Bill, in New Draft, Read Once, and the Bill Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Marine Resources on, Bill, An Act to Prohibit Otter Trawling for Scallops in the Penobscot River. (H. P. 1147) (L. D. 1381)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CHAPMAN of Sagadahoc
LEVINE of Kennebec

Representatives:

BLODGETT of Waldoboro
GREENLAW of Stonington
FOWLIE of Rockland
JACKSON of Yarmouth
POST of Owl's Head
NELSON of Roque Bluffs

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

Signed:

Senator:

HEWES of Cumberland

Representatives:

CONNERS of Franklin
BUNKER of Gouldsboro
TYNDALE of Kennebunkport

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

Which Reports were Read.

On Motion of Mr. Chapman of Sagadahoc, Tabled until later in Today's Session, Pending acceptance of either Committee report.

(See Action later Today.)

Divided Report

The Majority of the Committee on Transportation on, Bill, An Act Regulating the Transportation of Radioactive Materials in the State of Maine. (H. P. 892) (L. D. 1100)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
MCNALLY of Hancock
MINKOWSKY of Androscoggin

Representatives:

JACQUES of Lewiston
BROWN of Mexico
MCKEAN of Limestone
CARROLL of Limerick
STROUT of Corinth
LITTLEFIELD of Harmon

HUTCHINGS of Lincolnville

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-601)

Signed:

Representatives:

ELIAS of Madison
JENSEN of Portland

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

Which Reports were Read.

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 Provide for the Licensing of Denturists. (H. P. 323) (L. D. 414)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1689) (L. D. 1877)

Signed:

Senators:

SNOWE of Androscoggin
GREELEY of Waldo

Representatives:

NELSON of Portland
GILL of S. Portland
KANE of Augusta
GOODWIN of S. Berwick
TRAFTON of Auburn
FOWLIE of Rockland
TYNDALE of Kennebunkport

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under same title. (H. P. 1690) (L. D. 1878)

Signed:

Senators:

PRAY of Penobscot

Representatives:

PRESCOTT of Hampden
BRENERMAN of Portland
KERRY of Old Orchard Beach

Comes from the House, the Bill, in New Draft, (H. P. 1690) (L. D. 1878) Passed to be Engrossed.

Which Reports were Read.

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

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

The PRESIDENT: The Senator has the Floor.

Mrs. SNOWE: Mr. President and Members of the Senate, just to give a brief explanation of the two Reports in front of you, the Majority Report of the Committee allowed the Board of Dental Examiners to license Denturists. However, we also have the requirement that the Denturists will practice under the supervision of a Dentist.

The Majority Report reflects the hesitancy on the part of the Committee in allowing Denturists to practice on their own. We do, however, recognize that these Dental Technicians are an important part of the dental team, and that we should increase the use and responsibility of these dental auxiliaries. The majority of the committee believed, however, that we should pursue a cautious approach since we are also concerned with the quality of health care provided as being the primary consideration. We did not want to recommend something that potentially could endanger the health of the people. Certainly, there is a need for low cost dental care, but we should not sacrifice quality for lower cost. Even if we did allow denturists to practice on their own, there are not any guarantees that these costs would remain lower.

This report, I feel, will potentially establish a truly working relationship, rather than an adversary one, which ultimately will benefit all

the people in Maine. We feel the Majority Report will allow some experience to be developed in this field, and perhaps somewhere down the road we could allow denturists to practice on their own, but we feel that we should have educational requirements established and some experience. Simply, what we are talking about is the mouth and the human tissue, and feel that it takes more than a lab technician at this point to diagnose any problems within the mouth, since there are many procedures involved in making dentures.

So, for these reasons I urge you to accept the Majority Ought to Pass Report.

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

Mr. PRAY: Mr. President and Members of the Senate: I would just like to point out that the differences between the two bills are very small. Both bills, both Committee Reports require that the Maine Board of Dental Examiners set up requirements for the Denturist, and that Board is made up of five dentists presently and one consumer advocate who has not yet been appointed by the Governor. So, presently the dentists control the board, and they shall in the future. We have other legislation pending from the committee which will allow one or two hygienists to be on that board also, but still the controlling interest will be by the dentists.

I think it is a matter of principle as to whether or not once we establish a board made up of one profession or controlled by one profession, to set the regulations and requirements for a particular field or an aspect of that field to practice, and then to require them to practice within a dentist's office.

The other Committee Report also requires that a Certificate of Oral Health accompany the individual when they come in to have a set of dentures made for them.

As signer of the Minority Report, it was just this principle that once the Board of Dental Examiners had set up the requirements, regulations for these people, that they then should have the right to go out and practice on their own.

Majority Ought to Pass in New Draft Report accepted in non-concurrence.

The Bill, in New Draft, (H. P. 1690) (L. D. 1878) Read Once, and Tomorrow Assigned for Second Reading.

Leave to Withdraw

Mr. Collins for the Committee on State Government on, Bill, "An Act to Articulate the Line of Authority in Land Use and Environmental Protection Programs." (S. P. 288) (L. D. 914)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass in New Draft

Mr. Curtis for the Committee on Judiciary on, Bill, An Act to Establish the Maine Nonprofit Corporation Act. (S. P. 175) (L. D. 628)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 547) (L. D. 1885)

Which Report was Read.

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

Mr. MERRILL: Mr. President, I have had people who are involved in some of these non-profit corporations providing services like ambulance services and that sort of thing, contact me about this Bill and I understand that there has been a considerable redraft. I wonder if it could be explained to the Senate by anyone who may care to answer, what effect this would have on those sorts of non-profit organizations.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a ques-

tion through the Chair to any Member of the Committee who may care to answer.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, as I understand the inquiry, it is about the non-profit type of concern, such as an ambulance group. The only thing that it would do to those groups is that every two years the Secretary of State's office would send them a blank in which they would have to fill in the names of their officers and send it back to the Secretary of State. The original Bill required a filing fee, but the Committee debated this and decided that so many of these organizations are small and do benefit the community, and we felt we should not burden them with a filing fee.

It did seem to be important, however, that there be some keeping track of the responsible people in these organizations. Occasionally, they are involved in litigation. Occasionally it is necessary to find out the person to contact in sending bills, and occasionally an organization becomes defunct, and yet it still owns some property, and someone has the duty of finding out where to go to see about that property. So the original draft has been changed decidedly in that regard, and we felt that once every two years was a reasonable requirement for the protection that the State provides by the corporate shell to any organization, and that sending in that form should not be any great inconvenience.

Now in the first three years, if they do not send in the form, there is no penalty. After that if they forget to send the form in, they will get a follow-up and a bill for \$10.00 as a penalty, but this is the only burden that it expresses.

Ought to Pass in New Draft Report Accepted. The Bill, in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment." (S. P. 233) (L. D. 730)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

CARTER of Bangor
TEAGUE of Fairfield
IMMONEN of West Paris
CAREY of Waterville
COX of Brewer
MACKEL of Wells
TWITCHELL of Norway
CHONKO of Topsham

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

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland
MARTIN of Aroostook

Representatives:

MAXWELL of Jay
POST of Owls Head

Which Reports were Read.

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

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I hope the Senate will vote against this, and then accept the Minority Ought to Pass which the three Senate members have signed.

We do a lot for business, and I think we

should, and we exempt new machinery and other measures we do to make it possible for businesses to operate successfully and provide jobs. Now in this particular case, we are trying to help the little fellow, the fisherman, and I certainly hope the Senate will go along and give this relief to the small fisherman.

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate: Since L. D. 730 is the brainchild of the good Senator from Cumberland, Senator Conley, I would hope you go along with his wishes.

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

Mr. CONLEY: Mr. President and Members of the Senate: My fellow colleague, the good Senator from Portland, Senator Merrill, mentioned at the commencement of this session this morning that to recognize a bill when it is dead is sometimes a very simple thing, and looking at this report, it seems to me we are just going to prolong this Legislative session a little bit longer.

This is my bill. I would obviously like to see it become enacted, but I have been around here a little bit too long to allow charades to get the best of me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair will order a Division.

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

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: 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.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request leave of the Senate to withdraw my motion to accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to withdraw his motion to accept the Majority Ought Not to Pass Report. Is it the please of the Senate to grant this leave? It is a vote.

Is it now the pleasure of the Senate to accept the Minority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

The PRESIDENT: A Division has been requested.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: 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 pending question before the Senate is the motion to accept the Minority Ought to Pass Report of the Committee.

A yes vote will be in favor of accepting the Minority Ought to Pass Report. A nay vote will be opposed.

The doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Jackson, Levine, Lovell, Martin, McNally, Merrick, Redmond, Snowe, Speers, Trotzky, Wyman.

NAY — Huber, Minkowsky, Morrell, O'Leary, Pierce, Pray, Usher.

ABSENT — Carpenter, Katz, Mangan.

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

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

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now changes his vote from nay to yea.

23 Senators having voted in the affirmative and 6 Senators in the negative, with 3 Senators being absent, the motion to accept the Minority Ought to Pass Report does prevail.

On Motion of Mr. Conley of Cumberland, The Bill Read Twice, and Passed to be Engrossed.

Sent down for concurrence.

Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses. (S. P. 366) (L. D. 1227)

Reported that the same Ought Not to Pass. Signed:

Senators:

COLLINS of Aroostook
MARTIN of Aroostook
SNOWE of Androscoggin

Representatives:

DIAMOND of Windham
LOCKE of Sebec
VALENTINE of York
CHURCHILL of Orland
KANY of Waterville
MASTERTON of Cape Elizabeth
BACHRACH of Brunswick
SILSBY of Ellsworth

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

Signed:

Representatives:

CURRAN of South Portland
STUBBS of Hallowell

Which Report was Read.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I want to ask for a Division when the vote is taken, and speak briefly to this issue.

Mr. President and Members of the Senate: This Bill, this Constitutional Resolve as it is presently drafted would put the requirement on the state of making a 50 percent reimbursement to municipalities for the money that they lose because of our property tax exemptions. If we can accept the Minority Ought to Pass Report today, then I will offer an Amendment

which I suggested yesterday to the State Government Committee when I presented the bill, and the Amendment would say very simply that for any newly enacted property tax exemptions the state will provide 50 percent reimbursement.

Let me speak just briefly to that point if I can, why I think it is important to have this in the Constitution. I hold in my hand the property tax exemption bills that are presently before this legislature. I would like to read a few of the titles: "An Act to Lighten the Burden of Property Taxes on Elderly Widows and Disabled," "An Act to Exempt Certain Water Craft from Property Taxation," "An Act to Establish a Property Tax Exemption for New and Expanding Businesses," "An Act to Exempt Newly Added Returnable Bottle Container Storage Structures from the Property Tax," "An Act to Exempt Antiques from the Property Tax," "An Act Concerning the Veterans Property Tax Exemption," "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment," the one we just dealt with, "An Act to exempt Blind Property Owners from Real Property Tax," "An Act to Increase the Property Tax Exemptions for Parsonages to \$50,000," "An Act to Increase the Exemption on the Estates of Veterans," "An Act to Remove Service Utilities from the Tax Exemption granted to the Maine Turnpike Authority." This list is fairly extensive. I have gone through a few of them.

All of these bills have one thing in common, and what they have in common is that you do not see any price tag on them, and the reason that you do not see any price tag is not because there is not a loss in tax revenue. It is because the loss in tax revenue is to the municipalities, and if there is one fact which has contributed to the destruction of many of our cities around the country, and it is starting to have that effect in Maine, it is the fact that the legislatures have the generosity to provide tax exemptions and do not have to foot the bill.

Now the reason that I did not say 100 percent, but said 50 percent, is because on average that is the amount of money that cities and towns spend on services to property and not on personal related services. In other words, it excludes on average welfare payments and educational cost, at least fire protection and police protection and those services which are provided to property. So the 50 percent figure, I think, is a reasonable one, and the only burden this Constitutional Amendment would put on, if we pass it and accepted my amendment tomorrow, would be that from now on when legislators consider bills like this, there would be a price tag which would represent 50 percent of the cost, which would represent on average the cost that we would be heaping onto the municipalities that they have to fund by taxing other people with their property taxes, mainly the average citizen.

I think it is a good idea. I think it is a moderate proposal, and I think it could be devised to bring a little discipline to our unbridled generosity which has resulted in over 25 percent of the tax base in many of our cities and towns being eliminated by legislative generosity. My suggestion is simple, and I think one that is very compatible to both the philosophies of the Republican and Democratic Parties, and that is that Santa Claus has to foot the bill for the gift he wants to give away. We politicians have been in a position where we do not have to do that in regard to personal property exemptions and real property tax exemptions for too long.

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

Mr. MARTIN: Mr. President and Members of the Senate: As a signer of the Majority Ought Not to Pass Report, I would like to explain why I did so. At the time this was a study on the

Committee, no one could guesstimate the fiscal note of the loss of revenue to the state and that probably is the reason why I did so.

However, I would agree and concur with the Amendment which would be proposed or presented tomorrow or in the future, if this motion was rejected, and I would urge the members of the Senate at this time to reject the pending motion.

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

Mr. CONLEY: Mr. President, I wish to concur with the statements made by the two previous speakers. I think what this will establish obviously, is a little more deeper concern as to whose money we are giving away, and from whose community or what community is being overburdened by those exemptions that we so freely hand out in Augusta.

So it is my hope that we at least would accept the Minority Ought to Pass Report this morning, to adopt an Amendment tomorrow and pass this along. I am sure that the people themselves would overwhelmingly adopt a Resolution that would prohibit the Legislatures from just taking away or giving out these exemptions so carelessly.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Aroostook, Senator Collins, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A Division has been requested.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: 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 Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I would like to direct a question through the Chair to anyone who would care to answer. Does this mean that any new properties that are owned by churches would also be considered in this, or would this be a new category?

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

Mr. MERRILL: Mr. President, if we could not accept this Report today and accept the Amendment that I will offer tomorrow, the only time the State would have to provide 50 percent reimbursement is when we opened it up to a new category, in other words, when we created a new statutory exemption. Any new organization or new building or an individual that had a new piece of property that fell within existing exemption would be treated the same as everyone else. But, for example, if in the future we were to pass one of these Bills which would exempt certain watercraft from property taxation which now are not exempt, then the State would have to make up to the municipalities 50 percent of the money that they lost because of that new exemption.

