

LEGISLATIVE RECORD

OF THE

One Hundred and Ninth Legislature

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

STATE OF MAINE

One Hundred and Ninth Legislature JOURNAL OF THE SENATE March 5. 1979

Senate called to Order by the President.

Prayer by the Honorable Samuel W. Collins, Jr., of Rockland.

Senator COLLINS: We the people of planet earth, with respect for the dignity of each human life, with concern for future generations, with appreciation of our spiritual values, with recognition of the limit of our resources and with need for adequate food, air, water, shelter, health, protection, justice and self fulfillment; hereby declare our interdependence and resolve to work together in brotherhood and in harmony, with our environment, to enhance the quality of life everywhere. Amen.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

Bill, "An Act to Permit Hotel or Motel Managers to Eject Disruptive or Destructive Persons from their Premise and to Require these Persons to Assume Responsibility for any Damages Caused." (S. P. 33) (L. D. 21) In the Senate, February 27, Passed to be En-

grossed as amended by Committee Amend-ment "A" (S-18)

Comes from the House, Passed to be Engrossed as amended by Committee Amend-ment "A" and House Amendment "A" (H-47), in non-concurrence.

On Motion by Senator Hichens of York, tabled until later in today's session, pending Consideration.

Non-concurrent Matter

Bill,"An Act to Enable the Ocean Park Association to Qualify for Tax Exempt Status under the United States Internal Revenue Code." (Emergency) (S. P. 291) (L. D. 853) In the Senate March 1, Referred to the Com-

mittee on Local and County Government.

Comes from the House, Referred to the Com-

mittee on Legal Affairs, in non-concurrence. The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House?

The motion prevailed.

Joint Orders

An Expression of Legislative Sentiment recognizing that:

The Buckfield High School Girls' Basketball Team has won the 1979 Western Maine Class D Girls' Basketball Championship ...

(H. P. 720) Comes from the House, Read and Passed. An Expression of Legislative Sentiment recognizing that:

Harold Hutchins of Kingfield is retiring after 36 years as Town Treasurer...

(H. P. 721) Comes from the House, Read and Passed. An Expression of Legislative Sentiment recognizing that:

Arthur and Hattie Cousins of Sedgwick, celebrated their 50th wedding anniversary on February 19, 1979...

(H. P. 722) Comes from the House, Read and Passed. Which were Read and Passed, in concurrence.

Joint Order

Ordered, the Senate concurring, that Constitutional Resolution, Proposing an Amendment to the Constitution of Maine Repealing the Of-fices of Judges of Probate and Registers of Probate as Constitutional Officers, H. P. 197, L. D. 246, be recalled from the legislative files to the House.

(H. P. 718) Comes from the House, Read and Passed. Which was Read.

The PRESIDENT: The Chair would advise the Senate, that in accordance with Joint Rule # 4, it is necessary to have a two-thirds vote of those Senators present and voting. The Chair will order a Division.

Will all those Senators in favor of Passing this Joint Order, please rise in their places to be counted.

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

25 Senators having voted in the affirmative and 1 Senator in the negative, and 25 being more than two-thirds of the members present and voting, this Joint Order is Passed, in concurrence.

House Papers

Bill, "An Act to Amend the Statutes Relating to Airmobiles." (H. P. 663) (L. D. 838) Comes from the House, referred to the Com-

mittee on Energy and Natural Resources and Ordered Printed

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act Concerning Bear Hunting with Dogs." (H. P. 664) (L. D. 824) Comes from the House, referred to the Com-mittee on Fisheries and Wildlife and Ordered Printed.

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed, in concurrence.

Bill, "An Act Concerning Writ of Posses-sion." (H. P. 669) (L. D. 829) Bill, "An Act to Facilitate the Enforcement

of Child Support Obligations and Make Statutory Changes Consistent with the Administrative Procedure Act." (H. P. 668) (L. D. 828)

Bill. "An Act Concerning Governmental Doc-Bill, "An Act Concerning Governmental Documents and Records of the Juvenile and Criminal Justice System." (H. P. 667) (L. D. 827)
Bill, "An Act Concerning Family Violence."
(H. P. 665) (L. D. 825)
Bill, "An Act Relating to Personnel Records of Fundavers of Political Subdivision of the

of Employees of Political Subdivision of the State." (H. P. 666) (L. D. 826)

Come from the House, referred to the Com-mittee on Judiciary and Ordered Printed.

