

MAINE STATE LEGISLATURE

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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 9, 1979

Senate called to Order by the President.

Prayer by Chaplain Robert Harris, Veterans Administration Center, Togus.

Chaplain HARRIS: Let us pray! Eternal Father, Creator, from you our life began and you allow us to be. For whatever purposes we were born, it was never to kill ourselves, in the attainment of wealth or paper relationships, rather it was to earmark each day and each person in a special way. Bless these elect, who are leaders that serve, more clearly, let them see what ought to be, what can be, and how to do it. Amen.

Reading of the Journal of yesterday.

Papers from the House

Non-concurrent Matter

Bill, "An Act Appropriating Funds for Promotion of Direct Marketing of Agricultural Commodities." (H. P. 684) (L. D. 864)

In the House, March 1, Referred to the Committee on Agriculture.

In the Senate, March 6, Referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Comes from the House, that Body Insisted.

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-Concurrent Matter

Bill, "An Act to Provide for Jury List Selection from Sources other than Voting Lists." (S. P. 178) (L. D. 408)

In the Senate, March 6, Minority 'Ought Not to Pass' Report Read and Accepted.

In the House, March 7, Majority 'Ought to Pass as amended' Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-25), in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I move that we Recede and Concur.

The PRESIDENT: The Senator from Washington, Senator Silverman moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. I would hope you would vote against the Motion to Recede and Concur so that we may Adhere, and I would ask for a Roll Call.

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 Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate. This Bill allows a direction, where the present jury selection system, which has people now not registering to vote, allows a direction that says you are going to be taking your duty and be put on the jury or be put on the jury list, just as well if you register to vote or if you don't register to vote.

Now those who are against this Bill, say it is needed, but they want to wait and my concern here today is this, as the Senator from Auburn said, a \$50,000 study is now being taken places with LEAA money, to decide how this area may be improved.

As an independent, who is critical of the way the direction the two parties are going, I will say this, that when elected to the Legislature, we should give the direction the bureaucracy should not make the plans, the rules, and then tell us what Bills to pass. That is what is being done here today, now I know the cards are stacked against me, but I also know this, that those of you in our Maine society who take on the responsibility of registering to vote, and are subject to jury duty, feel it is unfair for those who will not register to vote, to escape the responsibility of jury duty.

Now this Bill will set a direction to correct this and the vote is yours, the decision is yours, but it leaves those who are independent a chance to show you, where we think, you are incorrect. Thank you.

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

Senator TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate. I would just remind you the Bill before us today has an effective date of January 1, 1982.

The Judiciary Committee is very sympathetic to the intent of the good Senator from Washington, Senator Silverman, however we feel with the pending studies by LEAA and the Court Administration that it would be wise to wait and see the resolute of that study, and then implement it in a timely fashion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Washington, Senator Silverman, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the Motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Hichens, Minkowsky, O'Leary, Pray, Silverman.

NAY—Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Emerson, Farley, Gill, Huber, Katz, Lovell, Martin, McBreairey, Najarian, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trafton, Trotzky, Usher.

ABSENT—Danton, Devoe.

A Roll Call was had.

5 Senators having voted in the affirmative and 25 Senators in the negative and 2 Senators being absent, the Motion to Recede and Concur does not prevail.

The PRESIDENT: Is it the pleasure of the Senate that the Senate Adhere?

The Motion prevailed.

(Off Record Remarks)

Non-concurrent Matter

Bill, "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors." (H. P. 114) (L. D. 123)

In the House, February 23, Passed to be Engrossed as amended by House Amendment "A" (H-40).

In the Senate, February 28, Bill and Papers, Indefinitely Postponed, in non-concurrence.

In the House, March 6, that Body Insisted.

In the Senate, March 7, Senate Insisted and Conference Asked.

Comes from the House, that Body Adhered.

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

Senator EMERSON: I move that we Adhere.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Cum-

berland, Senator Conley, moves that the Senate Recede and Concur.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I would sincerely hope that you would Adhere, on this particular Bill today. I am so disappointed that the members of the other Branch of the Legislature, could not see the wisdom of a Committee of Conference, to iron out many of the inconsistencies that exist in this particular Bill.

I think it is of paramount importance that all these issues relevant as to how it can be enforced, by the Law Enforcement Agencies in the State of Maine, which is under great stress at the present time, how it can be implemented by our District Court System, which is virtually impossible, and how discriminatory this particular Bill is.

I think it would be in the interest of the people of the State of Maine, Mr. President and Members of the Senate to Adhere, as the good Senator has emphasized and allow this Bill, maybe to come in as a study, since there are many areas that are questionable.

I am sure as members of the upper Branch of the Legislature, we certainly do not want to impose any more restrictions upon the people of the State of Maine, than we already have. This really would be a very very serious area, that we would be infringing upon as Motorcyclists in the State of Maine. So Mr. President and Members of the Senate, First I would ask we have a Division, and that you accept the Motion to Adhere to our action.