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

Mr. COLLINS: Mr. President, the Committee on State Government generally is sympathetic to the idea in this particular Resolution. As Senator Martin has pointed out, one of our concerns was and in the form that it was when we addressed it, it was rather difficult to determine the price tag. We had estimates in the neighborhood of \$30 million, and this is, of

course, one of the reasons why we took the action we did.

We also discussed the possibility of trying to address this statutorially. We were concerned about whether or not in its present form it could survive as a Constitutional Amendment. I think the idea does have some merit, but I am not sure that we have studied it sufficiently, prepared the proper language to enact anything at the present time, and I think that in its present form we certainly are not interested in it, and I am not sure whether the vehicle of a Constitutional Amendment is the proper method to solve the problem anyway.

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

Mr. MERRILL: Mr. President and Members of the Senate: When the Senate votes on this I would like them to keep two things in mind. If the Amendment is adopted tomorrow there will be no price tag, unless and until this Legislature in the future further takes away from the communities part of their property tax base, and then we will be in the position, we the people voting, taking that position of generosity, will be in the position of having to come up with 50 percent of the money that is lost, so there is no price tag if we accept this and then accept the Amendment tomorrow, until the Legislature further takes away from the property tax base of the municipalities.

Secondly, there has to be a Constitutional approach to this question, because the problem which we presently now have comes from Legislation, and you cannot make a legislative bar to legislative action. In other words, if we were to put in the form of legislation this requirement, all you would have to do every time you wrote one of these bills is have a section at the end, section whatever it is shall not apply to this bill, to this law.

So, what this is really asking for is a Constitutional safeguard of sorts, and I think it is a fairly moderate approach to go 50 percent each way, one that the Maine Municipal Association was not satisfied with, but it seems to me that if we could just get some fiscal discipline into these decisions, that we would make these decisions better. You know we have the same thing here when we deal with sales tax exemptions, and they go through here and quite often they are voted upon, but then they go on to the Appropriations Table, and at that point there has to be some discipline. People recognize, you know, that there is a tax expenditure involved. This would just put the property tax exemptions in a similar posture.

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

Mr. MORRELL: Mr. President and Members of the Senate: I rise in support of the proposal that we keep this alive. For a number of years I have felt that the Legislature finds it entirely too easy to pass exemptions which have no real direct effect on it, but a very serious effect on the communities. I would frankly hope that if the Amendment was presented, if it was kept alive and an Amendment was presented to have this apply to future exemptions that might be granted by future Legislatures, that it might apply to a much greater percentage than 50 percent. But it seems to me that future application of this type of discipline is something that we in the past have demonstrated we need and certainly is going to be needed in the future.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Aroostook, Senator Collins, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA — Collins, D.; Collins, S.; Greeley, Hewes, Huber, Jackson, Lovell, Snowe, Trotzky, Wyman.

NA — Chapman, Conley, Cummings, Curtis, Danton, Farley, Hichens, Levine, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Speers, Usher.

ABSENT — Carpenter, Katz.

10 Senators having voted in the affirmative, and 20 Senators in the negative, with 2 Senators being absent, the Motion to accept the Majority Ought Not to Pass Report does not prevail.

Minority Ought to Pass Report accepted.

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

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

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Permit Voter Registration and Enrollment at the Polls on Election Day." (S. P. 355) (L. D. 1180)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec
TROTZKY of Penobscot
DANTON of York

Representatives:

McMAHON of Kennebec
DURGIN of Kittery
BOUDREAU of Waterville
BIRT of East Millinocket
TRUMAN of Biddeford
BOUDREAU of Portland
RAYMOND of Lewiston

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-254).

Signed:

Representatives:

MITCHELL of Vassalboro
TALBOT of Portland
BUSTIN of Augusta

Which Reports were Read.

On Motion of Mr. Danton of York,
Tabled until later in Today's Session pending acceptance of either report,

(See Action Later Today.)

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Require Adequate Polling Facilities in Municipalities." (S. P. 445) (L. D. 1535)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-255).

Signed:

Senators:

KATZ of Kennebec
DANTON of York

Representatives:

BOUDREAU of Waterville
TALBOT of Portland
MITCHELL of Vassalboro
BOUDREAU of Portland
BIRT of East Millinocket
TRUMAN of Biddeford
RAYMOND of Lewiston
BUSTIN of Augusta

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

Signed:

Representative:

DURGIN of Kittery

Which Reports were Read.

Majority Ought to Pass Report Read and Accepted.

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 Business Legislation on, Bill, "An Act Concerning the Blue Sky Law." (S. P. 200) (L. D. 598)

Reported that the same Ought Not to Pass.

Signed:

Senator:

CHAPMAN of Sagadahoc

Representatives:

JACKSON of Yarmouth
SPROWL of Hope
KILCOYNE of Gardiner
PEAKES of Dexter
HOWE of South Portland
CLARK of Freeport
ALLOUIS of Bangor
BOUDREAU of Portland
WHITTEMORE of Skowhegan

(Rep. Rideout — Mapleton abstained because of an appearance of conflict).

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-260).

Signed:

Senators:

PIERCE of Kennebec
FARLEY of York

Which Reports were Read.

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

Mr. PIERCE: Mr. President and Members of the Senate: The Blue Sky Law was designed originally to protect investors and protect the general public from unscrupulous investing procedures, and it provides that any group of over 10 members must register with the Security Division of the Banking Department.

This Bill would amend that, and increase the number from 10 to 20, not as 25 in the original Bill, the Committee Amendment would take it down to 20. It says that any group up to 20 people who want to invest do not have to go through all the procedures and requirements of the Division. I think that we who signed the Minority Report felt that 20 was a reasonable number and the fees for filing are considerable, so that if 15 or 16 people want to get together to form a group or corporation they would not have to go to that considerable expense.

Therefore, I would move the Minority Ought to Pass Report.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, now moves the acceptance of the Minority Ought to Pass Report.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate: As the Senator from Kennebec, Senator Pierce, has stated, the initial Blue Sky Law is to protect investors. I think the majority of the committee felt that we should take a cautious stand on what this bill is trying to accomplish.

It is not the mission of the Blue Sky Law to promote business, or to make easier the act of raising public capital through business organizations. Protection of investors is accomplished through the registration requirements of the Blue Sky Law, which provide for information disclosure, as well as by enforcement of anti-fraud provisions and by civil remedy provisions.

Registration statement format requires

minimally that the issuer must divulge in writing a description of the securities offered, who is offering the securities, certain boilerplate warnings, caveats, etc.; and to provide information regarding a number of matters, the risks involved, whether investors capital contributions shall be diluted as a result of sales to promoters at a lower price, the organizational form, history of the company, patents, franchises, plans, etc.; how the capital is to be used, what the present capital of the company consists of, a description of the company property, whether the company is or may be involved in any litigation, the product or services provided by the company, the competitive elements, a list of promoters, officers, directors, trustees and partners, a list of persons receiving more than \$10,000.00 annually in remuneration from the company, a list of principal security holders, persons who hold more than 10 percent in any class of security, whether an optional plan exists under the specified classes of people shall receive an opportunity to purchase securities under a beneficial price, whether any management person has or had any interest in transactions with the company and there are others along that line.

A Legislature can assist business to become established in any way it sees fit, such as guaranteeing or insuring bank loans, by direct loans from the state, or by other more radical means, or by deleting the fees for registration. But to presume to help small companies raise capital by depriving investors of the full disclosure of information via the registration statement, in my view, could do a disservice to the public investors. All investors are not wealthy and sophisticated. People from all walks of life are and can be investors.

The reason for the exemption as it exists is that it was contemplated that those companies which would be relying on the exemption would be operated by the same people who invested, and thus all of these people would have input into management decisions, and all would have access to the information about the business. The number of 10 was chosen as an outside number for the number of owner-operators or close relatives of the so-called mom and dad operation. Surely having more than 10 investors contemplates people who are not part of the operating management or closely related to them.

If the Legislature wishes to provide an exemption to small businesses by allowing sales of up to 20 persons it should set up safeguards, either by statutes or by mandating of a rule.

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

Mr. PIERCE: Mr. President and Members of the Senate: I think there is room here for honest difference of opinion.

There is one important aspect of the bill which I did not mention before, and that is although it increases the number from 10 to 20, it does so with this important exception, and I think it is very important. If the securities sold in reliance on this subsection would not have been offered to the general public by advertisement or solicitation — I think therein lies the protection for the public, and, obviously, there can be groups of between 10 and 20 that can be either relatives or friends, groups that get together, and for the benefit of these small corporations, and the money that they would save balancing that against the interest of the public. I feel that it is a good Bill.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to speak for the pending motion to accept the Minority Report.

This bill has been proposed by the Securities Division which collects the fees, and this bill, I

think, is a classic example of bureaucracy versus the ability for business to grow.

Now the bill, as amended, would allow the exemption to go from 10 to 20. The Federal Government now exempts 25. Most States that have dealt with this problem recently go to 25 or higher in terms of exemption. No evidence was presented by the bureaucracy in its fighting to save these registration fees that that has caused any problems.

The bill provides extra protection to the investor in narrowing the exemption to the cases that do not involve a general solicitation. Now this approach, as I said before, is now followed by the Federal Government without problems.

On the positive side of this bill, let me say that since this bill has been sponsored, I have received many, many letters, many of which were unsolicited, from small business across this state saying that removal from this onerous bureaucratic, paper work filing requirement would allow them to get more investors in their company and to grow. You should recognize that often times with accountants and lawyers fees, these filing requirements can cost two or three thousand dollars to comply with, and this, in fact, many times limits the number of investors that a small business will have.

The new enterprise project in Portland which has been concerned with the issue of allowing small businesses to grow and to attract private capital have seen this as one of the most important steps that can be taken to have small businesses in Maine grow, and I need not remind the Senate that most of our people in Maine are employed by small businesses, and when these small businesses grow and employment opportunities grow, and I think there ought to be some burden upon the Securities Division and their spokesman to demonstrate that where this exemption has been slightly increased to 20 or to 25 that it has resulted in some problems.

You should recognize that these filing requirements are rather sophisticated, and keep in mind the fact that this exemption was not created, as the previous speaker in the department would say, to let out the ma and pa operation, but when the Blue Sky provisions were drawn up as a result of the massive stock fraud that took place before we had this sort of regulation, that it was recognized that the requirements were somewhat onerous, and there should be an exception for the operation whereby the person who is buying the stock, who is really in a one on one situation with the person from whom he was selling it, and in those circumstances if someone comes to you and says I have a small natural soap company, and I have nine people that are presently invested in it and I would like to increase the size by 50 percent, and I need new capital, and I am asking five of my friends to come in with \$5,000.00 apiece, and I would like to ask you to do this, under those circumstances you are going to avail yourself with information about the stock by the most readily available source, which is the person you are talking to, going and observing the operation and maybe calling the person that does the banking for the business, and so in these cases all this information that is on file is really of no use to anybody, no use to anybody, I suppose, except the people who get fees for putting it on file.

So this, I think, is an example of where we can remove a State Bureaucratic burden on small businessmen, and let these businesses grow somewhat, and I think we will all benefit, and I think before we stand in the way of that I think we ought to have some good reason, and with as many states having gone to 25 or more and with the Federal Government having gone to 25, there is plenty of examples if there were problems resulting from this exemption, it

would have been very easy for this Department which has spent a great deal of time the last few weeks trying to defeat this bill, to come up with some examples of problems that have resulted from it in other states.

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

Mr. CHAPMAN: Mr. President, I certainly am one who wants to encourage business development and growth in this state, and I think the state wants certainly to encourage that.

It also has an obligation to protect its people and its citizenry, and I think that is the main thrust of this Blue Sky Legislation. I think from what I have been able to obtain and find, that experience dictates the small company offerings. Even the promoters may not have asked themselves nor answered a number of questions that should be brought out. The registration of securities prompts the issuer company to spell out its policies, its directions, purposes and responsibilities of the company, as well as the risks and other factors pertinent to the offer.

I think it is a true statement to say that it is the small new venture which is inexperienced, poorly planned and poorly financed that is the most prone to failure, and subjects the investor to greater risks of loss.

I can appreciate the argument that the ratio of the cost of registration to the funds available are to be raised as high for a small company. Nevertheless, there appears no validity to the argument that investors in a seasoned company, seeking large capital input, should reasonably have disclosures, but the investors in a new or development phase scheme that is marginally or poorly capitalized should have no disclosures about the plan of business in which they are being asked to invest. In my view the investors in a development phase company need disclosure more.

Registration process will not guarantee business success or honesty of promoters in the offering of securities, but it does serve to keep honest people from becoming carried away with their own enthusiasm and harming investors and seems to give the prospective investors all the information necessary to make investment decisions before money is committed. I sincerely sympathize with the positive contentions of this bill, but I just feel that we would be making a mistake to expand the present number of exemptions.

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

Mr. MERRILL: Mr. President, sometimes these issues do strange things, and I think this issue has put me into a strange posture today, because listening to the previous speaker, who is, of course, a member of the Republican Party, I hear him tell me that we need State Bureaucratic requirements to protect businessmen from themselves. Well it is a little bit of a strange role I guess for a Republican to say that, and maybe it is equally strange for a Democrat to deny it, but I hope that we are not at the point yet where we need to have a State Bureaucracy designed to protect businessmen who want to start or expand a business from themselves.

As for the protection of the investor, right after the hearing and the Securities Division had come down and made their fight to keep this paperwork jungle alive, I asked them to give me some examples of people who had come in, people who they knew who had taken advantage of this copious information that is put on file as a result of this, and making investments of this kind. In other words, investments in which it was not a general solicitation, but in which somebody was making an investment to someone whom he was dealing with on

a one on one relationship. The fact that I have heard no answer from them leads me to believe that they did not have the information.

I think that there ought to be a burden when businessmen's groups, organized businessmen's groups say they need this, and when businessmen write unsolicited, and many of them did and those letters were made available to the committee, and when independent study groups studying small businesses in Maine say this is probably the single most important thing we could do to help small businesses grow, I think there ought to be a burden to do something more than raise some ghost. I think there ought to be a burden, especially when other States have done it, the Federal Government has done it, this information ought to be available, and there ought to be a burden to show that there is a real danger here that we need to protect people from, and the lack of that information being offered I suggest argues for the upping of this exemption to 20, which would put us in a very moderate position in regards to the other 50 States.