Which were referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Bill, "An Act Concerning the Issuance of Work Permits and Charging of Fees." (H. P. 670) (L. D. 830)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

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

Bill, "An Act Equalizing the Retail Prices of Alcoholic Beverages throughout the State.

Alcoholic Beverages throughout the State.
(H. P. 674) (L. D. 834)
Bill, "An Act to Amend the Laws Relating to Games of Chance." (H. P. 672) (L. D. 833)
Bill, "An Act to Permit the Sale of Dessert
Wine at Retail Stores." (H. P. 671) (L. D. 831)
Come from the House, referred to the Com-

mittee on Legal Affairs and Ordered Printed.

Which were referred to the Committee on Legal Affairs and Ordered Printed, in concurrence

Bill. "An Act to Permit the Lucerne-in-Maine Village Corporation to Revise its Charter." (H. P. 675) (L. D. 835)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed

Which was referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Revise the Charter of the York Sewer District." (H. P. 676) (L. D. 832) Comes from the House, referred to the Committee on Public Utilities and Ordered Printed. Which was referred to the Committee on Public Utilities and Ordered Printed, in concurrence

Bill, "An Act to Establish Maine Cultural Heritage Week." (H. P. 677) (L. D. 836) Comes from the House, referred to the Com-

mittee on State Government and Ordered Printed.

Which was referred to the Committee on State Government and Ordered Printed, in concurrence.

Bill, "An Act Concerning Vehicles Following a Fire Truck Returning from a Fire." (H. P. 678) (L. D. 837)

Comes from the House, referred to the Committee on Transportation and Ordered Printed.

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

Review Report-Committee on Taxation

The Committee on Taxation In Accordance with 1 MRSA, sections 2602 and 2603, asks leave to report that:

Bill, "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Peri-odic Review of Tax Exemptions." (H. P. 768) (L. D. 855)

Be referred to the Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted and the Bill Referred to the Committee on Taxation.

Which Report was Read and Accepted, in concurrence and the Bill Referred to the Committee on Taxation, in concurrence.

Communications SENATE CHAMBER **President's Office**

March 2, 1979

Honorable Barbara A. Gill Honorable Sandra Prescott

Chairmen, Health and Institutional Services Committee

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Michael R. Petit of Portland to serve as Commissioner of the Department of Human Services.

Pursuant to Title 22, MRSA, Section 1, this nomination requires review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely, S/JOSEPH SEWALL President of the Senate

S/JOHN MARTIN

Speaker of the House

(S. P. 326)

Which was Read and Referred to the Committee on Health and Institutional Services. Sent down for concurrence.

Senate Papers

Senator Chapman of Sagadahoc, Cosponsors: Senator Collins of Knox, Senator Gill of Cumberland, Senator Ault of Kennebec presented the following Joint Resolution and moved its Adoption:

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOU-SAND NINE HUNDRED AND SEVENTY-NINE

JOINT RESOLUTION MAKING APPLICA-TION TO CONGRESS

CALLING A CONSTITUTIONAL CONVEN-TION TO PROPOSE AN AMENDMENT TO THE FEDERAL CON-

STITUTION

TO REQUIRE, WITH CERTAIN EXCEP-

TIONS, THAT THE FEDERAL BUDGET BE BA-LANCED

Whereas, with each passing year this Nation becomes more deeply in debt as its expendi-tures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and Whereas, the annual federal budget continu-

ally demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance: and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under the United States Constitution, Article V, the Congress, whenever twothirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or, on the application of the legislatures of twothirds of the several states, shall call a convention for proposing amendments which, in either case, shall be valid to all intents and purposes, as part of the Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; and

Whereas, we believe action on amendments to the Constitution concerning federal expenditures to be vital; now, therefore, be it Resolved: That this body respectfully applies

to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution to require a balanced feder-

al budget and to make certain exceptions with respect thereto; and be it further Resolved: That this application by this body constitutes a continuing application in accor-dance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that con-tained in this Joint Resolution, then this application for a constitutional convention shall no longer be of any force or effect; and be it further

Resolved: That this application and request be deemed null and void, rescinded and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and be it further

Resolved: That this body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and be it further

Resolved: That duly authenticated copies of this resolution be immediately sent by the Secretary of State to the Secretary of the Senate and presiding officers of both Houses of the leg-islatures of each of the several states in the Nation, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and to each member of the State of Maine Congressional delegation.

