

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

INDEX

**Senate Confirmation Session**

June 14, 1978

INDEX

**First Special Session**

September 6, 1978 — September 15, 1978

INDEX

**Second Special Session**

October 18, 1978

INDEX

**Third Special Session**

December 6, 1978

INDEX

APPENDIX

## SENATE

February 3, 1978

Senate called to Order by the President.

Prayer by The Honorable Donald F. Collins of Cairbou.

Mr. COLLINS; O Lord as we pause to reflect on this beautiful Maine day, let us not forget our responsibilities to the people of Maine and to they universal order. Grant us the wisdom to understand, and strength to do whatever we ought to do, and let us do it in harmony one with another. Amend.

Reading of the Journal of yesterday.

## (Off Record Remarks)

## Committee Reports

## House

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

RESOLVE, Authorizing Edward E. Benner, Jr., Mable C. Benner of St. George and the Administrators of the Estate of Daniel E. Benner to Bring Civil Action Against the State of Maine. (H. P. 1946) (L. D. 2025)

## Ought to Pass — As Amended

The Committee on Agriculture on, Bill, "An Act to Amend the Maine Potato Branding Law." (H. P. 1896) (L. D. 1953)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-998)

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

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

The Committee on Agriculture on, Bill, "An Act to Permit Persons Other Than Arborists to Take Down Trees by Topping or Sections." (Emergency) (H. P. 1858) (L. D. 1925)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-981).

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

Which Report was Read.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, pending acceptance of the Committee Report.

The Committee on Education on, Bill "An Act to Suspend Public Law 1977, Chapter 499," "An Act Relating to Habitual Truants and School Dropouts," until July 1, 1979. (Emergency) (H. P. 1893) (L. D. 1950)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1000).

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

The Committee on Veterans and Retirement on, Bill, "An Act to Increase Retirement Benefits for Teachers who Taught Prior to July 1, 1942." (H. P. 1888) (L. D. 1945)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-997).

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

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

The Committee on Health and Institutional Services on, Bill, "An Act Concerning Substitution of Generic Drugs by Pharmacists." (H. P.

1914) (L. D. 1975).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-987).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-1007) thereto.

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

## Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking Shellfish." (H. P. 715) (L. D. 851)

Reported that the same Ought to Pass as amended by Committee Amendment "C" (H-989).

Signed:

Senators:

CHAPMAN of Sagadahoc

LEVINE of Kennebec

HEWES of Cumberland

Representatives:

JACKSON of Yarmouth

BLODGETT of Waldoboro

POST of Owl's Head

GREENLAW of Stonington

FOWLIE of Rockland

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

Signed:

Representatives:

CONNERS of Franklin

NELSON of Roque Bluffs

BUNKER of Gouldsboro

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "C" as amended by House Amendment "A" (H-993) thereto.

Which Reports were Read. On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, pending acceptance of either Committee Report.

## Second Readers

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

## House

Bill, "An Act Concerning Limitation of Actions and Assumptions of Risk under the Elevator and Tramway Statutes Pertaining to Ski Areas." (H. P. 2060) (L. D. 2118)

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

Bill, "An Act to Repeal Mandatory Eye Tests for the Renewal of Driver's Licenses for all Persons over 40." (Emergency) (H. P. 1884) (L. D. 1938)

Which was Read a Second Time.

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

Mr. COLLINS: Mr. President and Members of the Senate, I offer Senate Amendment "B" to (L. D. 1938) and move its adoption, and would speak to my Motion.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "B" to L. D. 1938 and move its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" (S-451) Read.

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

Mr. COLLINS: Mr. President, when we debated this matter concerning eye test for drivers over 40 yesterday, the Senator from Hancock, Senator McNally, brought to our attention that the language of the Bill that was enacted last spring is somewhat in conflict

with the intent of the Maine Highway Safety Committee as expressed in the letter that had been distributed to our desk.

I studied the matter further and saw that the Senator from Hancock was correct and that the obligation of the Secretary of State to test everybody within a fairly short space of years was much greater than was intended by the sponsors of the Bill. I therefore, worked with the Research Department to draft an Amendment which I have now placed before you.