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

The Chair will order a Division.

The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Pierce, that the Senate accept the Minority Ought to Pass Report of the Committee.

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

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

20 Senators having voted in the affirmative, and 1 Senator in the negative, the motion to accept the Minority Ought to Pass Report of the Committee 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 Business Legislation on, Bill, "An Act Relating to the Licensure of Plumbers." (S. P. 256) (L. D. 813)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-258).

Signed:

Senators:

PIERCE of Kennebec
FARLEY of York
CHAPMAN of Sagadahoc

Representatives:

CLARK of Freeport
KILCOYNE of Gardiner
SPROWL of Hope
HOWE of South Portland
PEAKES of Dexter
JACKSON of Yarmouth
ALOUPIIS of Bangor
RIDEOUT of Mapleton

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (S-259).

Signed:

Representatives:

WHITTEMORE of Skowhegan
BOUDREAU of Portland

Which Reports were Read.

On motion of Mr. Pierce of Kennebec, Majority Ought to Pass as amended Report accepted.

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

Second Readers

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

House

Bill, "An Act to Authorize a Bond Issue in the Amount of \$10,000,000 for Energy Conservation Improvements for State-owned Buildings and Public School Buildings." (H. P. 1660) (L. D. 1856)

Bill, "An Act Relating to Reporting of Data of Abortions Performed by an Attending Physician." (H. P. 1628) (L. D. 1831)

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

Bill, "An Act Granting Implied Powers to the Public Utilities Commission." (H. P. 295) (L. D. 352)

Which was Read a Second Time.

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

Mr. COLLINS: Mr. President, I offer Senate Amendment "A" (S-261) and move its adoption.

The PRESIDENT Pro Tem: The Senator from Aroostook, Senator Collins, now offers Senate Amendment "A", and moves its adoption.

Senate Amendment "A" Read and Adopted. The Bill, as amended, Passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Prevent the Display of Adult Magazines to Minors." (H. P. 1661) (L. D. 1857)

Which was Read a Second Time.

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

Pending passage to be engrossed.

(See Action Later Today)

House — As Amended

Bill, "An Act to Provide for Local Registration of all Motor Vehicles." (H. P. 847) (L. D. 1038)

Bill, "An Act to Require Certification of Nomination Petitions." (H. P. 1) (L. D. 1)

Bill, "An Act to Recognize Mopeds as being in a Different Classification than Motorcycles." (H. P. 174) (L. D. 212)

Bill, "An Act to Improve the Administration of the State's Merit System." (Emergency) (H. P. 239) (L. D. 398)

Bill, "An Act to Provide for 4-Year Terms of Office for Representatives, Governors, and Lieutenant Governors of the Passamaquoddy Tribe of Indians." (H. P. 870) (L. D. 1063)

Bill, "An Act Creating the Maine Development Foundation." (H. P. 1012) (L. D. 1243)

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

Bill, "An Act to Extend Collective Bargaining Rights to County Employees." (H. P. 1278) (L. D. 1509)

Which was Read a Second Time.

On Motion of Mr. Jackson of Cumberland, Tabled One Legislative Day,

Pending Passage to be Engrossed.

Bill, "An Act to Expedite Court Handling of Fish and Wildlife Violations of a Misdemeanor Nature by a System of Convenient Payment." (H. P. 865) (L. D. 1053)

Which was Read a Second Time.

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

Mr. CONLEY: Mr. President, I move that the Senate reconsider its action whereby yesterday, the Senate adopted House Amendment "A" (H-609).

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley, moves the Senate reconsider its action whereby we adopted House Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, before we

take care of that, I would like to inquire through the Chair as to the purpose for the Motion. So that the Senate may offer a pheasant stamp to this bill?

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Merrill, now poses a question through the Chair to the Senator from Cumberland, Senator Conley, who may answer if he wishes.

The Chair recognizes that Senator.

Mr. CONLEY: Mr. President, the answer to the response is in the negative.

The PRESIDENT Pro Tem: The pending question is the Motion of the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby it adopted House Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I wish to call the attention of the Senate to this particular House Amendment. I know that on many occasions when I get up to oppose certain bills dealing with the Fish and Game Department, that most people take my disagreements with that Department as sort of a joke, but I feel extremely serious about this particular amendment, because I say it gives extraordinary powers to the Game Wardens themselves, and I would like to have somebody with more legal training to at least observe this particular amendment, and wish that someone would table the bill until later in today's session, prior to me making any motion.

On motion of Mr. Pray of Penobscot,

Tabled until later in today's session,

Pending adoption of House Amendment "A".

Senate

Bill, "An Act to Continue the Division of Special Investigations within the Department of Public Safety." (S. P. 552) (L. D. 1882)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Valuation of Real Estate Held by Insurers." (S. P. 101) (L. D. 230)

Bill, "An Act Amending the Maine Property Insurance Cancellation Control Act." (S. P. 116) (L. D. 275)

Bill, "An Act to Make Certain Provisions in Highway Related Laws Concerning State Aid Funds." (S. P. 117) (L. D. 276)

RESOLVE, to Evaluate Substate Districts in Maine. (S. P. 148) (L. D. 390)

Bill, "An Act to Require Implementation of Standards of Treatment for Residential Drug Treatment Centers Related to Special Education." (S. P. 339) (L. D. 1124)

Bill, "An Act to Provide for Special Education Facilities for Children at Drug Treatment Centers." (S. P. 342) (L. D. 1126)

Bill, "An Act to Allow Public Inspection of Absentee Ballot Applications and Envelopes." (S. P. 374) (L. D. 1218)

Bill, "An Act to Relieve the Income Tax Burden of the Elderly Retired." (S. P. 442) (L. D. 1530)

Bill, "An Act to Provide for Marine Resources Education by the Department of Marine Resources and to Establish a Marine Communication Center." (S. P. 441) (L. D. 1552)

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

Sent down for concurrence.

Bill, "An Act Recognizing County Charters and Establishing County Charter Commissions." (S. P. 437) (L. D. 1648)

Which was Read a Second Time.

On motion of Mr. Mangan of Androscoggin, Tabled One Legislative Day.

Pending passage to be engrossed.

Bill, "An Act Concerning Confidential Financial Records." (S. P. 324 (L. D. 1084)

Which was Read a Second Time.

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

Mr. PIERCE: Mr. President, I move we reconsider our action whereby we adopted Committee Amendment "A".

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

Mr. PIERCE: Mr. President, I now offer Senate Amendment "A" (S-263) and move its adoption. This Amendment clarifies some language in the Committee Amendment which is necessary.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read and Adopted. Committee Amendment "A", as amended, Adopted, and the Bill, as amended, passed to be engrossed.

Sent down for concurrence.

Enactor

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act Relating to the Practice of Real Estate Brokers and Salesmen." (H. P. 1631) (L. D. 1833)

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

Orders of the Day

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

Mr. PRAY: Mr. President, in reference to Bill, "An Act to Expedite Court Handling of Fish and Wildlife Violations of a Misdemeanor Nature by a System of Convenient Payment." (H. P. 865) (L. D. 1053) I now move that it be taken from the table.

The PRESIDENT Pro Tem: The Senator from Penobscot, Senator Pray, now moves that L. D. 1053 be taken from the Table. Is this the pleasure of the Senate? It is a vote.

On motion of Mr. Conley of Cumberland, House Amendment "A" indefinitely postponed. The Bill Passed to be Engrossed in nonconcurrency.

Sent down for concurrence.

The President Pro Tem laid before the Senate: House Reports — from the Committee on Election Laws — Bill, "An Act Concerning Registration on Election Day." (H. P. 159) (L. D. 197) Majority Report — Ought to Pass in New Draft under same Title. (H. P. 1664) (L. D. 1864) Minority Report — Ought to Pass, in New Draft under same Title. (H. P. 1665) (L. D. 1865)

Tabled — June 15, 1977 by Senator Trotzky of Penobscot

Pending — Motion of Senator Danton of York to accept Majority Report

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

The President Pro Tem Laid before the Senate: House Reports — from the Committee on State Government — Bill, "An Act to Provide a Temporary Disability Plan for State Employees." (H. P. 1248) (L. D. 1470) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — June 15, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report On Motion of Mr. Collins of Aroostook, Majority Ought Not to Pass Report Accepted in concurrence.

The President Pro Tem laid before the Senate: Senate Reports — from the Committee on Business Legislation — Bill, "An Act Requiring Average Net Cost Comparison of Life Insurance Companies." (S. P. 125) (L. D. 304) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — June 15, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report On Motion of Mr. Speers of Kennebec, Retabled until Monday next.

The President Pro Tem laid before the Senate: Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power Within the Legislature to Override such Item Vetoes. (H. P. 1287) (L. D. 1520)

Tabled — June 15, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. FARLEY: Mr. President, I now offer Senate Amendment "A" to (S-264) and move its adoption.

The PRESIDENT Pro Tem: The Senator from York, Senator Farley, offers Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

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

Mr. FARLEY: Mr. President and Members of the Senate: The purpose of this amendment on the original bill is that it strikes out the words on the second line that says "or reduce" in regard to an item of veto, and in the fifth line of the L. D. by striking out the underlined words "or which he has reduced," and supposedly this is supposed to be acceptable to some people to help us get this bill passed.

Senate Amendment "A" Adopted.

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

Mr. MARTIN: Mr. President, I now move the indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT Pro Tem: The Senator from Aroostook, Senator Martin now moves the indefinite postponement of this bill and all accompanying papers. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I would remind the Senate that a few days ago the Senate voted by a vote of at least 20 in support of this measure. I am unaware of what may have happened to change the minds of the Senate, and I would oppose the motion by the Senator from Aroostook, Senator Martin.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am certain of the fate of this, which is to ultimately die, as I am sure many of the people who are voting for it are, and probably vote for it a little easier with that knowledge, but I would like to say just a couple of things on the record, because everytime you read a paper on this issue, and that includes my own paper, and I respect the people who write

the editorials for that paper, but everytime we read an editorial they lead you to believe that the whole idea of not giving a Governor an item veto is so without merit, that the only reason that anybody would ever be for it is because they just want to jealously guard their powers.

Well let me say that I recently refreshed my memory of the argument that took place in the United States Constitutional Convention over the question of why a veto should be allowed the President or whether or not it should be, and the arguments are very interesting. The reason that the veto was allowed, and the States, of course, have followed suit, was there was considered to be an extraordinary power that would be given to the Chief Executive for the purpose of protecting himself from an overreaching Legislative Branch of Government.

Now I think when you go from that to this, which is really to make the Governor a super-legislator that has powers that individual legislators do not, you have gone too far, and I would point out that on over 20 occasions people have tried to amend the United States Constitution so as to allow the President to have an item veto, and on all occasions the Congress has deemed in its wisdom that that is not the proper approach to follow, and the Maine Legislature has taken a similar stance and I think it is to be commended for that.

Everyone here should understand, as I am sure you do, that the Governor has more input into the budget that is finally passed than any 10 Members of the Senate do. He presents the document. His people come and argue for each one of the items. When changes are made, the Appropriations Committee, out of courtesy and the thoroughness of its job, has the people from the Executive come back and make their arguments, and what is represented there to a great extent reflects the thinking of the Executive Department. To give him the power to pick out one item and defeat that item so that it has to come back and get an extraordinary vote in order to live again, I think is to go too far. No member of the legislature has that power, and let me say that I held the same position when we had a Democratic Governor and when this bill was sponsored by a very good friend of mine who is a Democratic legislator in the other body. We had many arguments on the question. It has nothing to do with the personality of the present Chief Executive, nothing to do with that at all, but I do think this is a power that we should not grant. It in essence would change the relationship between the Executive and the Legislature in a way that I do not think is commendable.

Now I do not, as I say, hold any great grief for what is going to happen today on this matter, because of everybody's comfortable position to be able to vote for this, and allow somebody else to do the dirty work later on. If this does get to the enactment stage, I just want you to all be aware that I might stand up and ask you to do some dirty work here.

(Off Record Remarks)

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

Mr. CURTIS: Mr. President, fortunately, I think, this is not the United States Congress and, fortunately also, the Governor is not a member of this Legislature.

The Governor does, however, have the power of veto under the State Constitution, and I think it might be worthwhile, as we think about this problem, to examine what other states do in a similar situation. Of the 50 States, 43 States now provide the Governor with an item veto. A few of those, namely eight, also provide a rather extraordinary provision that has just been eliminated from this Bill, and that is the Right to reduce a specific item as it might be vetoed.

I think that the key question that we are dealing with here is indeed one not of personalities, but of policy, and procedures which will survive well beyond the Membership of people who are serving in this Legislature, or will be incumbent in the Office of the Governor, and I am sure that after yesterday's discussion and communications and debate in my own particular constituency, there is nobody more familiar with the problems or aware of the difficulties which might occur if individual items as they are provided in the appropriations bill are spotlighted by the Governor, and are individually reduced or vetoed. In the case of the pending legislation now, it could only be vetoed.

I think that the item veto would be helpful to the people of this State and to the Legislature, so that they can review specific items before determining whether or not the Governor was right or wrong in wanting to veto that particular item. I can see no harm, and it seems to me there would be a great deal of benefit to be derived from the increased attention and consideration that would be given those individual items.

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

Mr. MARTIN: Mr. President and Ladies and Gentlemen of the Senate: Just as soon, right now, or envision what could happen to the Appropriations Bill which is on the Governor's desk right now if he presently had this authority. We would be here until August 15th.

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

The Chair will order a Division.

The pending question is the motion of the Senator from Aroostook, Senator Martin, that L. D. 1520 and all accompanying papers be indefinitely postponed.

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

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

7 Senators having voted in the affirmative, and 17 Senators in the negative, the motion to indefinitely postpone does not prevail.

Which Resolution, as amended, passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President Pro Tem laid before the Senate: Resolution, Proposing an Amendment to the Constitution to Repeal the Section Concerning Appointment of Standby State and Local Government Officers in Case of Enemy Attack. (H. P. 15) (L. D. 24)

Tabled — June 15, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Collins of Aroostook to Recede and Concur

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

Mr. CONLEY: Mr. President, I wish to state a point of order.

The PRESIDENT Pro Tem: The Senator may state his point of order.