The PRESIDENT: The Chair would advise the Senator from Cumberland, the pending Motion is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur.

Is the Senate ready for the question?

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 Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I would ask for a Roll Call.

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 Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: When this debate was held a week ago, I mentioned a Study that was done by the National Highway Safety Administration, I am not exactly sure of the title, because I do not have it here with me, but I mentioned it on the floor of the Senate.

Their study showed that motorcyclists who do not wear helmets have more of a probability of receiving very serious head and spinal injuries. The good Senator from Androscoggin, Senator Minkowsky, stated that we are infringing on the motorcyclists rights when we say to a young person, 18 or younger, that you have to wear a helmet on a motorcycle.

Well, I would answer that by saying, if that person gets into an accident, has a very bad spinal injury, why don't we follow through and just let him suffer with it. We do not let him suffer with it, we bring him into our hospitals and sometimes up to hundreds of thousands of dollars in funds are spent to maintain that person throughout his life, the public pays for that.

I feel that it is public policy to take care of

these people after they do have these injuries, then we also have the right to try and protect them by mandating that they wear helmets.

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

Senator CONLEY: Mr. President and Members of the Senate. Last Friday or Thursday we enacted, in this Chamber, a Bill that mandated No Smoking in Public Meetings and the big argument for that Bill allegedly was, to protect people from breathing in toxic gases, that we were going to all of a sudden shorten their lives and the concerns we had for these unfortunate informed souls who know enough to stay away from the weed, but because of the fact that people like myself enjoy lighting up on occasion, we are now under statute going to be prohibited from lighting up such a weed, because of what harm that cigarette or cigar may bring upon someone else. I said that Bill was nonsense because it is something that should have been decided by local communities.

Now we have a Bill before us that can, perhaps, save some youngsters from being killed, or being very severely injured and we are turning our backs on it. I hope you try to keep in mind when the Roll Call is called, the substance of both these Bills, and as to whether or not we are concerned about life, liberty, and the pursuit of happiness.

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

Senator O'LEARY: Mr. President, it was nearly a year ago, well as a matter of fact it was Mothers' Day Sunday, May 14, of last year, my boy was a passenger in an automobile. I was called out of the mill at 3:15 in the morning to go to the Rumford Community Hospital. My boy was scarred and marked in good shape for the rest of his life. That was in an automobile, he did not have seat belts on and luckily he didn't because they would have held him in place, and he would have been killed. Now in our automobiles we do not mandate that you wear these seat belts, they are there and provided for your safety if you wish to wear them.

This Bill goes one bit further and says you must wear it. There is also an amendment that was put on this Bill for the purpose of killing it over at the other end of the corridor, that was the sole purpose of this amendment. Now this amendment is dangerous. It requires insurance, and if a youngster gets on that motorcycle that looks to be of age and the operator picks him up somewhere along the road and they do have an accident, that insurance will not cover that passenger. This is the dangerous part of the Bill, our good Chairman of the Committee recognizes the errors that are in this Bill and wanted to do something about it out of respect for him, you should at least Adhere.

The PRESIDENT: 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 Recede and Concur with the House.

A Yes vote will be in favor of the Motion to Recede and Concur.

A No vote will be opposed.

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

ROLL CALL

YEA—Carpenter, Clark, Collins, Conley, Farley, Hichens, Katz, Najarian, Perkins, Shute, Silverman, Trafton, Trotzky

NAY—Ault, Chapman, Cote, Emerson, Gill, Huber, Lovell, Martin, McBreaity, Minkowsky, O'Leary, Pierce, Pray, Redmond, Sutton, Teague, Usher

ABSENT — Danton, Devoe

A Roll Call was had.

13 Senators having voted in the affirmative and 17 Senators in the negative, with 2 Senators being absent, the Motion to Recede and Concur does not prevail.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate Adhere.

Is this the pleasure of the Senate?
The Motion Prevailed.

Joint Orders

An Expression of legislative Sentiment recognizing that:

Julie Hopkins, a Junior at Schenck High School in East Millinocket, has won the State Voice of Democracy contest sponsored by the Veterans of Foreign Wars . . . (H. P. 883)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that:

Mrs. Naomi White of Patten, who has been instrumental in forming the Katahdin Valley Health Center and in establishing the Patten Community Center, has been named recipient of the 1979 Jefferson Award for Public Service by the American Institute for Public Service and WLBZ-TV and Radio in Bangor . . . (H. P. 884)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that:

F. Robert Fay is retiring as Road Commissioner of Waterboro, after 40 years of dedicated service to the State and to the Town of Waterboro . . . (H. P. 885)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that:

The University of Southern Maine and their Coach, Joey Bouchard, have won the District 5 National Association of Intercollegiate Athletics' Basketball Championship to be held in Kansas City during the week of March 12th . . . (H. P. 896)

Comes from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Papers

Bill, "An Act Concerning Retirement Benefits Under the Maine State Retirement System." (H. P. 774) (L. D. 976)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System. (H. P. 780) (L. D. 973)

Come from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which were referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Bill, "An Act Relating to License Fees for Dogs." (H. P. 775) (L. D. 977)

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

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

Bill, "An Act Revising the Pauper Laws." (H. P. 776) (L. D. 978)

Bill, "An Act to Appropriate \$30,000 to Day One, Inc." (H. P. 778) (L. D. 980)

Bill, "An Act to Increase the Funds for Displaced Homemakers Program." (H. P. 779) (L. D. 981)

Bill, "An Act to Provide for Aid to Families with Dependent Children Benefits for Unemployed Parents under the Aid to Families with Dependent Children - Unemployed Fathers Program." (H. P. 777) (L. D. 979)

Come from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Permit Certain Private Actions under the Profiteering Statutes." (H. P. 782) (L. D. 982)

Bill, "An Act to Prohibit Automobile Franchisers from Granting New Franchises within the Relevant Market Area of Existing Fran-

chises." (H. P. 783) (L. D. 983)

Bill, "An Act to Permit Certain Maine Pharmacists to Fill the Prescription of Certain Non-resident Physicians." (H. P. 784) (L. D. 984)

Bill, "An Act to Extend Warranty Protection to Purchasers of Used Cars." (H. P. 785) (L. D. 985)

Bill, "An Act to Encourage the Acceptance by Distributors of Beverage Containers." (H. P. 786) (L. D. 986)

Bill, "An Act to Make Certain Changes in the Manufactured Housing Act." (H. P. 787) (L. D. 987)

Bill, "An Act to Provide Recycling and Conservation Use of Unredeemed Refunds on Beverage Containers." (H. P. 781) (L. D. 993)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

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

Bill, "An Act to Provide for Legislative Management Audit of the University of Maine." (H. P. 791) (L. D. 990)

Bill, "An Act to Permit School Administrative Units to Grant Leaves of Absence Without Loss of Contract Status to Teachers who are Elected to County or Local Office." (H. P. 789) (L. D. 989)

Bill, "An Act to Provide an Alternative to Compulsory School Attendance." (H. P. 788) (L. D. 988)

Bill, "An Act to Provide Representation Based on Population to the Various Regions of Maine on the University of Maine Board of Trustees." (H. P. 790) (L. D. 995)

Come from the House, referred to the Committee on Education and Ordered Printed.

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

Bill, "An Act Relating to Appropriating Funds for Certain Municipal Governments." (H. P. 792) (L. D. 991)

Come from the House, referred to the Committee on Education and Ordered Printed.

On Motion by Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Provide for Publication of Specimen Ballots." (H. P. 794) (L. D. 994)

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

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

Bill, "An Act Providing for the Consideration of Solar Energy Requirements in Comprehensive Plans." (H. P. 800) (L. D. 996)

Bill, "An Act for Expression of Public Sentiment on the Dickey-Lincoln Hydroelectric Power Project by Referendum." (H. P. 798) (L. D. 992)

Bill, "An Act Concerning the Saco River Corridor Commission." (H. P. 797) (L. D. 997)

Come from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

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

Bill, "An Act to Transfer the Responsibility for Administering and Enforcing the Human Rights Act to the Attorney General." (H. P. 758) (L. D. 974)

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

Which was referred to the Committee on State Government and Ordered Printed, in con-

currence.

RESOLVE. Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (Emergency) (H. P. 764) (L. D. 972)

Bill, "An Act to Index the Maine Individual Income Tax Structure." (H. P. 769) (L. D. 975)

Come from the House, referred to the Committee on Taxation and Ordered Printed.

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

Bill, "An Act to Provide for Staggered Registration for Motor Trucks." (H. P. 767) (L. D. 970)

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.

Bill, "An Act Providing for the Registration and Regulation of Off-road Vehicles." (H. P. 766) (L. D. 971)

Committee on Transportation suggested.

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

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

Senator KATZ: I move that this Bill be referred to the Committee on Transportation.

The **PRESIDENT:** The Senator from Kennebec, Senator Katz, moves that this Bill be referred to the Committee on Transportation and Ordered Printed.

On Motion by Senator Pray of Penobscot, tabled until later in today's session, pending the Motion by Senator Katz of Kennebec.

Senate Papers

Senator Trafton of Androscoggin presented, Bill, "An Act to Revise the Method of Accounting for the Restriction on Additional Compensation for Retirees under the Maine State Retirement System." (S. P. 355)

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Sent down for concurrence.