This Amendment would repeal, would take away the emergency clause within the existing Bill, and it would rewrite the present statute so that there are transition provisions that provide for a phasing in of this testing and a provision so that the examinations will happen only on a cycle of once in the 12 years. Now actually, this will result in a little bit less testing, and it will result also in a spacing out of the testing over a period of years so that the burden on the Secretary of State's Department will be less. If you read this carefully, you will notice that in the 12 year cycling, that actually we will be having a one year gap when you get to the age of 64, if your 4 year license comes up for renewal that year, you won't have to have it done because you will have to have it done when your 65 anyway, because that is the old statute that provides for an examination at 65 and then of course when you are 75, you have to have it done every year.

So we think that this Amendment would put into phase more accurately what was intended. Be somewhat of less of a burden on the Secretary of State's Department. We still have the basic question of; Do you think this is a reasonable safety measure to consider? I submit that it is and that with this correction, it is the sort of thing that we ought to support. I hope you will give consideration to adopting this Amendment.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate, I fully appreciate the endeavors that my friend Senator Sam Collins of Knox has gone through in drafting up this particular Amendment. But it still does not really express the feelings that I have had expressed to me by constituents who are now subjected to this law as of January of this year. That why mandate this to people over age 40?

It was clearly stated that the biggest problem was with alcohol, and this was not necessarily in the age 40 classification, but the younger age classification. But in addition to that, if we do not repeal this law, in the future I am sure we will be faced with getting people who are over age 40 that might be having problems with their hearing, hearing impaired, or possibly people who have a heart condition that are driving vehicles that they will have to have an examination to justify their ability to drive a vehicle and we can, there will be no end exactly, to the demands we placed upon people. One area of Senator Collins' Amendment which maybe I have misconstrued, but on the second page, item 3, which clearly spells out that you have one driver examination, or one eye examination between age 40 to 52, does clarify the position of the Maine Highway Safety Committee, but in the item 4, the people from age 52 to 65 are immune from having any eye examination. As it states in the Amendment, "transition for persons between 52 and age 65 on September 1, 1978, every person who on September 1, 1978 has attained his 52 birthday, but has not attained his 65 birthday shall not be required to pass a vision portion of the drivers examination for renewal of his license until he is subject the the sub-section," and this does not, as I would look at this, I would think the hazards, if there are hazards, which according to statistics in the many states that now have this particular law, they have not been able to justify by these statistics to say that people who

have not had a vision test after age 40 are creating accidents. Looking upon that particular section that I would feel that if Senator Collins has statistics, they would prove maybe that people over 52 to age 65 would be creating more of a problem than the people from age 40 to 52.

I do not want to reiterate Mr. President and Members of the Senate the same subject matter we went over yesterday because I think you have heard it all, and I think that the vote substantiates exactly what the feelings of this body was. I would oppose this Motion to adopt Senate Amendment (S-451) and Mr. President, I would move the indefinite postponement of the Amendment.

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

Mr. COLLINS: Mr. President, I would request a Roll Call on the pending motion by the Senator from Androscoggin, Senator Minkowsky.

I would make one response to a point that he mentioned about those people from age 52 to 65. It was my understanding from materials submitted during the first session, that the biggest change in your eye sight comes between the ages of 40 and 52. There are continuing changes, of course, and those changes could be important. But the most significant change in one's eye sight comes not long after you reach age 40. Most of us who have had to wear glasses or have changes in our glasses, I think can testify to that. Double vision is likely to come on sometime between age 45 and age 50, as I understand the statistics. So I would submit that this is still accomplishes the main purpose of safety and I would submit that the Bill answers one other point that the good Senator from Androscoggin raised yesterday. He spoke about some of his people who work in industrial plants and not having time to get out and have things checked. Many industrial establishments now a days either have a staff nurse or from time to time they have either doctor or a nurse come into their plant for the purpose of various health majors; such as: inoculations and other test, and these same people could very well do the testing that is required here and sign that sheet of paper and this could be sent down to the or mailed into the vehicle licensing office. I think this sort of thing, the Senator from York, Senator Lovell spoke about the Lions Club being interested in this. The language there permits people who are trained and approved by the Secretary of State, and these might be Lions Club people. Who could take a portable unit which the State already owns and they can go around and do mass examinations with this sort of thing, so we think that the whole thrust of the thing is to make it very easy for people to do. They can do it at no expense. It is only about a three minute performance and the safety dividends I think are worthy of your consideration. I would ask you to vote no on the pending Motion.