Mr. CONLEY: Mr. President, it is my understanding that we are sending out to the voters a Constitutional Amendment. There is a question in my mind as to whether or not we have to have a two-thirds vote of the Senate or just can it be gavelled through.

The PRESIDENT Pro Tem: The Chair thanks the Senator. The Chair concurs that this is for final passage, the House having finally passed it.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, this is an item which was debated at some length previously.

It is my understanding that the cost of including any additional item on the ballot, be it bond issue or Constitutional Amendment runs between \$0,000.00 and \$15,000.00 additional expense to the Secretary of State's office and other expenses involved with handling the election.

It would seem to me that this particular provision of the Constitution does no harm sitting right where it is. It does not need to be repealed. The objective parts of the existing situation result from the tortuous arrangements which are provided in the statutes and which have been explored in previous debates. It would seem to me that what is needed perhaps is a statutory change and not a Constitutional Amendment change, and, therefore, I will vote against this Constitutional Amendment.

The PRESIDENT Pro Tem: Is the Senate ready for the question? Is it now the pleasure of the Senate that this resolution be finally passed.

This being a Constitutional Amendment, it requires for passage the affirmative vote of two-thirds of those Senators present and voting.

Will all those in favor of the passage of this Resolution, please rise in their places to be counted.

Will all those opposed to the passage of this Resolution, please rise in their places to be counted.

12 Senators having voted in the affirmative and 14 Senators in the negative, and 12 being less than two-thirds of the Membership present and voting, this Resolution fails final passage.

The Senate adhered.

The President Pro Tem laid before the Senate: Bill, "An Act to Clarify Sex Discrimination in the Maine Human Rights Act." (S. P. 260) (L. D. 821)

Tabled — June 15, 1977 by Senator Speers of Kennebec.

Pending — Enactment

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

Mr. LOVELL: Mr. President, since this Bill came out of Human Resources and the two sponsors of this bill, Senator Speers and Senator Katz, are not here, I would request it be tabled until later in Today's Session so that they may express their opinion on the bill.

The PRESIDENT Pro Tem: A Tabling Motion is not debatable. The pending motion is final enactment.

On Motion of Mr. Collins of Knox, Retabled until later in Today's Session.

(See Action Later Today)

The President Pro Tem laid before the Senate: Bill, "An Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition." (H. P. 455) (L. D. 560)

Tabled — June 15, 1977 by Senator Hewes of Cumberland

Pending — Enactment

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

Mr. MANGAN: Mr. President and Members of the Senate: According to the calendar the motion to indefinitely postpone apparently passed away quietly, and what is before the Senate today is the motion for enactment. I would urge that when the vote is taken, it be taken by a Division, and I would simply lay before the Senate a couple of thoughts on this bill that have bothered me tremendously.

One of those is that we are again taking the Legislature as the father approach and advising all retailers and distributors of gasoline that they must charge the same price to everybody for gas. Now I personally have no interest in the gasoline area. However, I as a driver of an

automobile every so often like to go to Phillie's Gas Station, or the OK Gas, or the Corral Gas Station, and purchase gasoline for .03 or .04 less.

We are looking at a Bill that is intended to destroy anybody making a business out of running a business. If somebody can purchase gas for less, that is great. If they can sell it for less, that is great also. I am not looking at it from that point of view. I am looking at it from the point of view that the Legislature would have the audacity to mandate what price must be paid for what gas to who and how. I think that is basically wrong.

Secondly, it always appears, and I get back into this area of legislating what business practices can be upheld, and I feel very strongly that this is again another step in socialistic methods and I feel very strongly opposed to that.

Thirdly, what you are going to do, if this measure is enacted, is you are going to require all those independents to raise their prices to reflect the same prices as the major gas station owners, the Shells, the Texacos, the Sunocos, the Essos, and I feel that this is wrong also. If we are looking at the unfair competition and we recall back a couple of years ago that the majors fed their own gas stations first. There is an inherent danger in being an independent, because at that period of time when it came gas for gallon all of the independents lost most of their supplies. Many independents went down the drain. The majors kept their own gas stations well supplied.

I think that we are treading on very dangerous waters here, and I would urge the members of the Senate to oppose the enactment of this bill.

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

Mr. PRAY: Mr. President and Members of the Senate: I rise to point out a differing viewpoint than the previous speaker, and to clarify, as I view the bill, exactly what it does.

First of all, I would like to respond as to the reasoning perhaps sometimes that we have legislative action is usually what some individuals consider to be unfair practices in the business field which tends to eliminate a certain amount of competition. Every individual that is in business sells for a profit. He may buy for a different cost, but he sells for a profit.

It would be my contention that the larger dealers, that those individuals that are distributors plus furnish gasoline to their own stations, can afford to sell at a lesser profit, thus still keep the price down to consumers, and when you keep the price down you sell in a larger volume, and the volume makes up the difference of what you may have lost. It is a good business practice, and many businesses become very successful by that, but when you control both aspects of it from the independent dealers to a dealership that belongs to a distributorship, then you do have an unfair practice and an unfair advantage over those individuals which operate independently from any affiliation with any particular firm.

I would hope that we would enact this legislation today.

The PRESIDENT Pro Tem: The pending motion is final enactment.

A Division has been requested.

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

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

The PRESIDENT Pro Tem: The Senator from Penobscot, Senator Pray, requests a Roll Call. In order for the Chair to order a Roll

Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators 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 Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I would like to just explain very briefly why I am opposed to this Bill. I think that if we are going to take a stance in opposition to what is best for the consumer and isolate one small segment of the business establishment to protect with a floor on prices, then we ought to extend that across the board, whether you sell in this case gasoline, it is well known in the small appliance business, in the hardware business, in the clothing business, then I think we ought to extend that kind of protection to small businessmen in all kinds of areas. But I think when we do this we have to recognize that we are going to affect, to a degree, more in some cases, less in others, the price that is charged to consumers.

The PRESIDENT Pro Tem: Is the Senate ready for the question? The pending question is final enactment.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Cummings, Curtis, Danton, Farley, Hichens, Levine, Martin, Merrill, O'Leary, Pierce, Pray, Snowe, Speers, Trotzky, Usher.

NAY — Chapman, Collins, D.; Collins, S.; Greeley, Hewes, Huber, Jackson, Lovell, Mangan, McNally, Minkowsky, Morrell, Redmond, Wyman.

ABSENT — Carpenter, Katz, Sewall.

16 Senators having voted in the affirmative, and 14 Senators in the negative, with 3 Senators being absent, this Bill was passed to be enacted, and signed by the President.

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

Mr. PRAY: Mr. President, having voted on the prevailing side, I move reconsideration and urge that you vote against me.

The PRESIDENT Pro Tem: The Senator from Penobscot, Senator Pray, now moves that the Senate reconsider its action whereby this Bill was passed to be enacted.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I move this item be tabled, pending reconsideration, until later in today's session.

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Jackson, moves that L. D. 560 lie on the table until later in today's session.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley, requests a Division.

Will all those Senators in favor of the motion to table this matter until later in Today's Session, please rise in their places to be counted.

Will all those Senators opposed to the Motion to table this matter until later in Today's Session, please rise in their places to be counted.

19 Senators having voted in the affirmative, and 9 Senators in the negative, the motion to table until later in Today's Session does prevail, pending the motion of the SENATOR from Penobscot, Senator Pray, that the Senate reconsider its action whereby L. D. 560 was passed to be enacted.

(See Action Later Today)

The President Pro Tem laid before the

Senate: 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)

Tabled — June 15, 1977 by Senator Pray of Penobscot

Pending — Final Passage

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

Mr. PRAY: Mr. President, I move the question.

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

Mr. MERRILL: Mr. President and Members of the Senate: It is refreshing to see one of these tabled items finally being voted upon. As we have gone through the tabled items today, I am reminded of the proverbial woodchuck that comes out of his hole, sees his shadow and runs back in. Well, that is exactly what we have been doing with these tabled items, and if we continue with this procedure, the Maine Senate will add to the tax burden of the Maine people by dragging out the Legislative Session well into apple picking time.

Which Resolve was finally passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President Pro Tem laid before the Senate: Bill, "An Act to Clarify the Criminal History Record Disclosure Law." (H. P. 1039) (L. D. 1280) (Emergency)

Tabled — June 15, 1977 by Senator Conley of Cumberland

Pending — Enactment

This being an emergency measure and having received the affirmative votes of 23 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.

The President Pro Tem laid before the Senate: House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Judicial Review of Public Utilities Commission Decisions." (H. P. 226) (L. D. 290) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled — June 15, 1977 by Senator Collins of Knox

Pending — Acceptance of either report.

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

Mr. COLLINS: Mr. President, I move that the Senate accept the Minority Ought Not to Pass Report of the Committee. I request a Roll Call.

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

On Motion of Mr. Conley of Cumberland, tabled until later in Today's Session.

Pending the motion of the Senator from Knox, Senator Collins that the Senate accept the Minority Ought Not to Pass Report.

(See Action Later Today)

The President Pro Tem laid before the Senate: The Committee on Education on, Bill, "An Act to Provide Alternatives to the Compulsory Attendance Law." (H. P. 615) (L. D. 815)

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

On Motion of Mr. Speers of Kennebec, Retabled until later in Today's Session.

(See Action Today)

(Off Record Remarks)

Senator Merrill of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. MERRILL: Mr. President and Members of the Senate: If you will excuse prose after that excellent poetry, I would like to add my voice to the thanks. Yesterday morning at 6:30 I got up and cooked some blueberry muffins for my two daughters and my wife, and I have to say they were very good, and coming from someone who once received second prize for making blueberry muffins, not from a package, I might say that that is some commendation, and I am sure that it was the good blueberries that were put in them that made them that way. I would like to thank the Senator and point out to the Senator from Kennebec, Senator Levine, that my family has received potatoes and apples and muffins, and we are a little short on protein at this point. I wish he would do something about it.

(Off Record Remarks)

The PRESIDENT Pro Tem: Is it the pleasure of the Senate that all matters acted upon this morning be sent down forthwith? It is a vote.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Recessed until 2:30 this afternoon.

(Recess)

After Recess

Senate called to order by the President.

(Off Record Remarks)

The PRESIDENT: The Chair would like to thank the former Speaker of the House, Senator Richard Hewes, for a very excellent job of presiding this morning. We certainly appreciate his help.

(Applause)

Out of order and under suspension of the rules the Senate voted to consider the following:

Papers from the House

Non-concurrent Matter

Bill, "An Act to Clarify Physician Certification of Patient Deaths in Maine Nursing Homes." (S. P. 408) (L. D. 1416)

In the Senate June 7, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (S-189).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A", as amended by House Amendment "A" (H-605) thereto, in non-concurrence.

On Motion of Mrs. Snowe of Androscoggin, The Senate voted to Recede and Concur.

Joint Orders

Expressions of Legislative Sentiment recognizing that: Fire Chief Cecil Dana McCready of Presque Isle is retiring on June 24, 1977, after 35 years of service, including 25 years as Fire Chief. (H. P. 1728)

Ronald Rioux, a student of Cony High School, has placed First in the nation in Level 1B of the 1977 Concours National De Francais, the National French Contest of the American Association of Teachers of French. (H. P. 1729)

Karen Palmer, Mary Fenner, Proserfina Rosette, Barbara Bartley and Sarah Brayman have been recognized for their outstanding academic record and as the top 5 members of the graduating class of Brunswick High School. (H. P. 1731)

Come from the House, Read and Passed.

Which were read and passed in concurrence.

WHEREAS, the questions of a procedure for selection of nominees for judicial office, based on merit and of a procedure for independent, systematic review and discipline of judicial of-

ficers alleged or found to be unfit for continued performance have become questions of increasing public concern; and

WHEREAS, legislation, L. D. 1584, "An Act to Establish a Commission on Judicial Tenure and Disabilities," and L. D. 1680, "An Act to Establish a Judicial Qualifications Commission," has been introduced in this session of the Legislature; and

WHEREAS, the importance of these questions demands careful and detailed study of the proposals and of the constitutional and statutory changes that may be necessary; now, therefore, be it

ORDERED, the Senate concurring, that the Judicial Council is requested and authorized, in consultation with the Legislative Council, through the Joint Standing Committee on Judiciary, to examine these questions in depth; and be it further

ORDERED, that a subcommittee of the Joint Standing Committee on Judiciary, consisting of one member on the part of the Senate, to be appointed by the Senate chairman, and of 2 members on the part of the House, to be appointed by the House Chairman, and also of 2 members of the Legislature who are not members of that committee, one a member of the Senate, to be appointed by the President of the Senate, and one a member of the House, to be appointed by the Speaker of the House, is authorized to consult with the Judicial Council on this study; and be it further

ORDERED, that the Judicial Council, in consultation with the subcommittee of the Joint Standing Committee on Judiciary, report its findings, together with final drafts of any proposed constitutional and statutory changes, to the Legislative Council by December 1, 1977; and be it further

ORDERED, that, upon passage in concurrence, a copy of this order be transmitted forthwith to the Judicial Council as notice of this request. (H. P. 1730)

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

On Motion of Mr. Speers of Kennebec, Tabled Pending Passage.

House Paper

Bill, "An Act Concerning the Fees for Filing Municipal Tax Liens." (Emergency) (H. P. 1724) (L. D. 1884)

(Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25).

Comes from the House, Passed to be Engrossed without reference to Committee.

Under Suspension of the rules, The Bill Read Once, and Tomorrow Assigned for Second Reading.

Communications

House of Representatives

June 16, 1977

Honorable May M. Ross
Secretary of the Senate
State House

Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Provide for Legislative Confirmation of gubernatorial Nominations for Chairmen of the Maine Human Services Council and the Maine Committee on Aging" (H. P. 723) (L. D. 856).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

June 16, 1977

The Honorable May M. Ross

Secretary of the Senate
108th Legislature
Augusta, Maine

Dear Madam Secretary:

The House today voted to Adhere to its former action whereby it accepted the "Ought Not to Pass" Report of the Committee on State Government on Bill "An Act to Provide for a Council of Economic Advisors" (S. P. 257) (L. D. 814)

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered placed on File.

Committee Reports

House

Leave to Withdraw

The Committee on Labor on, Bill, "An Act Relating to Disqualification from Unemployment Compensation Benefits." (H. P. 709) (L. D. 888)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act to Include Salaries Pensions and Insurance for Binding Arbitration under the Municipal Public Employees Labor Relations Law." (H. P. 282) (L. D. 365)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Create a Manufactured Housing Act." (H. P. 657) (L. D. 1010)

Reported that the same be granted Leave to Withdraw.