(S. P. 327)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz. Senator KATZ: Mr. President, I move this

Joint Resolution, be referred to the Committee on Judiciary and be ordered printed I would ask if, it might make sure sense to Table this for 1 Legislative Dav

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Pierce. Senator PIERCE: I move this item lie on the Table 1 Legislative Day.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that this item be Tabled 1 Legislative Day, pending the Motion by Senator Katz of Kennebec, that this matter be referred to the Committee on Judiciary and be ordered printed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I rise on a point of Parliamentary Inquiry, I would ask with respect to S. P. 327 if it is in violation of Joint Rule 35?

Senate At Ease

The Senate called to order by the President.

On Motion by Senator Pierce of Kennebec, Tabled 1 Legislative Day, pending the Motion by Senator Katz of Kennebec, to refer this to the Committee on Judiciary, and Senator Conley of Cumberland, has requested a Ruling from the Chair.

On Motion by Senator Katz of Kennebec, Out of Order the Senate voted to take from the Un-

TION OF THE DISTRICT OF COLUMBIA IN THE CONGRESS (H. P. 679) (L. D. 805) Tabled—March 2, 1979 by Senator Katz of

Kennebec

Pending-Adoption

The Senator has the floor.

Senator KATZ: I now move this Joint Resolution be referred to the Committee on Judiciary. I would hope, so that we can have the two (2) I would nope, so that we can have the two (2) Resolutions together when we meet tomorrow, this also might be Tabled by someone, for 1 Legislative Day. On Motion by Senator Pierce of Kennebec, Tabled 1 Legislative Day, pending the Motion by Senator Katz of Kennebec.

Senator Clark of Cumberland, Cosponsors: Senator Minkowsky of Androscoggin, Senator Conley of Cumberland, Senator Najarian of Cumberland presented, Bill, "An Act to Appro-priate Funds for Emergency Shelters and Services for Victims of Domestic Violence." (S P. 316)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed

Sent down for concurrence.

Senator Silverman of Washington presented, Bill, "An Act to Require a Quiet Time in the Schools." (S. P. 324)

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

Sent down for concurrence.

Senator Redmond of Somerset presented.

Bill, "An Act to Amend the Spruce Budworm Protection District Boundary." (S. P. 320) Which was referred to the Committee on Energy and Natural Resources and Ordered Printed

Sent down for concurrence.

Senator Najarian of Cumberland, Cosponsor: Senator Silverman of Washington presented, Bill, "An Act to Provide Assistance to Certain Elderly Persons Needing Dentures." (S. P.

325

Which was referred to the Committee on Health and Institutional Services and Ordered Printed

Sent down for concurrence.

Senator O'Leary of Oxford presented, Bill, "An Act to Allow Unions to Negotiate on Behalf of Former Employees of a Company with Which the Union is Negotiating." (S. P. with Which the Union is Negotiating.' 319

Senator Farley of York presented, Bill, "An Act to Continue Medical Benefits to Employees During Collective Bargaining Negotiations, Lockouts, Strikes and Other Job Actions." (S. 317)

Senator Pray of Penobscot presented, Bill,

"An Act Amending the Permanent Impairment Provisions under the Workers' Compensation Act." (S. P. 321) The same Senator presented, Bill, "An Act to Assist Handicapped Workers in Returning to Employment by Transfer to Suitable Work." (S. P. 322)

Which were referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Senator Najarian of Cumberland presented, Bill, "An Act to Provide for Outside Audit of County Budgets." (S. P. 318)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Senator Chapman of Sagadahoc presented, Bill, "An Act to Establish a Marine Worm Council." (S. P. 315)

Which was referred to the Committee on Marine Resources and Ordered Printed. Sent down for concurrence.

Senator Chapman of Sagadahoc presented, Bill, "An Act to Create a Tourism Advisory Council to Study Maine's Tourism Industry." (S. P. 314)

Which was referred to the Committee on State Government and Ordered Printed. Sent down for concurrence.