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

Mr. CONLEY: Mr. President, I would pose a parliamentary inquiry through the Chair.

Mr. President, I question as to whether or not the germanous of this Amendment is presently before this Body. It is my understanding that the Bill before us is a repeal of a present statute and the Amendment strikes out that repealer and amends a law that is already on the books.

The PRESIDENT: The Chair will examine the Amendment.

(At Ease)

The PRESIDENT: The Chair would advise the Senator from Cumberland, Senator Conley, that in the opinion of the Chair, the Amendment is germane, the reasons briefly are this: While a law, the Bill before us does repeal the existing statute. It nevertheless does establish some eye test requirements for people of cer-

tain age and the Amendment only amplifies on those same requirements.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, the good Senator from Androscoggin County, Senator Minkowsky, brought out, I think, a very important feature of this Bill when he said when the people go and get their eyes tested, they might find out they were deaf, or had a bad heart. Now many people die between the ages of 40 and 50 of heart attacks. Now if they go to a doctor, an MD or an optometrist and he discovers that there is something wrong with their heart in the course of this checking, not only could he save the person from coming down with glaucoma, which will definitely would cause blindness, unless caught in time, but he might save the lives of other people that had bad hearts. I thank the Senator from bringing it out.

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

Mrs. CUMMINGS: Mr. President, I would like to pose a question through the Chair. On the third paragraph of the letter we got from Mark Gartley today, it mentions that he has not a list of those who are legally blind. Is it possible some people who are receiving aid to the blind have drivers licenses?

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

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. MCNALLY: It was testified in the Committee that the; that that information is not available to the Secretary of State, because it is not permitted by law to receive this list and that is one of the bad things we have on the books that does not permit them to know about it.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, in answer to the inquiries that were just made, as a member of the of the State Advisory Committee on the Blind, we have had many cases, and I think I brought one out yesterday in the letter that I read, where people who receive aid to the blind, are actually driving cars, because no one questions there right to drive a car. It is not questioned on their license, and no one knows the difference until they are in an accident or some other case.

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

Mr. MINKOWSKY: Mr. President, there was no actual statistics verified, but there was somebody mentioned at the Committee Hearing that we had in excess of 200 people, who are receiving aid to the blind that are driving vehicles. In addition to that Mr. President and Members of the Senate, when I was referring to my constituents in the area of Lewiston at the time, would be complaining about this, it simply was upon fact that they would have to lose man hours from their employment in which to go down to the Motor Vehicle Registration Bureau to have that eye examination, which I understand takes 3 to 5 minutes, and they might not have to wait in line, but still will they be compelled to lose a couple hours of pay in order to do this, where at the present, time, their children or their wives might be in a position to have that drivers license renewed. Another point that Senator Sam Collins brought out. Yes your industrial nurses and people involved in the private sector of business can perform this particular job, but according to a letter from the Maine Highway Safety Committee, they must be qualified to administer the test and they also specify that in paragraph 4, that these people could be deputized in order to

make them qualified. And I think that we are moving to far in that particular direction. I would encourage the Senate to vote against this particular Amendment when the Roll Call is taken.

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

Mr. CONLEY: Mr. President and Members of the Senate, I hold exhibit number one before this Body this morning. I would like to say that when this Bill originally came before the Senate, I sort of looked upon a the Bill as a personal threat, and bow and behold it turned out that way, because I had to renew my license, and obviously, I know that most of you know that I over 40. But I also knew long before I was 40 that I had problems with my vision, and had glasses anyway, but the thing I look upon this sort of mandate from the State is, that people have to pay \$5.00 to the State to get their drivers license to start with and I guess in some cases, people pay \$10.00 for a 4 year drivers license.