Comes from the House. The Reports Read and Accepted.

Which were Read and accepted in concurrence.

Senate

Leave to Withdraw

Mrs. Snowe for the Committee on Health and Institutional Services on, Bill, "An Act to Authorize Services to Children and Youth." (S. P. 450) (L. D. 1646)

Reported that the same be granted Leave to Withdraw.

Which was Read and accepted in concurrence.

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act Concerning Recovery of Damages by the Consumer." (H. P. 1303) (L. D. 1541)

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 Improve the Juvenile Judicial System by Authorizing Juvenile Court Intake Workers in the Department of Mental Health and Corrections." (H. P. 1035) (L. D. 1266)

Reported that the same Ought to Pass.

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

The Committee on State Government on, Bill, "An Act to Require Speedy Disposition of State Employee Classification Requests." (H. P. 1392) (L. D. 1610)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted.

The Bills Read Once, and Tomorrow assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Liquor Control on, Bill, "An Act Relating to Music, Dancing or Entertainment." (H. P. 875) (L. D. 1068)

Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-621).

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

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "B" Read and Adopted and the Bill, as amended, Tomorrow assigned for Second Reading.

The Committee on Human Resources on, Bill, "An Act to Establish a Bill of Rights for Mentally Retarded Persons." (H. P. 1473) (L. D. 1735)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-631).

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

Which Report was Read.

On Motion of Mr. Hichens of York, Tabled One Legislative Day, pending acceptance of committee report.

The Committee on Business Legislation on, Bill, "An Act to Provide for the Restrictive Licensing of Certain Financial Institutions." (H. P. 474) (L. D. 580)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-627).

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

The Committee on State Government on, Bill, "An Act to Require Housing Authorities and Other Agencies to Submit Annual Reports about Housing Programs." (H. P. 1325) (L. D. 1642)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-623).

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

The Committee on Health and Institutional Services on, Bill, "An Act Authorizing the Board of Osteopathic Examination and Registration to Establish Rules and Regulations for Physicians' Assistants, Supervising Physicians and other Delegated Physicians." (H. P. 269) (L. D. 346)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-613).

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

The Committee on Health and Institutional Services on, Bill, "An Act Appropriating Funds to the Department of Human Services for Emergency Medical Training of Ambulance and Rescue Personnel." (H. P. 587) (L. D. 714)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-614).

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

The Committee on Business Legislation on, Bill, "An Act to Amend the Insurance Laws Regarding Licensing Procedures for Agents of Fraternal Benefit Societies." (H. P. 807) (L. D. 983)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-617).

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

The Committee on State Government on, Bill, "An Act Creating a Maine State Board for Registration of Architects and Landscape Architects." (H. P. 1390) (L. D. 1733)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-600).

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.

The Committee on State Government on, Bill, "An Act Concerning Displaced Homemakers." (H. P. 700) (L. D. 842)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-599).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-599) as amended by House Amendment "A" (H-620) thereto.

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

Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act Relating to Regulation of Traveling Shows." (H. P. 713) (L. D. 843)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1722) (L. D. 1883)

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

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

Enactors

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

"An Act to Allow Escape of Sublegal Lobsters from Lobster or Crab Traps." (H. P. 944) (L. D. 1139)

On Motion of Mr. Huber of Cumberland, Tabled One Legislative Day, pending enactment.

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

"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)

"An Act to Require that a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy." (S. P. 251) (L. D. 759)

"An Act to Establish Withdrawal Dates for Candidates and Nominees." (H. P. 1666) (L. D. 1866)

"An Act Relating to Public Utility Electrical Transmission Lines and Gas and Oil Pipelines." (H. P. 1659) (L. D. 1855)

"An Act to Increase the Veterans Exemption for Paraplegics." (H. P. 1129) (L. D. 1347)

"An Act to Allow Free Hunting and Fishing Licenses to Maine Disabled War Veterans." (H. P. 1071) (L. D. 1263)

"An Act Establishing the Maine Small Business Loan Authority." (H. P. 1004) (L. D. 1244)

"An Act to Reduce the Size of the Board of Directors of the Criminal Justice Planning and Assistance Agency and to Change the Appointment of the Executive Director." (H. P. 441) (L. D. 548)

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

"An Act to Authorize County Jail Inmate Participation in Municipal Public Work Projects." (H. P. 1313) (L. D. 1547)

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

Mr. PRAY: Mr. President and Members of the Senate: I just bring this one bill to your at-

tention at this time as it goes through the process, the final action the Senate will be able to take on this, and I would hope that each and every one of you would read the Bill and consider the consequences.

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

"An Act to Allow Limited Operation of an Unregistered Motor Vehicle." (H. P. 1101) (L. D. 1325)

On Motion of Mr. Conley of Cumberland, This Bill 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 Relating to Tuna Fishing." (H. P. 914) (L. D. 1110)

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

Mr. MERRILL: Mr. President, I would like to pose a question through the Chair to anyone who may care to answer. In reading this Bill, seeing that it is an emergency bill that deals with tuna fishing, and would create a fee that has to be paid, I have two questions. Who does the revenue from this fee go to, and is this a new concept, having fees paid to the State of Maine for fishing salt water fish, or is this already a well established precedent?

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

Mr. CHAPMAN: Mr. President and Members of the Senate: In reference to the questions, no, it is not a new fee. Three years ago the Legislature established a fee for commercial fishing of \$200.00. Commercial fishing is when fish are sold. If anyone catches one of these tuna fish, they obviously have to sell it, because it is too big. In order to sell it, they have to buy, under the new fee set up, a \$200.00 license.

It restricted severely the sport fishing interest from out of state, this is an out-of-state fee, so we reduced it in this one instance to \$50.00 to sell it to them.

This being an emergency measure and having received the affirmative votes of 22 members of the Senate, and the negative votes of 3 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.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Reduce and Combine the Guarantee Limits for the Insurance of Enterprises within the State, and to make Vessels Registered in the State Eligible for Such Insurance. (S. P. 252) (L. D. 778)

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

Mr. MANGAN: Mr. President, I would hate to think that I am voting on something I am not very sure of what I am voting on. Would there be a possibility of having somebody from the Committee explain this?

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

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: The present Constitution provides for a Loan Authority of \$80 million for industrial purposes, and a separate Authority for recreational purposes of \$17 million. The Bill combines the two Authorities, and it also reduces the total amount from \$97 million to \$90 million. It provides for more flexibility so that the Authority can choose somewhat better then it can now.

The demand for recreational loan has declined substantially, while there has been an increase in the demand for industrial type loans. So it just combines the two, and further it does reduce the total Authority, and this is the Constitutional provision opposed to the statutory provision. The statutory provision at the present time provides for only \$40 million of the total constitutional authority.

This being a Constitutional Amendment and having received the affirmative votes of 28 members of the Senate, was Finally Passed, and having been signed by the President, was by Secretary presented to the Secretary of State.

Orders of the Day

The President laid before the Senate:

House Reports — from the Committee on Marine Resources — Bill, "An Act to Prohibit Otter Trawling for Scallops in the Penobscot River." (H. P. 1147) (L. D. 1381) Majority Report Ought Not to Pass; Minority Report — Ought to Pass

Tabled — Earlier in the Day by Senator Chapman of Sagadahoc

Pending — Acceptance of Either Report

On Motion of Mr. Speers of Kennebec,

Retabled for one Legislative Day.

The President laid before the Senate:

Senate Reports — from the Committee on Election Laws — Bill, "An Act to Permit Voter Registration and Enrollment at the Polls on Election Day." (S. P. 355) (L. D. 1180) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (S-254)

Tabled — Earlier in the Day by Senator Danton of York

Pending — Acceptance of Either Report

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

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

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that this item be tabled for one Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: 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 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, would it be in order at this time to inquire from the Secretary the Legislative history of this Bill in this Chamber up until now.

The PRESIDENT: The Chair would answer in the affirmative.

History of the Bill Read.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that item number 2 by tabled for one legislative day.

A yes vote will be in favor of tabling for one legislative day. A no vote will be opposed to tabling for one legislative day.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, Pray, Trotzky, Usher.

ABSENT — Carpenter, O'Leary.

19 Senators having voted in the affirmative, and 11 Senators in the negative, with 2 Senators being absent, the Motion to table does prevail.

The President laid before the Senate:
Bill, "An Act to Prevent the Display of Adult Magazines to Minors." (H. P. 1661) (L. D. 1857)
Tabled — Earlier in the Day by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.
Passed to be Engrossed in non-concurrence.
Sent down for concurrence.
(See action later today.)

The President laid before the Senate:
Bill, "An Act to Clarify Sex Discrimination in the Maine Human Rights Act." (S. P. 260) (L. D. 821)

Tabled — Earlier in the Day by Senator Collins of Knox.

Pending — Enactment.

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

Mr. TROTSKY: Mr. President, I move now that this Bill be indefinitely postponed, and I would like to speak to my Motion.

The PRESIDENT: The same Senator has the floor.

Mr. TROTSKY: Mr. President and Members of the Senate, this Bill has a cost. I know it is a difficult political Bill to vote on at this time, because probably 51 percent of the voters are women in this population, but if you look at this Bill, for example, in the education cost, we just put a ceiling on education cost. And now I understand from my superintendent of schools that this Bill will require the City of Bangor to come up with another \$11,000.00 for maternity benefits and yet I am not sure whether it is maternity benefits or it is subsidizing infant care and so on. It does not specify how long a pregnancy disability goes for. It could be six weeks, two weeks, three weeks, and so on. I also have certain philosophical problems with this Bill. Disability is something a person cannot control, someone is injured in some way. Pregnancy, in my opinion, is voluntary, and consequently, to provide disability for pregnancy, what we are saying is we are starting to subsidize infant care in our society here.

So, consequently, I am being totally uncertain of what the costs are throughout all of our society, including the private sector. I know in my town it is \$11,000.00 just on education. I do not feel that we should pass this Bill.

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

Mr. JACKSON: Mr. President, I rise to support the Motion of the good Senator of Penobscot, Senator Trotsky, I did request a cost factor on this piece of legislation, and I did receive one, and it was the result of the Maine School Management Association. It is estimated in 1977-78, the projection would be \$667,000.00.

Now I would say that this would be considerable. Now if this was \$667,000.00 in 1977-78, I would assume it would be that much or even more in the fiscal year 1978-79. I do think it is a costly thing. I think that the philosophical view that Senator Trotsky presented is a valid one. It is something that can be controlled, and, therefore, I am going to support the Motion of the Good Senator from Penobscot to indefinitely postpone this piece of legislation.

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

Mr. LOVELL: Mr. President, this Bill came out of the Committee on Human Resources as Unanimously Ought to Pass, and I have hesitated very much in debating the pregnancy of women, because I feel that it is something that is quite necessary. But we did not realize in the Committee that there was going to be such a great cost on this Bill. In other words,

just in the City of Brunswick, for example, it is going to cost the City \$15,000.00. My superintendents of schools in my entire District 3 have called me and informed me that they are against the Bill because they will have to start paying right away, the extra insurance that is required, and that figure of \$667,000.00 is right. It was given to me by Mr. Garside.

I hesitate to kill this Bill. I am getting a rather bad reputation on some of these Bills, but I wonder if it would not be better to pass the Bill and let it go on the Appropriation Table and then we can all sit down and very happily say we have not done anything to hurt the pregnant women, and we can later on take care of the Bill in the closing Session if we do not have any money.

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

Mrs. CUMMINGS: Mr. President, I think that all of us are well aware of the fact that when a woman becomes pregnant, it is hardly a voluntary position to be in. It is not one of those things that can well be planned ahead of time.

However, a man's transplant of hair can be planned ahead of time, and should a man who is a teacher decide to have a new crop of hair on his head, and chose the 14th of February, Valentine's Day, to go in and make himself more attractive, he will be paid back by the insurance that covers him. However, if in the next room there is a woman who has given birth on February 14th, she is not covered. I think this is justly unfair.

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

Mr. KATZ: Mr. President, this Bill has been debated, and I find it difficult to understand at this time that anyone who is not clear in his mind whether we are talking about infant care or present pregnancy disability. We are talking about pregnancy disability, and I hope the Senate listens to one of our few resident experts on whether or not pregnancy is voluntary or involuntary, and I do not really see what that has to do with the issue, or even why we raise it.

I said when I first rose that the Senate was going to have to make a choice between some fairness and cost, and because of the fact that there are cost involved in this, it is going on the Appropriations Table, and I think that is where it belongs. There was a very wide difference of opinion as to how much this is going to cost, and the figures I have seen I do not accept. One of the "expert opinions" as to how much this cost, did a very careful analysis of the few school districts, and included the cost of the substitutes, and then the cost of the sick leave teacher. Now, you do not have to be a Phi Beta Kappa to figure out whether this Bill passes or not, the cost of a substitute is a fixed cost. So to use it in there to inflate the potential cost of this Legislation, I think is pretty fuzzy thinking.

The other question I have, because teachers seem to be mentioned more than any other group, I do not have it with me today because I felt this bill was going to go on the Appropriation Table, and I hope that is where you put it, but there are federal revenue sharing rules, and if a School District accepts revenue sharing dollars, then darn well are going to have to pay pregnancy disability to their teachers if they want to accept the money so I ask the Senate today to follow the suggestion of the good Senator who was Chairman of the Committee, Senator Lovell, and defeat this Motion on which I ask for a Roll Call, and lets put it on the Appropriations Table.

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

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

The Chair recognizes the Senator from Penobscot, Senator Troztky.

Mr. TROTZKY: Mr. President and Members of the Senate, it is my understanding that in labor negotiations, groups can negotiate for this maternity related disability benefits. So it can be negotiated for, but what we are doing here is mandating it across the entire realm of employment here.

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

Mr. PRAY: Mr. President and Members of the Senate; I would like to direct a comment to the Senator from Penobscot, Senator Trotsky, as an individual who has sat in this Chamber before opposed to Unionization, that he should support this measure, because otherwise it would require unionization, so they could collectively bargain for this.