Senator Trafton of Androscoggin presented, Bill, "An Act to Expand the State's Program to Promote Apprenticeships." (S. P. 354)

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

Sent down for concurrence.

Senator Najarian of Cumberland presented, Bill, "An Act Relating to Nonprofit Hospital or Medical Service Organizations." (S. P. 357)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Senator Redmond of Somerset, Cosponsor: Senator Ault of Kennebec presented, Bill, "An Act to Regulate Commercial Whitewater Outfitters." (S. P. 348)

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

Sent down for concurrence.

Senator Najarian of Cumberland, Cosponsor: Senator Gill of Cumberland presented, Bill, "An Act to Establish a Protection and Advocacy System for the Developmentally Disabled of the State of Maine." (S. P. 358)

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

Sent down for concurrence.

Senator Trafton of Androscoggin presented, Bill, "An Act to Define Educational Institutions as they Relate to the Unemployment Compensation System." (S. P. 351)

The same Senator presented, Bill, "An Act to Partially Exempt Musicians from Coverage for Unemployment Insurance." (S. P. 352)

The same Senator presented, Bill, "An Act to Require that Public School Employees Receive the Minimum Wage." (S. P. 353)

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

Sent down for concurrence.

Senator Trafton of Androscoggin, Cosponsors: Senator O'Leary of Oxford, Senator Huber of Cumberland presented, Bill, "An Act to Amend the Subdivision Law to Allow Consideration of Cumulative Impact Costs to the Community from Gradual Development." (S. P. 350)

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

Sent down for concurrence.

Senator Trafton of Androscoggin, Cosponsor: Senator Najarian of Cumberland presented, Bill, "An Act Relating to the Basic Monthly Charge of Electric Utilities." (S. P. 349)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Senator O'Leary of Oxford presented, Bill, "An Act to Authorize the Secretary of State to Issue a Duplicate Certificate of Title for a Motor Vehicle if the Original Certificate is Unavailable." (S. P. 356)

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

Sent down for concurrence.

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

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

Senator KATZ: Mr. President, If the person who tabled L. D. 971 would remove it from the table we could send that forthwith, too.

On Motion by Senator Pray of Penobscot, the Senate voted to take from the Table, Bill, "An Act Providing for the Registration and Regulation of Off-road Vehicles." (H. P. 766) (L. D. 971) tabled earlier in today's session.

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

Senator KATZ: Mr. President, I ask leave of the Senate to withdraw my Motion that this Bill be referred to the Committee on Transportation.

The **PRESIDENT:** The Senator from Kennebec, Senator Katz, requests Leave of the Senate to withdraw his Motion that this Bill be referred to the Committee on Transportation.

Is this the pleasure of the Senate to Grant this leave?

It is a vote.

On Motion by Senator Katz of Kennebec, referred to the Committee on Fisheries and Wildlife and Ordered Printed, in concurrence. Under suspension of the rules, sent forthwith.

Order

On motion of Senator Katz of Kennebec, Cosponsor: Senator Pierce of Kennebec,

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 6-A to read as follows:

6-A. Placing legislative papers on calendar. Where one House has passed upon a legislative paper and forwarded it to the other, the receiving House shall promptly, upon receipt, place that paper on its calendar.

(S. P. 359)

Which was read.

On Motion by Senator Katz of Kennebec, Tabled 1 Legislative Day, pending Passage.

Committee Reports

House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act Concerning Raccoon Damage to Crops and Livestock." (H. P. 185) (L. D. 233)

Bill, "An Act Concerning Coon Hunting." (H. P. 156) (L. D. 184)

Bill, "An Act Concerning Killing of Wild Animals Destroying Property." (H. P. 273) (L. D. 347)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Concerning Appropriation to the Maine Energy Resources Development Fund." (H. P. 265) (L. D. 342)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on State Government on; Bill, "An Act to Place Responsibility for Preparation and Implementation of Emergency Evacuation Plans in the Bureau of Civil Emergency Preparedness." (H. P. 352) (L. D. 449)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-68)

Which Report was Read.

On Motion by Senator Katz of Kennebec, tabled for 1 Legislative Day, pending acceptance of the Committee Report.

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages." (H. P. 252) (L. D. 297)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-60)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-69).

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

The Committee on Local and County Government on, Bill, "An Act to Increase Salaries of County Officers." (H. P. 201) (L. D. 227)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-44). (Pursuant to Joint Order, H. P. 135)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "B" (H-57) and "C" (H-58) and "D" (H-75) thereto, and House Amendment "A" (H-46).

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

Senate

The following Ought Not to Pass report shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint

Rules:

RESOLVE, Reimbursing Bugbee-Brown, Inc., for Over-collection of \$289.85 in Cigarette Taxes. (S. P. 190) (L. D. 457)

Ought to Pass

Senator Trotzky for the Committee on Energy and Natural Resources on, Bill, "An Act Relating to Certification of Plumbing Inspectors." (S. P. 154) (L. D. 372)

Reported that the same Ought to Pass.