Then we have another department within the State, one of my favorite topics is the Department of Fish and Game, and yet we just with somebody coming down dropping down \$10.00 or whatever the fee is to obtain a hunting license. Nobody has to take any eye examination to go out into the woods and shoot any moving object, and I just wonder really how far you can stretch this, and that is my concern. I do not think anybody here feels that no citizen or anyone should be on the highways driving a motor vehicle unless their vision is corrected, but again it is big government telling the average guy on the street as to do what big government wants him to do. And I just wonder, you know that the optometrist are in the background, and they are not lobbying the Bill at all, but they are concerned, and they are concerned because of what they consider to be a very serious subject, and I think that we all look upon it in that manner. But again it is the additional fee besides the purchase of the license itself that the State is not going to in anyway aid the individual or ask to pay the extra cost to have his eyes tested. And I am not too sure as to, I have seen the Amendment as to the individuals designated by the Secretary of State. It is my understanding that the first Bill, the people may have run on getting their licenses was almost impossible in the rural areas of the State to get this eye examination without going to an optometrist and it brought back a lot of resentment on the part of the people, but again, I think that my personal feelings is that again, it is government coming back down to the local people telling them what they must do after they meet their first requirements.

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

Mr. COLLINS: Mr. President, I have the impression that the good Senator from Cumberland, Senator Conley, is mistaken on his idea on an additional fee.

If you go into a motor vehicle licensing branch and are tested there, there is no charge. If you are tested in your industrial plant by a nurse, there is no charge. If the Lions Club unit does this as a public service, there is no charge. Most people go to a doctor or an optometrist at least once in 12 years and the certificate of these people is good for a year. I think the idea of an extra fee is not really accurate.

I wonder in listening to the good Senator, if he would also be in favor of abolishing the eye test that you take when you are 16 to get a license? Or the eye test that you take when you are 65 or 75 to get a license. That is big government telling you what to do. It is government trying to provide safety on the highways from people to stop the killing that is going on by accidents where people are driving that ought not to be driving, and sometimes do not realize it. I have had in my few years of law practice several cases of people being in accidents who did not have the eye sight to drive. It is a very pain-

ful experience to have to tell your own client that they ought not to be driving, but I have had to do it more than once. And I think that we have to do it as a Legislature, just as I have had to do it as a private attorney in the greater interest of public safety, and that is what I think we are voting on.

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

Mr. CONLEY: Mr. President, I would only respond to the good Senator from Knox, Senator Collins, that most of the deaths on our highways are generally from people who are blind, but it is from a toxic liquid I believe.

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 on this matter 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 Androscoggin, Senator Minkowsky, that Senate Amendment "B" to L. D. 1938 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

YEAS: Conley, Danton, Farley, Greeley, Hewes, Levine, Martin, Minkowsky, O'Leary, Pray, Usher

NAYS: Carpenter, Chapman, Collins, D.; Collins, J.; Cummings, Curtis, Hichens, Huber, Katz, Lovell, Mangan, McNally, Pierce, Redmond, Snowe, Speers, Trotzky, Wyman

ABSENT: Jackson, Merrill, Morrell

11 Senators having voted in the affirmative and 18 Senators in the negative, with 3 Senators being absent, the Motion to indefinitely postpone Senate Amendment "B" does not prevail.

Senate Amendment "B" Adopted. This Bill, as amended, Passed to be Engrossed in non-concurrence.

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

Mr. SPEERS: Mr. President, I move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed and urge the Senate to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

Will all those Senators in favor of reconsideration please say yes.

Will all those opposed please say no.

A Viva Voce vote being had,

The Motion to reconsider does not prevail.

Sent down for concurrence.