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

Mr. LOVELL: Mr. President, just one more word, the State employees at the present time, I understand, they are pretty well covered, but I think that the independent companies, I cut from the Wall Street Journal this little notice that both sexes are allowed up to six months unpaid child care leave for Proctor and Gamble's Company, Cincinnati headquarters, when they become parents. The leave which extends the usual maternity leave and grants the privilege to the fathers for the first time, have begun because local infant care facilities are scarce. Now, they can take six months off, but they do not get paid. I think that the man should have some responsibility on paying for his child, and not getting it through nothing, but I still want to see this Bill go on the Appropriation Table.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Trotsky, that L. D. 821 be indefinitely postponed.

A Roll Call has been ordered.

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

The doorkeepers will secure the Chamber.

The Secretary will Call the Roll.

ROLL CALL

YEA — Collins D.; Collins S.; Greeley, Jackson, McNally, Redmond, Troztky.

NAY — Chapman, Conley, Cummings, Curtis, Danton, Farley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Mangan, Martin, Merrill, Minkowsky, Morrell, Pierce, Pray, Snowe, Speers, Usher, Wyman.

ABSENT — Carpenter, O'Leary.

7 Senators having voted in the affirmative, and 23 Senators in the negative, with 2 Senators being absent, the Motion to indefinitely postpone does not prevail.

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriation Table, Pending Enactment.

Reconsidered Matter

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

Mr. HEWES: Mr. President, in reference to Bill, "An Act to Prevent the Display of Adult Magazines to Minors." (H. P. 1661) (L. D. 1857), I now move that the Senate reconsider its action whereby this item was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate reconsider its action whereby L. D. 1857 was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would just like to simply inquire through the Chair, now without the House Amendment, is it true that the Bill would go as far as to prohibit the sale of

pampers diapers with the exposed baby girl on the box?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: The purpose in reconsidering is so that I might offer Senate Amendment "A" (S-256), and in that is the statement it is excluded from this, and applies only to the adult female breast if you look at Senate Amendment "A" (S-256). I hope you will let us reconsider where this was passed to be engrossed, and then I hope we can adopt Senate Amendment "A" (S-256).

The PRESIDENT: Is it the pleasure of the Senate to reconsider its action whereby L. D. 1857 was passed to be engrossed? It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, I now offer Senate Amendment "A" 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.

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

Mr. COLLINS: Mr. President; I have been supportive of a rather carefully drawn anti-obscenity measure. I think it is very dangerous to go too far in this area, because we run into unconstitutionality and burdening of the Courts with litigation and expense that we surely do not need, and a lot of our efforts go for naught.

I have not been able to study this Amendment very carefully, but a very quick look at it a few minutes ago led me to the conclusion that it would prevent, for example, a magazine like Better Homes and Gardens from showing a picture of a sun dial in a garden that might have the female form on it. It would probably prevent a magazine devoted to artistic material from showing Venus de Milo, or other great art works of our times. I think that an Amendment could be drawn in to much better effect than this current Amendment.

If we are going to put into the Statutes Amendments like this that have a very great danger of unconstitutionality, and which would cause the removal from newstands of many very fine magazines that are certainly not pornographic, then we are taking the wrong road to a very good objective. I believe this is one of two majors on pornographic material, and I have worked with Senator Hichens in trying to find language that was acceptable under the decisions of our Court, so my remarks are not intended to be an obstruction, but to be constructive. I did not have a chance to discuss this with the Senator from Cumberland, Senator Hewes, because it only came to my desk at the very last moment before this Session.

I think that we should defeat this Amendment, and that another look should be taken at this by draftsmen who are skilled in this constitutional problem. I think it would be a shame for us to put out the type of thing that will only engender litigation and end up being a useless Act. I would urge that we vote no, and I hope that this matter might be tabled for further work, if that is the wish of the proponents.

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

Mr. KATZ: Mr. President, In the National Geographic Magazine, that so thoroughly wrote up the Maine blueberry industry, there is also a picture that would be offensive under the meaning of this Amendment. It shows some of the women from New Guinea with completely bare breast, and as I read the Amendment, this would be pornography under the meaning of the Amendment, and I think that the problem in

dealing with this is despite our good intentions, they are not enough, and we are going to have to get specifically the words to accomplish that which we wish and no more, and I must say that I am not overly optimistic in our ability to do so.

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

Mr. MANGAN: Mr. President and Members of the Senate, there have been several instances that I recall in the recent past, and many of the years past, where I have seen art forms depicted in the Time magazine, I have seen the news stories depicted in Time magazine of, oh, one that strikes me was the news coverage of the Daytona 500 races where they had pictures of the girls on the beaches and things of this type. I recall back a couple of years ago, where they had all the problems on Cape Cod, where they had one nude beach, and the magazines did cover that, and under Section B of this bill, it says that no book, magazine or newspaper containing nudity on one or more pages inside the cover of the book, magazine and newspaper and offered for retail sale shall be displayed in a location accessible to minors, unless such material is sealed sufficiently to prevent it from being opened until it has been purchased. I wonder if we are going to start sealing the National Geographic, which is one fine example, Newsweek, Time, U.S. World and News and all these other magazines. This is almost getting to be as bad as the book bannings that have been experienced recently in the town of Lisbon, and I think that we should look at this very seriously.

I think we should probably put some degree of Amendment to this to provide for exclusions, I recall the arguments back a couple of weeks ago on religious material and I think that we should take a good second look at this Bill before getting too overly carried away with it.

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

Mr. HEWES: Mr. President and Members of the Senate, there is no pride of authorship in this particular Amendment, and I certainly would cooperate with a tabling Motion so that a properly worded Amendment could be offered to the Bill.

In response to the Gentlemen from Androscoggin, Senator Mangan, I would like to point out, first, that this Amendment does strike Paragraph B, which is the part that he quoted about inside the magazine, so that you do not have to worry about that. I became interested in this Bill when a group of perhaps 200 people in the greater Portland area met back at the beginning of the Session, very upset because the increase in nudity facing our young people as they entered news stores, drug stores, and places where these magazines were sold. I will say that somebody has done quite a job in the last couple of months, and I think things have improved, and they are putting these magazines more out of sight in the back ground. I would like to see that continue.

We have as the Senator from Aroostook, Senator Carpenter, said the other day, probably 5,000 signatures, and the caption of some of these and I quote, "I the undersigned urge passage of a Bill prohibiting the display and sale of pornographic magazines and materials where they can be viewed by children under the age of 18". I am certainly confident in voting with others in the passage of something that is effective and that accomplishes the work that we want to accomplish.

I would like to quote a poem from Edgar A. Guest relative to this, because I think some people are saying it cannot be done, and this is entitled "It Couldn't Be Done."

"Somebody said that it couldn't be done, but he with a chuckle replied, that maybe it couldn't but he would be one who wouldn't say so until he tried.

So he buckled right in with a trace of a grin on his face,

If he worried, he hid it.

He started to sing as he tackled the

thing that couldn't be done, and he did it.

There are thousands to tell you it cannot be done,

there are thousand to prophesy failure.

There are thousands to point out to you one by one

the dangers that wait to assail ya.

But just buckle in with a bit of a grin,

just take off your coat and go to it,

Just start to sing as you tackle a thing,

that cannot be done and you will do it."

Now we have people in this body that hope perhaps to be the chief executor of this state, and they are going to buckle right down and try to do it, and who is to say they cannot do it, and the same thing I say who is to say that we cannot come up with a Bill that will get some of the smut off of the display counters in some of the stores where kids are exposed to it, and I think that we can pass a good Bill. If this Amendment does not do it, so be it. I would be perfectly willing to have the Bill tabled pending the adoption of this Amendment, and if a better one can be drawn, fine, we will indefinitely postpone this one, and submit a better Amendment, but I do hope we come out with something that will get the smut off from our display shelves.

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

Mr. CONLEY: Mr. President, I pose a question through the Chair to the good Senator from Cumberland, Senator Hewes, and ask if he could define for me what a discernibly turgid state means.

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I thought we were in Mudville with Casey at the bat for a minute.

I, in all seriousness, if we are going to table this and work on this Amendment, I would just like to raise one more question for the consideration of whomever is working on it, and that is what the definition of an adult female is. Is the definition of adult the same as it is for other purposes in our law, and in that case I suggest that it is a distinction without a difference.

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

Mr. HEWES: Mr. President, in response to the last two questions, the first question is the male genitals in an erect position, and the second question, an adult is one 18 years or older. One is not an adult under the age of 18.

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

Mr. PRAY: Mr. President and Members of the Senate: I have noticed lately as I read through the pages of the newspapers of this State and listen to the radio and national news that this great concern on the Federal level in dealing with minors and pornography, and I just question this amendment dealing with only adult females, when the Federal government is concerned that there is a market with minors that we should not perhaps include all, and redefine the age as we do under the criminal code in other sections, with different classifications, varying between the ages of 18, 16, and younger.

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

Mr. HICHENS: Mr. President, in listening to the debate, from the good Senator from Knox, and the other Senators, I think they have con-

fused the two Bills which we have before us. One is to prohibit the dissemination of obscene literature, which was before us earlier in the day, and then this one here, and if we are debating the Amendment, it says the purpose of the Amendment is to prevent the display of nudity to minors on the cover of books. It has nothing to do with the inside of a Geographic magazine, and I think we should stick to which Bill we are actually discussing, and the constitutionality of this one or constitutionality of the one which was discussed earlier in today.

On Motion of Mr. Collins of Knox,

Tabled One Legislative Day, pending adoption of Senate Amendment "A".

The President laid before the Senate:

Bill, "an Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition." (H. P. 455) (L. D. 560)

Tabled — Earlier in the Day by Senator Jackson of Cumberland

Pending — Motion of Senator Pray of Penobscot to Reconsider Enactment.

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

Mr. JACKSON: Mr. President and Members of the Senate: I would urge you to vote to reconsider this measure, so that we can have a Motion which will properly dispose of this matter for once and for all.

I for one have a great question, it is a great concern to me when we start legally fixing prices in a free enterprise system, so to speak. There is a great question which I have. I would almost be willing to bet with any Member in this Body that it is going to result in an increase in the cost of gasoline to the consumers by a substantial amount. Now, by substantial amount, I am not talking about a penny or two pennies. I am talking about a substantial amount, anywhere from .02 to .05 per gallon, varying where you are in the State because gasoline is sold in zones.

This is the most important question that everyone of you should ask yourself do you want to vote to fix a price on gasoline, which today is being sold in the free market place where that whoever provides the fastest service, and the best service, that may be able to make a few pennies more in business, and result in decreasing the price in gasoline, or the fellow who is so called, I won't say he is inefficient, because I do not believe he is inefficient, but he might not be in an area where he can sell a large volume of gasoline.

I hope that when the vote is taken that the Members of this body will reconsider this Bill, and, Mr. President, when the vote is taken, I request that it be taken by the yeas and nays.

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

Mr. PRAY: Mr. President and Members of the Senate, just a little over four hours ago, we debated this Bill, and it was defeated, roughly 11:46. At that time, the following Senators voted to pass the Bill, Senator Conley, Senator Cummings, Senator Curtis, Senator Danton, Senator Farley, Senator Hichens, Senator Levine, Senator Martin, Senator Merrill, Senator O'Leary, Senator Pierce, Senator Snowe, Senator Speers, Senator Trotzky, and Senator Usher.

In this last four hours I do not know what positions have changed, or for what reasons they may have changed. Hopefully, none have changed, but when we stand here and we talk about the free enterprise system, we also have to remember that certain governmental regulations have been passed to assure that free enterprise system. When we stand here and we talk about the best service and the fastest service and we talk about the margin of profits, let us realize that there is a margin of profit based upon equity, and I think this Bill deals with that problem.

The margin of profit in this particular issue is how many cents are you going to make on a gallon of gasoline. An individual who is selling gasoline to himself, and in turn selling it to the general public who has a number of stations around the State or in a defined area, can afford to sell gasoline at a cheaper price because his margin of profit, if he provides the best service and the fastest service, is going to be larger due to volume. This individual already starts off with an unfair advantage over the independent dealers through this State, and I think back in my own early life and I remember the price wars in the 1950's, and I remember the embargo which we had just a few years ago, and saw the number of independent dealers across this country that have gone out of business, and last night I had the opportunity after we got out of Session to ride up through Skowhegan and I saw several gas stations on my way that were boarded up and out of business. I will lay odds on any one of them that they were squeezed out through the competitive pricing of an individual who could purchase this item, which has become an item in the American Society, an item of necessity, at a cheaper price to the consumer. If he could provide it at a cheaper price, if he could purchase it at a cheaper price, we also might consider the fact that his margin of profit may have been larger even though he may have sold at .01 or .02 cheaper a gallon to the general public, because he was buying it a nickel cheaper on the wholesale price.

So when individuals raise up the fact that we are going to equalize the price, we are going to raise the price of gallon to everybody, I do not know of too many gasoline dealers, even through distributorships, that are selling it for a loss. If they are, it is a poor business sense, unless they are selling it for a loss to squeeze the little guy out across the street or down the road, completely out of business, so that he has sole control of the price of gasoline. I hope that you remember that when you vote this afternoon.

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

Mr. FARLEY: Mr. President and Members of the Senate: The bill in its form right now, the Committee had two choices, either leave things as it was and endanger the competitiveness of what the Senator from Penobscot, Senator Pray, has suggested that the independent dealer would eventually go out of business, or we could enact legislation to make him more competitive, keep him in the market. There is nothing in this legislation, sorry to say, to lower the price of gasoline. Where you have the distributor who has a retail outfit, what you have in effect with this piece of legislation is raise his price .03 a gallon. Now, sure, we have at least kept the independent in business through the competitiveness of his difference in price. But I do want you to understand that there is nothing in this legislation that is going to lower the price of gasoline.

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

Mr. MORRELL: Mr. President and Members of the Senate: This afternoon we are talking about gasoline, but really we are talking about a much broader subject. We are talking about legalized price fixing. We are talking about something that could in this instance lead to greater cost to the consumer.

It would be comfortable for any of us in business to feel that when the going gets tough, when somebody undersells us, whether it is because they are better merchants, or because they perhaps are able in a given situation and from time to time to buy a little bit cheaper, that the government was going to bail us out. Nobody bails out the small grocery store who cannot always compete against the big ones, but they seem to survive, those who work at it and

are good merchants. Nobody protects the small hardware store that has difficulty selling against the fellow from whom he purchased, who also sells at retail in his own community, the person who has the wholesale and the retail markup, the company that gets those two markups because they are in the position to buy in great quantity, but on the other side of it assume a great deal of additional cost to do it. Not many companies, I submit, sell for very long their prime product at below cost, and if they do, they do not survive.