Senator Shute of Waldo presented, Bill, "An Act to Extend the Maine Job Tax Credit Law for 3 Years." (S. P. 323)

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

Sent down for concurrence.

Orders

An Expression of Legislative Sentiment rec-

ognizing that: Harold L. Mailman, Director of Northern Maine Vocational-Technical Institute, retired on February 23, 1979, following 30 years of faithful and dedicated service to the State of faithful and dedicated service to the State of Maine... (S. P. 313) is presented by Senator Mc-Breairty of Aroostook, cosponsored by Repre-sentative Peterson of Caribou and Birt of East Millinocket.

Which was Read and Passed. Sent down for concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Labor on, Bill, "An Act Relating to the Time of Payment of Wages and Salaries of University of Maine Employees.' (H. P. 154) (L. D. 193)

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 Remove the Fire Protection Tax Assessment Limit on Township 17, R. 4 and Township 17, R. 5 in Aroostook County." (H. P. 22) (L. D. 39)

Reported that the same be granted Leave to Withdraw

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, An Act to Authorize Constables to Use Blue Lights on Their Vehicles." (H. P. 535) (L. D. 656

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.

Senate

Leave to Withdraw

Senator Collins for the Committee on Judici-ary on, Bill, "An Act to Establish an Office of Public Defender." (S. P. 184) (L. D. 414)

Reported that the same be granted Leave to Withdraw

Which Report was Read and Accepted. Sent down for concurrence.

Ought to Pass

Senator Chapman for the Committee on Busi-ness Legislation on, Bill, "An Act to Increase the Certification Fees for Geologists." (S. P. 133) (L. D. 310)

Reported that the same Ought to Pass.

Senator Clark for the Committee on Business Legislation on, Bill, "An Act Concerning the Maine Property Insurance Cancellation Control Act and to Make Nonpayment to an Agent Equivalent to Non-Payment to the Insurer." (S. P. 171) (L. D. 371)

Reported that the same Ought to Pass.

Senator Devoe for the Committee on Judiciary on, Bill, "An Act Increasing the Number of Laymen on the Judicial Council." (S. P. 191) (L. D. 458)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Senator Shute for the Committee on Marine Resources on, Bill, "An Act to Increase the Compensation for Atlantic Sea Run Salmon Commission Members to \$50 a Day.' (S. P. 120) (L. D. 229)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-24)

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

Second Readers

The Committee on Bills in the Second Read-

ing reported the following: House — As Amended Bill, "An Act to Increase from 3¢ to 5¢ Per Inhabitant the Amount Appropriated Annually

for the State Stipend Fund for Agricultural So-cieties." (H. P. 118) (L. D. 128) Bill, "An Act to Dissolve Membership of the

Towns of Hope and Appleton From the Commu-nity School District." (Emergency) (H. P. 97) (L. D. 124)

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

Senate

Bill, "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages." (S. P. 82) (L. D. 155)

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

Sent down for concurrence.

Enactors

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

An Act to Revise the Statute Relating to the Removal of Dangerous Buildings. (H. P. 103) (L. D. 113) Which was Passed to be Enacted and having

been signed by the President, was by the Secretary presented to the Governor for his approval.

RESOLVE, Authorizing the Bureau of Public Lands to Convey by Sale to the Town of Dennyville the State's Interest in Certain Real Property in Edmunds, Washington County. (H. P. 72) (L. D. 81)

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

Emergency

An Act to Increase Certain Fees for Pharma-

ceutical Providers. (S. P. 57) (L. D. 90) This being an emergency measure and having received the affirmative votes of 28 members of the Senate, with 1 Senator voting in the negative, 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 laid before the Senate the First Tabled and specially assigned matter: Bill, "An Act Relating to Payment for Sales

in Retail Stores under the Liquor Laws." (H.