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Amend the Safe Drinking Water Act." (S. P. 155) (L. D. 330)

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 Perkins for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland." (S. P. 194) (L. D. 461)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-17).

Senator Collins for the Committee on Judiciary on, Bill, "An Act Relating to Filing Abstracts of Divorce Decrees with Registry of Deeds." (S. P. 104) (L. D. 201)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-28).

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

Second Readers

The Committee on Bills in the Second Reading reported that:

House

Bill, "An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing." (H. P. 354) (L. D. 450)

Bill, "An Act Relating to the Wholesale Sale of Malt Liquor and Wine." (H. P. 315) (L. D. 421)

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

House — As Amended

Bill, "An Act to Change the Date on Which the Annual Sessions of the County Commissioners are Held in Sagadahoc County." (H. P. 57) (L. D. 66)

Bill, "An Act Increasing Borrowing Capacity of Mars Hill Utility District and Extending the Time Which That District has to Take Over Mars Hill and Blaine Water Company." (Emergency) (H. P. 54) (L. D. 63)

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

Bill, "An Act to Revise the Service Charge for Local Vehicle Registration Agents." (H. P. 147) (L. D. 150)

Which was Read a Second Time.

On Motion by Senator Pierce of Kennebec, Tabled, 1 Legislative Day, Pending Passage to be Engrossed.

Bill, "An Act to Increase the Minimum Wage to \$4 Per Hour." (H. P. 26) (L. D. 43)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I would like to present Senate Amendment "A" and speak on the Motion.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now offers Senate Amendment "A" to L. D. 43 and moves its Adoption.

Senate Amendment "A" (S-29) was Read.

The Senator has the floor.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I would just like to bring you briefly up to date on where we are in this particular situation. The present statute says that the Maine State Minimum Wage, will rise with the Federal Minimum Wage not to exceed a ceiling of \$3.00 per hour.

This particular LD requests that the State Minimum Wage go to \$4.00 and the ceiling be removed, in essence. The Committee reports that came out, there were 3 Committee Reports that came out. The first one was an amended Committee Report, that changed the amount from \$4.00 to \$3.10 and set the date to be enacted as October 1, of 1979, and the second changed the ceiling to \$4.00 per hour. The present Federal Minimum Wage will change on January 1, 1980 to \$3.10 per hour, that was Committee Amendment "A" on the First Report.

The Second Report was Ought Not to Pass Report, and the third report was one that was to Pass the bill that we are now talking about \$4.00 per hour.

There were 6 of us that signed out Ought Not to Pass on this Bill, basically for two reasons, one was that in the amended version of the Committee, the changing of the ceiling was acceptable to \$4.00 an hour so that, the rate could go up, but the change in the amount was not acceptable, and moving it back ahead of the Federal date was not acceptable, of course, the raising to \$4.00 was not acceptable.

There are many philosophical views of minimum wage, and I won't spend the time right now getting into those, because I am sure that you all have your own feelings on that. The opponents believe that it costs jobs, loss of work, and money in the economy as a whole. If this Bill was passed as it now reads, the Department of Human Services alone tells us that it would cost, between \$4.5 million to \$3.5 million dollars in additional state funds. On Committee Amendment "A" if that were passed we do not know the figures, but it would be in addition to that because it moves it back 3 months.

I signed out Ought Not to Pass on this because I did not believe that the minimum wage should go to \$4.00 per hour, I believe that the statute we now have is acceptable, so when it came to us from the other body as it is before us now I felt we should take the opportunity to put it back in the statutes in the form that it was intended when it was written. So that is why we have this amendment to put it back in line with the Federal Minimum Wage which is now \$2.90 per hour to raise the ceiling so that it can continue to raise, and stay with the things that we have already sought. Thank you.

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

Senator O'LEARY: I would direct a question, Mr. President, through the Chair, to the Chairman of the Committee on Labor, what is the intent and purpose of the Minimum Wage?

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair, to the Senator from Oxford who may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I would like to direct a question also, to the Chairman of the Labor Committee, because I was not made aware of those figures, he stated, I am not sure that I heard right, if my memory serves me right and if I heard right, he stated that the State said in a paper he has before him, that to change the minimum wage to what Report "A" was the \$3.10 per hour, on October 1, would cost the State of Maine out of the State funds, \$2 million dollars, would he clarify that please?

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. Yes, either I said it wrong or you misunderstood me, what the impact figures we have are based on the \$4.00, if we go to the \$4.00 minimum wage, starting

January 1, then the impact would be between \$4.5 and \$5.3 million they did not have figures if we went to the \$3.10 starting October 1, of this year, except that it would be something certainly in addition to what we are paying now.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate. As you have probably read recently, in newspapers, that Maine is one of the poorest States or is the poorest State in the Union.