But I feel that if we adopt today a philosophy of bailing out one type of business, that we should be prepared down the road to begin to think seriously about the fair trade laws that in this country are pretty much now out of existence. I think that if we really believe in the free enterprise system, we believe that surely there are instances when government has got to step in to protect, but this is not one of them. People survive or fail on their own ability, and it seems to me that that is the broad question we ought to give some consideration to today, not merely gasoline, and would the people who would tend to think this ought to have some support be in favor of even a minute increase in gasoline cost through a tax device that has been proposed earlier. No, we were concerned about the consumer and perhaps that was legitimate, but I would hope today that as you vote either for or against, you bear in mind that we are really talking about something considerably more than gasoline.

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

Mr. MANGAN: Mr. President and Members of the Senate: I still am tremendously bothered by this bill. What this bill would actually do is to, because of the fact they are going to be required to pay the same amount as the regular trade name, stations are going to really be forced to get a trade name because if all gas is going to cost the same thing there would be no sense in running off with an independent name, and also be forced probably to pay the same franchise fees.

The bill would be all right, I suppose, if we can, on the other hand, provide a guarantee to the independents that they will receive the same allocation of gas in hard times as the majors do, but that is not the case. Now what this bill is actually trying to do in a backward approach is to provide a guaranteed income for those people who run trade name stations, and, finally, what you must consider is that business is an interesting phenomenon. He who is willing to work the time and put in the energy will generally succeed, and those who are not, will not. Now the independents are generally open at 7:00 in the morning, and they are open until 11:00-12:00-12:30 at night. I recall during the energy shortage back some, when some of the gas stations that were the trade name stations were closing at 6:00-5:15-5:00 at night, were not open Saturdays and Sundays. The independents naturally, were out of business at that time because they could not get any gas at all. I sit here and I wonder what Karl Marx would think today when he sees that we are coming a lot closer to 1984 through legislation like this, than was really intended in the long run.

I worry when we start getting involved in the business market, when we start destroying competition, and we are looking at this from the other point of view, that we are destroying competition because we are equalizing prices. We are equalizing profits. We are deciding how much of a profit is going to be made on a sale of gasoline. By passing this bill, we will destroy competition, and I say to you, the members of the Senate, today that you must seriously understand that if an independent is willing to sell gas for a penny or two a gallon instead of .06 or .07 like the regular trade makers, that he deserves to get his penny or two a gallon. If that

is what he wants to do, that is his business. If he wants to sell it for more, that is his business also, but I do not think that we should just take that extra step and guarantee that everybody will have to buy their gasoline at the same price and sell it at the same price. I think this is wrong. I think it is erroneous, and when we start going this far, I think we have too, too far.

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

Mr. PRAY: Mr. President and Members of the Senate: First of all, I want to assure the members of this Body that this legislation does not mandate that we buy and sell gasoline at the same price. In the last session I voted for Solvent Chemicals. I voted for Maremont Cement, to give them a tax break, to give them special consideration, and I see the issue before us at this time is to give the small independent dealers of this state an opportunity, a break.

I see the issue quite differently than the previous speakers that have stood up here. I believe in the free enterprise system. I am not going to stand up here and wave the flag and talk in a Joe McCarthy tone of speech about Communism and Karl Marx and everything else that comes down the pike. I think that individuals are going to sell gasoline, as I said earlier, and it is going to depend upon their profits, their margin of profit, and I think right from that point there the individual who belongs to certain affiliations start off with an advantage. It is true that the independents open up at 6:00 and 7:00 in the morning and work until midnight because they are at a disadvantage. It is for those reasons those individuals work many more hours than the Gulf Corporation, Exxon Corporation, and many other large oil companies and their affiliations. I belong to one of those affiliations, and I still hold the opposing viewpoint, because I am employed by an individual who sells Gulf Gasoline. But I take the opposing viewpoint to protect those small dealers who start off with that disadvantage.

I think if we are going to consider free enterprise, we have to consider the aspect that many, many areas in our laws and our statutes deal particularly with those interest groups which sometimes start off in unfair advantage. We classify what a monopoly is. In fact, in a sense, we have established the fact that many of the oil corporations, who are the distributors of gasoline through affiliations, are in a sense a mini-monopoly.

When we address this issue today on Roll Call, I have the conviction that each individual vote will reflect what the true meaning of the free enterprise system is, and as to how this State is going to deal with it, how this state is going to consider all of those individuals which are in a particular field of business, not only the fact that they deal with one particular item. The good Senator from Cumberland, Senator Morrell, brought up that coming down the road is clothing stores and everything else. I disagree with that. We could have brought that issue up last year when Solvent Chemical was brought up. In some aspects I am sure there was some way we could have drawn every other business in the state into there.

I would just point out that it is the last time I will rise on this issue, that it was a unanimous Committee Report, 13 Members of this Legislature, it is my belief, voted for this bill. I see the good Senator from Penobscot, Senator Trotzky, shaking his head. As the sponsor of this legislation, and as chairman of that committee, I am sure he is perhaps right. Maybe I am wrong that it was not a unanimous Committee Report, but it was an overwhelming Committee Report, and it has gone through this Chamber on a number of occasions, and we have discussed it. I hope that the individuals that voted their convictions this morning, will vote them this afternoon.

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

Mr. PIERCE: Mr. President could I have the Secretary read the Committee Report?

The PRESIDENT: The Secretary will read the Committee Report.

Committee Report Read.

The PRESIDENT: Is the Senate ready for the question?

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 Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: Just to make a brief comment. In the short debate which was carried on this afternoon on this issue, I also pointed out that the Senator from Penobscot, Senator Trotzky, was the sponsor of this legislation. I would like to have the record show that he is not the sponsor of this bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that the Senate reconsider its action whereby this bill was passed to be enacted.

A yes vote will be in favor of reconsideration. A nay vote will be opposed.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Lovell, Mangan, McNally, Minkowsky, Morrell, Redmond, Wyman.

NAY — Conley, Curtis, Danton, Farley, Levine, Martin, Merrill, Pierce, Pray, Snowe, Speers, Trotzky, Usher.

ABSENT — Carpenter, O'Leary.

17 Senators having voted in the affirmative, and 13 Senators in the negative, with 2 Senators being absent, the motion to reconsider does prevail.

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

Mr. JACKSON: Mr. President, I move the indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: In honor of those who supported this legislation today, I do not think I am premature in reading the following passage. "Oh somewhere in this favored land, the sun is shining bright. The band is playing somewhere, and somewhere hides the light, and somewhere men are laughing, and somewhere children shout but there is no joy in my Bill, Mighty Casey struck out."

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

Mr. PRAY: Mr. President, I request a Roll Call on the indefinite postponement 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.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that L. D. 560 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 — Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Lovell, Mangan, McNally, Minkowsky, Morrell, Redmond, Wyman.

NAY — Conley, Curtis, Danton, Farley, Levine, Martin, Merrill, Pierce, Pray, Snowe, Speers, Trotzky, Usher.

ABSENT — Carpenter, O'Leary.

17 Senators having voted in the affirmative, and 13 Senators in the negative, with 2 Senators being absent, the Motion to indefinitely postpone does prevail.

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

Mr. MORRELL: Mr. President, having voted on the prevailing side I now ask that we reconsider, and that you vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now moves the Senate reconsider its action whereby this bill was indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move this item be tabled until later in Today's Session.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this item be tabled until later in Today's Session.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

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

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

Will all those Senators in favor of the motion to table this item until later in Today's Session, please rise in their places to be counted.

Will all those Senators opposed to the Motion to table this item until later in Today's Session, please rise in their places to be counted.

9 Senators having voted in the affirmative, and 21 Senators in the negative, the motion to table until later in Today's Session does not prevail.

A viva voce vote being had,

The motion to reconsider does not prevail.

The President laid before the Senate: House Reports — from the Committee on Judiciary — Bill, "An Act Relating to Judicial Review of Public Utilities Commission Decisions." (H. P. 226) (L. D. 290) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — Earlier in the Day by Senator Conley of Cumberland

Pending — Motion of Senator Collins of Knox to Accept Minority Report

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

Mr. CURTIS: Mr. President, I hope that there will be a Roll Call and that in the Roll Call the result of the vote will be that the pending motion is defeated.

If it is, and the Majority Report is accepted, I do have an amendment to this piece of legislation which has been distributed (S-267), and which I think would solve many of the problems of the people who oppose the Majority Report from the Judiciary Committee, but would still retain that provision of the original bill which has, in my opinion, a meritorious effect of eliminating that part of the Maine statutes providing for the Law Court to exercise its own independent judgment as to the facts regarding cases it has under review from the Public Utilities Commission.

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 Knox, Senator Collins.

Mr. COLLINS: Mr. President, it was my good fortune this afternoon to be able to meet Commissioner Smith of the Public Utilities Commission, who is with us in the Chamber, and to briefly discuss this problem with him. I was pleased to share his views, that he thinks that this provision that we are considering today is important to the work of the commission. Mr. Smith taught Public Utilities Law for many years, and knows out of a long breadth of experience of teaching and research something about this topic, much more, I am sure, than perhaps all of us here.

I hope that you will vote yes on the pending motion.

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

Mr. CURTIS: Mr. President, similar to the various views that are expressed in the Senate from time to time, particularly on this issue, why the Public Utilities Commission itself is divided on this particular matter. Two members of the Commission testified before the Judiciary Committee. The Chairman, Ralph Gelder, and one other member of the Commission, Mr. Bradford.

I, too, have had an opportunity at my request today to confer in this Chamber with the Chairman of the Public Utilities Commission, Mr. Gelder, and at my request he provided me with a copy of the complaint which is now pending before the Law Court regarding the New England Telephone case, and in his cover note which he provided with that copy of the complaint, he said that "attached is New England Telephone's complaint to the Law Court which is based exclusively on Section 305. Count 1 deals with the June 7th to June 10th issue and Count 2 cites 24 errors in factual findings. The Court is asked to make independent judgments of facts. I have no problem with appeals on questions of Law," writes Commissioner Gelder, "where the Court must deal with factual sufficiency, legal error, etc., but I think they should remand the case to the PUC for factual determination consistent with the Law."

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

Mr. MINKOWSKY: Mr. President, I would like to request of the Senate that I pair my vote with Senator Carpenter. If he had been here, he would vote against the pending Motion, and I would vote in favor of the pending Motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, who would vote yes, requests that his vote be paired with the Senator from Aroostook, Senator Carpenter, who would vote no. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I ask leave of the Senate to pair my vote with Senator O'Leary, who if he were here would vote no, and I would be voting yes.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, who would vote yes, requests that his vote be paired with the Senator from Oxford, Senator O'Leary, who would vote no. Is this the pleasure of the Senate? It is a vote.

The pending question before the Senate is the Motion of the Senator from Knox, Senator Collins, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

The doorkeepers will secure the Chamber. The Secretary will Call the Roll.

YEAS — Collins, D.; Collins, S.; Greeley,

Hewes, Huber, Jackson, Katz, Lovell, McNally, Morrell, Redmond, Snowe, Trotzky.

NAYS — Chapman, Conley, Cummings, Curtis, Danton, Farley, Hichens, Levine, Martin, Merrill, Pierce, Pray, Speers, Usher, Wyman.

Absent — None.

13 Senators having voted in the affirmative, and 15 Senators in the negative, with 4 Senators pairing their votes, the Motion to accept the Ought Not to Pass Report does not prevail.

On Motion of Mr. Curtis of Penobscot, The Majority Ought to Pass Report accepted.

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

The President laid before the Senate: House Report — from the Committee on Education — Bill, "An Act to Provide Alternatives to the Compulsory Attendance Law." (H. P. 615) (L.D. 815) Ought to Pass in New Draft Under New Title "An Act Relating to Habitual Truants and School Dropouts." (H. P. 1650) (L. D. 1851)

Tabled — earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Report

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

Mr. COLLINS: Mr. President, I am pleased that the Chairman of the Education Committee has returned, and I have taken a special interest in this topic, because in the original Juvenile Code Bill we had several pages devoted to this same problem. We decided after initial scrutiny of that problem, that it was better handled in the separate Bills that were before the Education Committee, and we struck all of that material from our work.

Now the Bill comes forward from the Education Committee, and I have read it and I see many constructive features to it. However, I am troubled by one or two things, and perhaps they can be answered, but I feel they ought to be raised. One of our basic problems in dealing with truants and dropouts, of course, is the question of whether there shall be any sanction, any way in which the government puts its official power and authority behind the rules it establishes. Now this, as I understand the Bill, and I may not completely understand it, but as I understand the Bill, the ultimate sanction is the withholding of funds by the Commissioner of Education from the local school unit that has not brought about a certain standard of attendance.

Now, in bringing a standard of attendance, I guess I do not understand how a School District, or parents or guardians or whatever, can accomplish this without any sanction. Is there a sanction somewhere else in our Laws? What is the method, because it says here in the third Section of the Bill that a report has to be made by the local Superintendent to the Commissioner, and that the local unit must maintain a minimum attendance of 85 percent between October 1st and April 1st, exclusive of sickness or other excused absences, to be included in the count in April 1st. Now this has a relationship, I understand, to school funds, and an Amendment put on in the other Body drops the effectiveness of the measure back to a later year, but there is still a question.

So I would appreciate any light that can be thrown on this problem. It is a tough problem, I know, because we have dealt with it in Judiciary Committee, and we have heard it debated the last three years on the floors of both Bodies.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the Bill that you see before you is the distillation of, I think

several pieces of Legislation.

We are faced with a problem that purely and simply can be summed up by saying some kids do not want to go to school, and I think we can supplement it by the fact that some parents do not seem to care very much whether the kids go to school.

Mr. President, because of the importance of this Bill, and because I think this is probably the only time it is going to be debated, would the Chair advise me how to get some kind of a quorum call in here. We have a very, very small select group at the moment.

I request a Roll Call on the acceptance of the Committee Report.

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 Kennebec, Senator Katz.