P. 6) (L. D. 12) Tabled - March 2, 1979 by Senator Collins of Knox

Pending - Motion of Senator Carpenter of Aroostook to Reconsider

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from

Aroostook, Senator Carpenter. Senator CARPENTER: Mr. Speaker, Ladies and Gentlemen of the Senate: Just to briefly refresh your memory, this is a Bill, we have debated a couple of times in this session. Which, in its present form, would allow retail sales of beer and wine, in stores at the age of 16, as opposed to the present age of 17

In its amended form, the Bill would also move the age of the supervisor from the present age of 18 to a proposed age of 20. I maintain the Bill is a bad Bill. I talked this

weekend to store owners, Ma and Pa Grocery Store Owners if you will, in my area, who aren't very excited about the Bill. They see the potential for a lot of damage with their young store clerks.

I do a Radio Show every Sunday night, and it so happens the moderator of the show, the fellow who interviewed me was a 16 year old high school sophomore. I asked his opinion of the Bill, last night. He said, "I would not want the pressure on my back, I would not want to have my sophomore, junior and senior friends coming in and asking me or having me sell them alcoholic beverages.

The other side of the Bill, that I do not care for, is the one that takes two (2) years from 18 to 20. We have in my area in my town alone, we have at least three (3) stores, I know of, where at least part of the time, there is an 18 year old family member, who supervises the store, in two (2) cases it is 18 and in one (1) case it is 19, I believe. All three (3) of these people would be out of business. All three (3) of these stores would have to go hire somebody at the age of 20, I suppose if this Bill goes into effect, may be the present supervisors will be old enough to continue to serve.

You are going to be putting some people out of work, if you pass this present Bill, so I would hope you would all join with me this morning

and vote No on the pending motion. The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens. Senator HICHENS: Mr. President, Members

of the Senate: I was not here when the Bill, was debated the other day, I hope I will not repeat some of the statements which were made.

I would like to bring to your attention, the Bill itself, where it says "for the purpose of receiving payment at checkout counters for the sale of malt liquor, table wine in retail stores. The employee receiving the payment maybe a minor, provided in any event an employee who is 18 years of age or older is present in the retail store, in a supervisory capacity.

The purpose of this Bill, is to permit persons, who are minors, to ring up sales of malt liquor. and table wine at supermarkets checkout counters providing there is a supervisor age 18 or older present in the retail store. Most of the arguments, which I have heard in both bodies, are for the protection of the papa and mama stores, according to the statement of fact, it is for the supermarket checkouts, this Bill has been presented.

One of the lobbyists this morning, was talking as representing Shaws, which is one of the largest supermarkets. Yet we get the argu-ments, most of them, for the papa and mama stores, I do not think the papa and mama stores are that much concerned. I would go along with the statements made by the good Senator from Aroostook, Senator Carpenter, that they are more concerned with the responsibility it puts on their shoulders.

It also states the person 18 or older, now as amended, 20 or older, has to be present in the Shaws Store. Up here in Augusta, that man or woman, could be present and yet be in the far corner of the store far away from the take-out counters.

I believe this again puts a great responsibility on them, and upon the young person 16 years old, who has some of his friends come along, says well the manager is not around, let us through. That peer pressure put upon them, is a great responsibility, I do not think they should have to bear.

Again I would reiterate, since I have been in the Legislature, the age was 21 for adult age, at that time, there was a Bill in to let minors 19 be take-out checkers; when the law became 18 for adults, it went down to 17 for take-out checkers; now they want to make it 16, I think we should stop it right now.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until 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 Aroostook, Senator Carpenter, that the Senate Reconsider its action whereby this Bill was Indefinitely Postponed.

A Yes vote will be in favor of Reconsideration

A No vote will be opposed. The Doorkeepers will secure the Chamber. The Secretary will call the Rolt. ROLL CALL

KULL CALL YEA – Ault, Collins, Conley, Devoe, Farley, Gill, Huber, Katz, Lovell, Martin, O'Leary, Pierce, Pray, Sutton, Usher. NAY – Carpenter, Chapman, Clark, Cote, Emerson, Hichens, McBreairty, Najarian, Perkins, Shute, Silverman, Teague, Trafton, Tractebre Trotsky

ABSENT — Danton. A Roll Call was had. - Danton, Minkowsky, Redmond.

15 Senators having voted in the affirmative and 14 Senators in the negative, with 3 Senators being absent, the Motion to Reconsider does prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill, be Passed to be Engrossed, as amended?

The Chair recognizes the Senator from Washington, Senator Šilverman.