I think that we have a very good bunch of Democrats in Washington, and they control both the House and the Senate, and the wage that they want to set for a minimum wage for the United States is what Maine should go by, not try to jump ahead of the rest of the country, and not try to jump ahead of Washington, but stay with Washington.

I signed Ought Not to Pass along with the good Senator from Oxford, Senator Sutton, on this Bill, and I believe that it should Ought Not to Pass. In fact I think we should have debated it yesterday and Indefinitely Postponed it, but I will go along with this Committee Amendment, that Senator Sutton has put in and I will ask for a Roll Call on this Amendment.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate. I guess perhaps I did not state my full question quite clearly, and I would like to restate it. First of all I want to thank him for answering one section, that he was applying to the \$4.00 minimum wage and not the \$3.10 minimum wage. The second part of the question was, in reference to the fact that he stated it would cost the State Funds, the state is exempt from minimum wage, I would like to know where the cost to the State Fund is?

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, and Ladies and Gentlemen of the Senate. This Bill in its original form is estimated by the Department of Human Services, to cost their reimbursement Programs for Hospitals and Nursing Homes, I am sorry I did not make that clear, I apologize.

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

Senator PRAY: Mr. President, I would like to offer Senate Amendment "A" to Senate Amendment "A", under filing Number (S-30) and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has offered Senate Amendment "A" to Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-30) to Senate Amendment "A" Read.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt, Senate Amendment "A" to Senate Amendment "A"?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I would ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate. For those individuals, the 26 who voted yesterday for an increase in the Minimum Wage, for an attempt to address the minimum wage situation the Senate Amendment "A" to Senate Amendment "A" that is now before you is basically Committee Report "A", it is the \$3.10 three months early. The amendment does basically three things, it sets the minimum wage at \$3.10 an hour, it sets the maximum ceiling, to \$4.00 per hour, and it establishes an effective date of October 1, 1979. Out of the last 3 instances, in which the minimum wage was increased in the State of

Maine, on 2 of those occasions we preceded the Federal Government by a 3 month period, and I would like to just take a moment to address I guess mostly my Democratic colleagues, most Republican colleagues in this Senate are a little bit more familiar with the business establishments, with reports and what not.

We have a four quarter system on filing reports with the State, this October 1st deadline would make that change effective on that last quarter reports. I have heard the arguments from some of my colleagues in the Senate, on the other side of the aisle something to the fact there would be an additional cost to the State, as far as printing notices that there is a minimum wage increase, because we are preceding the Federal Government by 3 months. No matter which route we take the State Government is going to have to print up the notices that they do send around to employers to notify them of what the State Minimum Wage is, so I would just like to clarify that one instance.

Earlier my good colleague and good friend and former seat mate, the Senator from Oxford, Senator O'Leary, posed a question through the Chair to the Chairman of the Labor Committee, who declined to answer, as to what the intent and the purpose of the minimum wage law is. I would like to just quote the Maine Statutes under the reference as to what minimum wage was established for. "Minimum Wage Law was designed to assure that workers, employed in the State of Maine, should receive wages sufficient to provide adequate maintenance and to protect their health."

Let's just talk about these for a moment, particularly on those individuals in our State, on the lower end of the economic scale. Those individuals in the State of Maine, in most instances do not have an industry such as I do in my home town or a company of the scale, or size that pays the wages, such as the paper industry does. We are talking right now about a person who makes \$2.90 an hour, if that individual works 50 weeks a year, and earns the \$2.90 and works 40 hours each week, he would have a gross income of \$5,800.

In the interest of sustaining his family, maintaining the cost of an individual, let alone a family, that \$5,800 prior to taxes is not going to go very far. We have Health Insurance, Life Insurance, the day to day medical costs, which so many of us are more fortunate either through fringe benefits such as being elected to this distinguished body, we have a State plan we can join, have part of the fringe benefits reimbursed by the State. Many of these individuals who are earning minimum wage, are not collecting that, so they have to pull out of that \$5,800, after taxes, after they have put a roof over their head, maintained the rent or the house payments, taken care of the food, to sustain the family during the week, and whatever money they have left over, take care of medical costs, or whatever we have for expenses to address.

Now I must be the first one to admit that \$3.10 three months early is not going to solve the problem, but what it is going to do is to give a small assistance to help them in this time, of national economic instability, while prices and inflation are going up around them no matter what minimum wage is. I think that the President of the United States, President Carter, addressed that in his wage price guidelines, when he exempted under \$4,000, there was a reason he did that, we have to understand that there is national concern, for the fact that those individuals on the bottom of the scale should have more flexibility to change in the guidelines that were spelled out for trying to control inflation. These are the people that we are talking about now, those few are not in the guidelines, those individuals at the bottom of the scale.