Mr. KATZ: Mr. President, as I was saying, the fact is that a lot of kids just do not want to go to school, and a lot of parents do not particularly care whether they go to school. I just ran into an extraordinary situation in a large community, the City of Baltimore, which in dealing with this problem has approached it in a very novel manner. They have a daytime curfew for minors, and if you can imagine the extent you go where you tell law enforcement people when you see a kid in the street and school is in session, you go up to them and hassle them and ask them why aren't you in school. Well, the State Senator with whom I spoke earlier today seemed to feel that the law was working rather well. Well, I just do not see its applicability to the State of Maine to make being on the street for a kid during school hours an offense that will cause them to be approached by a law enforcement person.

We used to have the ability to send the kid to either the Girls School or to the Boys Training Center, and that option has been taken away, and in the course of developing alternatives, none of which were all that good, we said why don't we put a little bit more burden on the schools to give them a motivation for making that little extra effort, to walk that extra mile to keep the kid in school. And, if the kid is actually a dropout, although he shows up once every two weeks, why should we pay the school as if the kid were present.

Well, this is unfair because it is the schools are turning to the Legislature asking for some relief, but, nonetheless, the Committee said in some cases this might be effective, and we do not withdraw all the money. We just take it from that one town. We count twice a year.

Now where we are now is in a position of disagreement between Committee and the other Body. I would urge the Senate to pass this Bill along today. I am going to move to kill the two House Amendments, which will put us in non-concurrence, and perhaps looking down the road see what our Committee of Conference might work out.

In the meantime, I would appreciate any input that any of you might care to give me on this piece of Legislation, and, Mr. President, I withdraw my request for a Roll Call.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests leave of the Senate to withdraw his request for a Roll Call. Is it the pleasure of the Senate to grant this leave? It is a vote.

Ought to Pass in New Draft Report accepted.

The Bill, in New Draft, Read Once. House Amendment "A" Read.

On Motion of Mr. Katz of Kennebec, House Amendment "A" indefinitely postponed. In non-concurrence.

House Amendment "D" Read.

On Motion of Mr. Katz of Kennebec, House Amendment "D" indefinitely postponed, in non-concurrence. The Bill Tomorrow Assigned for Second Reading.

Bill Recalled

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

Mr. SPEERS: Mr. President, is the Senate in possession of Bill, "An Act to Require Drivers License Renewal Examinations." (H. P. 397) (L. D. 509)

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been recalled pursuant to Joint Order (H. P. 1726).

The Chair recognizes the Same Senator.

Mr. SPEERS: Mr. President, I would move that under suspension of the rules, the Senate reconsider its action whereby this Bill was enacted.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the rules be suspended and that the Senate reconsider its action whereby L. D. 509 was passed to be enacted. Is this the pleasure of the Senate?

On Motion of Mr. Speers of Kennebec,

Tabled for One Legislative Day, Pending the Motion of the Same Senator that the Senate reconsider its action whereby this Bill was enacted.

(Senate at ease)

Papers from the House

Non-concurrent Matter

Bill, An Act Providing for the Practice of Architecture through a Corporation or a Partnership. (S. P. 137) (L. D. 378)

In the Senate June 13, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (S-219)

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-663) thereto, in non-concurrence.

On Motion of Mr. Pierce of Kennebec, The Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission. (H. P. 1128) (L. D. 1345)

In the House Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-496)

In the Senate Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" (S-251) thereto, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

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

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

The PRESIDENT: The Senator from Aroostook, Senator Collins, now Moves that the Senate insist and join in a Committee of Conference with the House.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, it is my hope that the Senate will support the Motion to insist and join in a Committee of Conference. The good Senator from Cumberland, Senator Morrell, is not present, but it was he who had such grave concern about this particular Bill,

and I think he would like to work what could be worked out to save this Bill.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to insist and join in a Committee of Conference, please rise in their places to be counted.

Will all those Senators opposed to the Motion to insist and join in a Committee of Conference, please rise in their places to be counted.

16 Senators having voted in the affirmative, and 8 Senators in the negative, the Motion to insist and join in a Committee of Conference with the House does prevail.

(See action later Today.)

Non-concurrent Matter

Bill, An Act to Make Possible Property Tax Valuation Assistance to Local Officials. (Emergency) (S. P. 464) (L. D. 1607)

In the Senate June 14, 1977 Minority 'Ought Not to Pass' Report Read and Accepted.

Comes from the House, Bill Passed to be Engrossed in non-concurrence.

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

Mr. WYMAN: Mr. President, I move we adhere.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would move that the Senate recede and concur, and ask for a Division on the Motion.

The PRESIDENT: The Senator from Cumberland, Senator Merrill now moves that the Senate recede and concur.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I oppose that Motion and, if it fails, then I would move that we ask for a Committee of Conference.

The PRESIDENT: Is the Senate ready for the question.

The pending Motion before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that the Senate recede and concur with the House.

A Division has been requested.

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.

10 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to recede and concur does not prevail.

Is it now the pleasure of the Senate to request a Committee of Conference with the House? It is a vote.

Reconsidered Matter

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

Mr. CONLEY: Mr. President, in reference to Bill, "An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission." (H. P. 1128) (L. D. 1345); I now move that the Senate reconsider its action whereby it moved to join in a Committee of Conference with the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby it voted to insist and join in a Committee of Conference with the House.

A viva voce vote being had,

The Motion to reconsider does not prevail.

Non-concurrent Matter

Bill, An Act Relating to Arbitration under the State Employees Labor Relations Act. (S. P. 150) (L. D. 392)

In the Senate June 14, 1977 Minority 'Ought Not to Pass' Report Read and Accepted.

Come from the House, Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-238) in non-concurrence.

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

Mr. McNALLY: Mr. President, I move that we adhere.

The PRESIDENT: The Senate from Hancock, Senator McNally, moves the Senate adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

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

The Chair will order a Division.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: 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 Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to point out one fact in relation to this Bill that many individuals that may consider it a Labor Bill. It is not a Labor Bill. All it says is that after two sides are unable to come to an agreement, that binding arbitration will take place and that a third individual will come in and make the decision, and that decision will be bound by both sides to be carried out. That decision may be on the side of the laborers, or it may be on the side of management.

Mr. President, I request permission to withdraw my request for a Roll Call.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now requests leave of the Senate to withdraw his request for a Roll Call. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair will order a Division.

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

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

9 Senators having voted in the affirmative, and 19 Senators in the negative, the Motion to recede and concur does not prevail.

The Senate voted to adhere.

(See Action Later Today.)

Committee Reports

House

Divided Report

The Majority of the Committee on Judiciary on, Bill, An Act Relating to Setting Determinant Sentences for Inmates Sentenced Prior to Enactment of the Maine Criminal Code. (H. P. 703) (L. D. 884)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-607)

Signed:

Senator:

MANGAN of Androscoggin

Representatives:

NORRIS of Brewer

HENDERSON of Bangor

BYERS of Newcastle

GAUTHIER of Sanford
BENNETT of Caribou
HOBBINS of Saco
SPENCER of Standish
DEVOE of Orono
TARBELL of Bangor
HUGHES of Auburn

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

Signed:

Senators:

COLLINS of Knox
CURTIS of Penobscot

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 Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I move the Acceptance of the Majority Ought to Pass Report, as amended by Committee Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now moves the Senate accept the Majority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, the issue here is very simple. Do you want to let some more people out of the Thomaston State Prison?

It was a Bill that came out of the prison itself, and at first it sounded reasonable that we should let out those who were sentenced to a term longer than the Criminal Code now provides for the same crime, and anyone who is in there for some act which is not now a crime. However, we asked the Bureau of Corrections and the Attorney General's Office to explore this, and their memorandum pointed out very carefully that when we did the Criminal Code, we reorganized the structure of some of the crimes so that it is pretty difficult to equate the crime for which some of these people are now incarcerated with something that is in the Criminal Code, and the process of making that equation is going to require a lot of work in the Courts, probably with appeals to the Law Court, and the number of people affected, I believe, is not more than 13.

But we have in our governmental structure, a perfectly good and sound method of dealing with any meritorious case, and it is known as Executive Clemency. Our Governor has been very much interested in the pardoning authority and process, and goes over to the State Prison on occasion to interview the people that are asking for pardons, and I have no doubt that he would grant a pardon for any meritorious case, without our passing this thing, which will just throw into the Courts several cases and confuse the Judges. They will wonder what in the world the Legislature meant, and I certainly do not know what we would mean by this act.

That is the reason I signed the Minority Report.

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

Mr. MANGAN: Mr. President and Members of the Senate, I agree to some degree with the good Senator from Knox that there are about 13, 15 at the most, that would be affected by the Bill.

However, if we assume that the elements of the crime are greatly different and some of those cases we might have three or four matters that might end up going to appeal in the Supreme Court, which I do not think is going to clog the docket that greatly.

Secondly, I think the Court has got a wide latitude of discretion under Committee Amendment "A" of the Committee Report, and the Committee Amendment "A" states that "the

minimum term of whose sentence is greater than the maximum term of imprisonment permitted under this Code for a crime of which the elements are the same." If the elements are different, then we may have a problem, but if those elements are the same, which I would assume would be well in the vicinity of 10 out of the 15, then we may have maybe three, maybe five appeals.

I think it is a minor issue, and I feel that for those people who are incarcerated under a crime that is no longer a crime, or incarcerated for a crime which formerly was to carry 10 to 20 years, and now carries two to five, or a straight determinate two year sentence, that they should have the opportunity to go to the Superior Court and ask for a review of that sentence, and I think that the Governor is busy enough now with his budget that he does not really want to be burdened with appeals and pardons from the State Penitentiary, and I would urge that the Members of the Senate support the Majority Report. It is obvious to the Members of the Senate who have read the Report that it is not a partisan report. I believe there are more Republicans on the Report than there are Democrats. I think there are only three Democrats on the whole Report. But, I would urge the Senate to support the Majority Ought to Pass Report.

The PRESIDENT: The Chair hopes that the Senator is not suggesting that this Chamber ever votes in a partisan fashion.

The pending question before the Senate is the Motion by the Senator from Androscoggin, Senator Mangan, that the Senate accept the 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 Majority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

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

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

Minority Ought Not to Pass Report Accepted in non-concurrence.

Sent down for concurrence.

Reconsidered Matter

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

Mr. McNALLY: Mr. President, in reference to Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (S. P. 150) (L. D. 392) having voted on the prevailing side, I now move for reconsideration.

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

Mr. PRAY: Mr. President and Members of the Senate, I would just like to inform the Senator from Hancock, that I am a realist.

The PRESIDENT: The Pending question before the Senate, is the question by the Senator from Hancock, Senator McNally, that the Senate reconsider its action whereby it voted to adhere on L. D. 392.

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

Divided Report

The Majority of the Committee on State Government on, Resolve, to Authorize the Conveyance of the National Guard Army in Auburn to the City of Auburn. (Emergency) (H. P. 1249) (L. D. 1471)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Aroostook

MARTIN of Aroostook
Representatives:

STUBBS of Hallowell
SILSBY of Ellsworth
DIAMOND of Windham
KANY of Waterville
CHURCHILL of Orland
MASTERTON of Cape Elizabeth
LOCKE of Sebec
VALENTINE of York
CURRAN of So. Portland
BACHRACH of Brunswick

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee "A" (H-598).

Signed:

Senator:

SNOWE of Androscoggin

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-664).

Which Reports were Read.

On Motion of Mr. Speers of Kennebec,
Tabled until Monday Next, Pending acceptance of either Report.

Divided Report

The Majority of the Committee on Taxation on, Bill, An Act Concerning the Veterans' Property Tax Exemption. (H. P. 787) (L. D. 909)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

CARTER of Bangor
POST of Owl's Head
CHONKO of Topsham
IMMONEN of West Paris
MACKEL of Wells
TWITCHELL of Norway
TEAGUE of Fairfield

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-654)

Signed:

Senator:

MARTIN of Aroostook

Representatives:

MAXWELL of Jay
CAREY of Waterville
COX of Brewer

Comes from the House, Majority Report Read and Accepted.

Which Reports were Read.

Majority Ought Not to Pass Report Accepted in concurrence.

Papers from the House Non-concurrent Matter

Bill, An Act to Promote the Preservation of Historic Districts within the State of Maine. (H. P. 1192) (L.D. 1440)

In the House June 14, 1977 Majority 'Ought to Pass' Report Read and Accepted and the Bill Passed to be Engrossed.

In the Senate June 15, 1977 Bill and Papers Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

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

Mr. COLLINS: Mr. President, I Move we adhere.

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

Mr. KATZ: Mr. President, I Move the Senate insist and join in a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate insist and join in a Committee of

Conference with the House.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I would oppose the Motion to insist. I think this Body made it rather clear the other day that this is a piece of unnecessary Legislation. I do not think that there is any basis for a Committee of Conference. I am sure that in our present posture that we cannot possible work out an agreement.

I would hope that you would oppose the Motion to insist.

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

Mr. KATZ: Mr. President, I have in my hand a proposal for a connotative point of view. I have no notion, not having read it, whether it would be acceptable or not, but it was the basis for my making the Motion to insist and join in a Committee of Conference.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Motion to insist and join in a Committee of Conference, please rise in their places to be counted.

Will all those Senators opposed to the Motion to insist and join in a Committee of Conference, please rise in their places to be counted.

9 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to insist and join in a Committee of Conference does not prevail.

The Senate voted to adhere.

Senate Appointments Committee of Conference

The PRESIDENT: The Chair will appoint on the part of the Senate the following Committees of Conference:

"An Act to Remove the Commercial Licensing of Smelt Fishermen" (H. P. 1045) (L. D. 1272) and

"An Act to Impose a Four Quart Limit on the Taking of Smelts Throughout the Entire Smelting Season" (S. P. 320) (L. D. 1077)

The Senator from Sagadahoc, Senator Chapman

The Senator from Cumberland, Senator Hewes.

The Senator from Kennebec, Senator Levine

Senator Merrill of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. MERRILL: Mr. President and Members of the Senate, I would like to compliment the President for his unusual ability to remain cool under these circumstances, and to do his usual fair and impartial job. There are only two people in this Chamber, to my observation, who are cool and relaxed today, — Senator Katz, who has cheated and not been here for two days, and had a chance to relax, and the President of the Senate, who has certainly been here and working very hard. My compliments go out to you for the job that you have done.

The PRESIDENT: The Chair thanks the Senator.

(Applause)

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,
Adjourned to 9:30 tomorrow morning.