#### (Off Record Remarks)

#### House — As Amended

Bill, "An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System." (H. P. 1885) (L. D. 1939)

RESOLVE, to Appeal the Decision of State Claims Board Regarding Property Damage Claims from Collapse of Building at Northern Maine Vocational-Technical Institute. (H. P. 1876) (L. D. 1912)

Bill, "An Act Concerning Membership on the Food and Farmland Study Commission." (Emergency) (H. P. 1962) (L. D. 2045)

Bill, "An Act to Delay Implementation of the Court Intake Worker Function until July 1, 1978." (Emergency) (H. P. 1869) (L. D. 1926)

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

#### Senate

Bill, "An Act to Revise the Sanford Sewerage District Charter." (S. P. 673) (L. D. 2081)

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

Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act Concerning Brake Requirements on Agricultural Vehicles." (H. P. 1857) (L. D. 1924)

"An Act to Provide a Lower Registration Fee under the Transportation of Christmas Tree Statutes." (H. P. 1894) (L. D. 1951)

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

#### Orders of the Day

The President laid before the Senate: Bill, "An Act to Authorize the Town of Lincolnville to Withdraw from the Appleton-Hope-Lincolnville Community School District." (Emergency) (H. P. 2066) (L. D. 2129)

Tabled — February 1, 1978 by Senator Katz of Kennebec

Pending — Reference

Which was referred to the Committee on Education and Ordered Printed in concurrence.

The President laid before the Senate: Bill, "An Act to Clarify the Law Concerning the Posting of Bonds by Electric Companies with the Department of Environmental Protection for Certain Licenses or Permits." (H. P. 1925) (L. D. 1986)

Tabled — February 2, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. TROTZKY: Mr. President, under suspension of the rules, I move that the Senate reconsider its action whereby it adopted Committee Amendment "A"

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that the Senate suspend its rules, and reconsider its action whereby it adopted Committee Amendment "A" to (L. D. 1986). Is it the pleasure of the Senate? It is a vote.

Mr. TROTZKY: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" (S-452) and move its adoption, and I would like to speak to my motion.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now offers Senate Amendment "A" to Committee 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 Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, during the past session, we passed a law which allowed companies coming before the Department of Environmental Protection to go directly with their application without having right, type, and interest to the land in question. And the example of this was the Tennaco Pipe Line Corporation also the Public Utilities which go in for certain hike transmission lines.

Under the Amendment that the Committee put out, we wanted to make the Electric company laws consistent with what we were making Tennaco do, and that is file a bond so in case they went before the DEP and they did not go through with their proposal, the DEP would be reimbursed for its expenses. However, since the electric companies are local companies and posting of a bond does cost them money, what this Senate Amendment would do, would say that in lieu of that bond, the electric company or public utility would present satisfactory evidence of financial capacity to make reimbursement to the DEP. So it would ultimately save the consumer a very small amount of monies.

Senate Amendment "A" to Committee

Amendment "A" Adopted. Committee Amendment "A", as amended. Adopted. This Bill, as amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

#### Senator Paper

Mr. COLLINS of Knox presents, Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 692)

Reference to the Committee on Judiciary is suggested and Ordered Printed.

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act to Establish the Maine-Canadian Legislative Advisory Commission." (H. P. 1879) (L. D. 1933)

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

#### Emergency

"An Act Relating to Assessment for Public Services Tax on Unorganized Townships." (H. P. 1922) (L. D. 1983)

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, Pending Enactment.

"An Act to Clarify the Definition of Residence for Purposes of the Inland Fisheries and Wildlife Laws." (S. P. 620) (L. D. 1908)

"An Act to Allow the Town of Otisfield to Meet its Obligations to Cumberland County for Existing Bonded Indebtedness Through a Lump Sum Payment." (H. P. 1930) (L. D. 2003)

These being emergency measures and having received the affirmative vote of 27 Members of Senate, were Passed to be Enacted, and having been signed by the President, were by the Secretary Presented to the Governor for his approval.

#### Emergency

"An Act to Increase the Amount which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts." (H. P. 1862) (L. D. 1920)

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

Mrs. SNOWE: Mr. President, under suspension of the rules, I move reconsideration of Passage to be Engrossed.

The PRESIDENT: The Senator from Androscoggin, Senator Snowe, now moves that the Senate suspend its rules, and reconsider its action whereby L. D. 1920 was Passed to be Engrossed. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate, I think we debated this issue at some length last week, and I do not plan to do it again today.

The PRESIDENT: The Chair would advise the Senator that suspension of the rules is not debatable.