As the good Senator from York, Senator Lovell, pointed out that we should not precede the National Government, we should also un-

derstand in what light and what instance that the National Government, establishes Federal Minimum Wage. They act separately of the economic areas, or the economic cost of living in those areas, and we all know what the cost of fuel oil is in the Northeast, particularly here in Maine.

We realize that we are much more rural, automobiles become more of a necessity, because we do not have mass transportation and we are aware of the effects that the price of gasoline and what not in reference to maintaining jobs and employment and whatever else we have.

The reasons, I believe that Maine has preceded the Federal Government in 2 of the last three instances is because we recognize that the people in this part of the country had those additional burdens, that the people in Mississippi or Alabama or in the south that do not have the burden of heating cost that we do and the additional expenses that I have already mentioned, is that we decided in this body and the Legislature to give them that small jump. That is what we are attempting to do with this amendment. Mr. President, I would request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. I would just care to make one remark in regards to the good Senator from Penobscot, Senator Pray's comments. Again without getting into the philosophical discussion of minimum wage, which I feel very strongly about in both areas. There is one thing that I would like to leave you with though, is that in trying to do this, minimal move that is suggested by going to \$3.10 per hour, and moving it back to October 1, every little bit helps, I understand, but it is going to set a very bad precedent even though I am told that it has been done in the past and most of all I assure you it is going to greatly confuse the small business community of the State of Maine. I would urge you not to support this.

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 Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate. I believe that there is one thing that the good Senator from Oxford, Senator Sutton, did not discuss in his debate and that is the high rate of inflation, that is taking its toll not only here in Maine, but across the country.

Those that it really hits the most, are those who are obviously making the minimum wage, in this State. What is being proposed by Senate Amendment "A" to Senate Amendment "A" is nothing more than to increase, the minimum wage three months earlier, than it would when it goes into effect of the Federal Minimum Wage on January 1.

This is the time of the year when most people in this State have the biggest burden put upon them, for the next several months, when just talking about the fuel costs, never mind the inflationary rates, that is effected by the rising cost of food, just the fuel cost itself and I would urge the Senate to support the Motion, the amendment that is presented by the good Senator from Penobscot, Senator Pray.

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

Senator TROTZKY: Mr. President and Members of the Senate. It was very enlightening to hear the explanation given by Senator Pray of

Penobscot County. I think that we all agree that we would like to raise the fellow up on the bottom, so that there is sufficient amount of money for adequate maintenance. However, Senator Pray's story is not the whole story, because the Union Contracts are escalator clauses built right in, which means that when you raise the minimum wage, you raise everybody else right up the ladder. So that what appears to me to be taking place today is that Senator Pray and the Democratic colleague, Senator Conley, are interested in fueling the inflationary spiral.

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

Senator PRAY: Mr. President and Members of the Senate. In response to my dear friend from Penobscot, Senator Trotzky, as to the situation which he portrayed as to my attempts to escalate the rate of inflation and perhaps even insinuate I have no concern about the economic stability of not only the State of Maine, but perhaps the Nation.

This legislation before us does not deal with collective bargaining rights, in the private section, it does not deal with what is mutually agreed to by both parties, in collective bargaining. If the Great Northern Paper Company in my district negotiates a contract with its employees and through the negotiation process allows them an escalating clause, they have the idea of the ramifications of adopting or accepting that into the contract, but to stand here and say that every union in this State, has such an escalation clause or to insinuate that there are many unions that do that it is going to have an economic effect as to the inflationary rate, I think is erroneous and I just would not want the Senator from Penobscot, Senator Trotzky, to leave such a heavy burden of doubt over this body's mind.

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 Senate Amendment "A" to Senate Amendment "A" be Adopted.

A Yes vote will be in favor of Adoption.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Carpenter, Conley, Cote, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Shute, Usher

NAY—Ault, Chapman, Clark, Collins, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Silverman, Sutton, Teague, Trafton, Trotzky

ABSENT — Danton, Devoe

A Roll Call was had.

11 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators being absent, the Motion to Adopt Senate Amendment "A" to Senate Amendment "A", does not prevail.

Is it now the pleasure of the Senate to Adopt Senate Amendment "A" to L. D. 43.

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 Oxford, Senator Sutton that the Senate Adopt Senate Amendment "A" to L. D. 43.

A Yes vote will be in favor of Adoption.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Carpenter, Chapman, Clark,

Collins, Cote, Emerson, Gill, Huber, Katz, Lovell, McBreairey, Najarian, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky

NAY — Conley, Farley, Hichens, Martin, Minkowsky, O'Leary, Pray, Usher

ABSENT — Danton, Devoe

A Roll Call was had.

22 Senators having voted in the affirmative and 8 Senators in the negative and 2 Senators being absent, the Motion to Adopt Senate Amendment "A" does prevail.