Senator SILVERMAN: Mr. President, I would like a Division on that, and would speak. The PRESIDENT: The Senator has the floor. Senator SILVERMAN: Mr. President and

Members of the Senate: This is a very simple Bill, but behind it is a class reaction, which I do not think the Senate should be involved with.

When I ran down here, to be a member of the Senate, many people said one thing. They said, "A \$1,000. worth of lobbyists fees, and you can get anything you want here.

I hope today does make that statement correct or incorrect, because one thing is for certain, we are saying here today a minor is able to take on the responsibility to sell liquor which is a violation if sold to another minor. If that is the type of laws we are going to pass in the Senate, I think we should take a second look as

far as being proud of ourselves. The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York Senator Hichens

Senator HICHENS: I request a Roll Call. The PRESIDENT: A Roll Call has been re-

quested. Under the Constitution, in order for the Chair

to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a

Roll Call, please rise and remain standing until counted

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

The Chair recognizes the Senator from York, Senator Farley

Senator FARLEY: I would request that the Secretary read the Committee Report

The Committee Report was Read. The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, speaking as the Senator from Kennebec. I spent three (3) years of my life, as a National Vice-Chairman of a Task Force on Alcohol. We listened to every bit of advice and evidence that we could get from the National and International Experts.

We came to the conclusion, most of the laws passed by State Legislators, did not make any sense, but there was a real, real driving push, on the part of State Legislators, to do some-thing, about the problem of alcohol abuse.

In some states it is against the Law to drink sitting down, in some states it is against the Law to drink standing up. There is absolutely no demonstrable relationship, between the instances of alcohol abuse in the state, and the age of the person who presses the cash register at the checkout counter, that is a fact, the rest is emotion.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Engrossment of L. D. 12.

A Yes vote will be in favor of Passing this A No vote will be opposed. The Doorkeepers will secure the Chamber.

The Secretary will call the Boll.

ROLL CALL

ROLL CALL YEA – Ault, Collins, Conley, Cote, Devoe, Farley, Gill, Huber, Katz, Lovell, Martin, O'Leary, Pierce, Pray, Sutton, Usher. NAY – Carpenter, Chapman, Clark, Emer-son, Hichens, McBreairty, Najarian, Perkins, Shute, Silverman, Teague, Trafton, Trotzky. ABSENT – Danton, Minkowsky, Redmond. A Roll Call was had.

16 Senators having voted in the affirmative and 13 Senators in the negative, with 3 Senators being absent, the Bill was Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the Second Tabled and specially assigned matter: Bill, "An Act Amending the Sardine Tax Law." (H. P. 128) (L. D. 133)

Tabled-March 2, 1979 by Senator Katz of Kennebec

Pending—Enactment The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Last Friday, the Senator from Kennebec, Senator Katz, asked what this Bill did? At that time, I did not realize it was a Marine Resources Bill, for he asked the Taxation Committee to explain it.

What the Bill, does is just makes some changes in the Sardine Tax Council Law. It does not reflect any change in the Revenue of the Sardine Tax. It only reflects some changes in the industries, such as changing the number of council members from, rather having 8 council members, they have changed it to 7 through 9. Which of course over the years, there were thirty (30) Sardine Factories in the state and now there are only eight (8). So we thought it might be proper that all eight (8) factories be represented on the council

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

The Chair would direct the Senate's attention to Bill, "An Act to Permit Hotel or Motel Managers to Eject Disruptive or Destructive Persons from their Premises and to Require these Persons to Assume Responsibility for any Damages Caused." (S. P. 33) (L. D. 21), tabled earlier in today's session.

The Senator from York, Senator Hichens, moves that the Senate Recede and Concur with the House

Is this the pleasure of the Senate?

The Motion Prevailed.

On Motion by Senator Katz of Kennebec, the Senate voted to take from the Unassigned Table:

HOUSE REPORTS - from the Committee on Labor — Bill, "An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes." (H. P. 139) (L. D. 158) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H. P. 41); Minority Report - Ought Not to Pass

Tabled-March 2, 1979 by Senator Katz of Kennebec

<u>Pending</u>—Acceptance of Either Report. On Motion by Sentor Katz of Kennebec, Tabled for 3 Legislative Days, pending Acceptance of Either Committee Report.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.