Mr. PIERCE: Thank you Mr. President, then I would ask for a Division on the reconsideration Motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of suspending the Senate's rules please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to suspend the rules does not prevail.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate, as I started to say before, I think that perhaps Senator Chapman and myself expressed our concerns that this was an unsound banking practice, and that we could not support this measure. I assume we went into it probably enough at length earlier in the week so that I will not go into it again. I just would like to reiterate that while the possibilities are not good, that something would happen, I think they are very real that something unsound might happen, and therefore, I would oppose enactment of this and ask for a Division.

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

Mr. FARLEY: Mr. President and Members of the Senate, I take exception to the remarks by the good Senator from Kennebec, Senator Pierce. It was clearly the opinion of this Body just two days ago that this Bill should be enacted. The only problem here, the only thing we are fighting here today, is an emergency measure. Now I know that there are parliamentary moves to kill any piece of legislation here, and that is exactly what the Senator from Kennebec is doing today. It was the opinion of this Body just two days ago by majority vote not two-thirds, that this Bill should be passed. So what the Senator from Androscoggin intended to do under suspension of the rules, was to take that emergency off. This Body denied that. Now if the good Senator from Kennebec wanted to in fact indefinitely postpone the Bill and it was the will of this Body to do so, he had that opportunity two days ago. The Senator from Androscoggin, was denied from this Body today to suspend the rules in order to put an Amendment on and take that emergency off. I do not particularly like Bills getting killed by parliamentary maneuvers. That is what the good Senator from Kennebec did. Just two days ago, this body did approve this measure. Senator Pierce fought the battle that day and lost to win by parliamentary maneuvering is not my way of doing things, and I hope this Body today would enact this just the way it is. Thank you very much.

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

Mr. PIERCE: Mr. President and Members of the Senate, I guess I might first question the clear majority of the Senate which I might point out, I believe the vote was 14 to 14 and 15 to 14. I do not believe that is a very clear majority. Obviously, I thought that a Bill is heard three times in each Body to give people the opportunity to discuss it further in each one of those. I expressed my concern over the major as did others on that day. I would hope that this is another day when I am again expressing concern. People may have a change in mind or they may not. There are certainly some people on this Body today who were not here before, so to let these Bills go through after we have okayed it once I think would be rather frivolous. Obviously, our system works so that we do have the time to reconsider what may have been a hasty and unwise action and have a chance to correct that action before we finally put in the laws something which we may later regret.

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

Mrs. SNOWE: Mr. President and Members of the Senate, I think if we were to refresh our memories we were talking about one particular bank in Mechanic Falls, it is a small family bank that has been in operation for over ninety years without any problems. A few years ago they did request an exemption of \$500,000, but they only got an exemption of \$250,000. The superintendent of banking has absolutely no problems with this Bill, but feels that they should be allowed to expand. They also feel that they need at least \$500,000 in assets in order to afford the federal insurance. In order to buy

the federal insurance, they have to comply with certain requirements which is, first of all they have to buy all kinds of security devices, cameras, vaults, burglary alarms. They have to hire one full time employee. They have to provide an independent office, and they are also limited on the amount of interest they can provide on the deposits of 5¼ percent and right now they offer 6 percent. I really do not see any problems with this. It is not going to jeopardize the depositors. They do not keep cash on hand. Maybe no more than \$200,00. I really would urge passage of this Bill.

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

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

The PRESIDENT: The Senator from York, Senator Farley, 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 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 Enactment of L. D. 1920.

A yes vote will be in favor of Enactment.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEAS: Conley, Cummings, Curtis, Danton, Farley, Greeley, Hichens, Huber, Jackson, Levine, Lovell, Mangan, Minkowsky, O'Leary, Snowe, Wyman.

NAYS: Carpenter, Chapman, Collins, D.; Collins, J.; Hewes, Katz, Martin, McNally, Pierce, Pray, Redmond, Speers, Trotzky, Usher

ABSENT: Merrill, Morrell

16 Senators having voted in the affirmative, and 14 Senators in the negative, with 2 Senators being absent, and 16 being less than 2/3's of the entire elected membership of the Senate, this Bill fails of Enactment.

Sent down for concurrence.

#### (Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Adjourned until 11:30 in the morning, Monday, February 6, 1978.