The Bill, as amended, passed to be Engrossed, in non-concurrence.

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

Senator PIERCE: Mr. President, I now move Reconsideration and ask the Senate to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate Reconsider its action whereby L. D. 43, as amended, was Passed to be Engrossed.

Will all those Senators in favor of Reconsideration please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had, the Motion to Reconsider does not prevail.

Sent down for concurrence.

Senate

Bill, "An Act Relating to the Court of Probate of Aroostook County." (S. P. 144) (L. D. 320)

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 Increase from 3¢ to 5¢ Per Inhabitant the Amount Appropriated Annually for the State Stipend Fund for Agricultural Societies. (H. P. 118) (L. D. 128)

On Motion by Senator Huber of Cumberland, passed on the Special Appropriations Table.

An Act to Permit Hotel, Motel and Restaurant 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)

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

Emergency

An Act to Dissolve Membership of the Towns of Hope and Appleton from the Community School District. (H. P. 97) (L. D. 124)

This being an emergency measure and having received the affirmative votes of 28 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: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, calling the Senate's attention to Bill, "An Act to Increase the Salaries of County Officers." (H. P. 201) (L. D. 227)

The PRESIDENT: The Chair would advise the Senator that this Bill has been assigned for Second Reading Tomorrow.

Orders of the Day

The President laid before the Senate the First Tabled, and specially assigned matter:

SENATE REPORT—from the Committee on Fisheries and Wildlife — Bill, "An Act to Test an Open Season on Moose for a One-Year Period." (S. P. 42) (L. D. 28) Ought to Pass as amended by Committee Amendment "A" (S-

26)

Tabled—March 8, 1979 by Senator Redmond of Somerset

Pending—Acceptance of Report

On Motion by Senator Katz of Kennebec, Re-tabled for 1 Legislative Day.

The President laid before the Senate the Second Tabled and specially assigned matter:

HOUSE REPORTS—from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983. (H. P. 288) (L. D. 348) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled—March 8, 1979 by Senator Pierce of Kennebec

Pending—Acceptance of Either Report

On Motion by Senator Katz of Kennebec, Re-tabled for 2 Legislative Days.

The President laid before the Senate the Third Tabled and specially assigned matter:

JOINT RESOLUTION TO RATIFY AN AMENDMENT TO THE FEDERAL CONSTITUTION TO PROVIDE FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN THE CONGRESS. (H. P. 679) (L. D. 805)

Tabled — March 8, 1979 by Senator Pierce of Kennebec

Pending — Consideration

On Motion by Senator Katz of Kennebec, Re-tabled for 1 Legislative Day.

The President laid before the Senate the Fourth Tabled, and specially assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of Probate as Constitutional Offices. (H. P. 197) (L. D. 246)

Tabled—March 8, 1979 by Senator Pierce of Kennebec

On Motion by Senator Katz of Kennebec, referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Communication

COMMITTEE ON STATE GOVERNMENT
March 9, 1979

The Honorable Joseph Sewall
President of the Senate of Maine

State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Allan H. Weeks, Jr. to the position of Chief, Maine State Police.

After public hearing and discussion of this nomination, the Committee proceeded to vote on the motion of recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result

YEAS

Senators 3

Representatives 10

Unanimous

NAYS

Senators 0

Representatives 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Allan H. Weeks, Jr. to the position of Chief, Maine State Police be confirmed.

Sincerely,

DAVID R. AULT

Senate Chairman

JUDY C. KANY

House Chairman

Which was Read and Ordered Placed on file.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Allan H. Weeks, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A., chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Pray

NAY—Ault, Carpenter, Chapman, Clark, Collins, Cote, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairey, Minkowsky, Najarian, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall

ABSENT—Conley, Danton, Devoe, Farley, O'Leary

A Roll Call was had.

Senator Pray of Penobscot was granted permission to change his vote from Yea to Nay.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 Senators absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Allan H. Weeks, Jr. is confirmed.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

Senator Carpenter of Aroostook, was granted unanimous consent to address the Senate, On the Record.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. Very briefly, I want to advise the members of the Senate, of something that has taken place, this morning and which I am sure you will be reading about over the weekend.

I rise this morning with very mixed emotions, this is basically an Aroostook County issue, but it is something that you all ought to be aware of, this morning there was a suspension of futures trading, Maine Potatoe Futures for the duration of 1979.

This issue one way or the other could, potentially mean many millions of dollars, in or out of the pockets of the Aroostook County farmers. I want to rise this morning just to make you aware of the issue, one of the basic reasons is that I believe the reasons that will be given for this rather drastic action real, will be as you may read in the papers about the loads of potatoes that are sitting in New York, which are unacceptable. The reason may be given that the Maine Potato at this point is not deliverable and therefore you cannot trade in something that is not deliverable.

The real reasons, I think run a lot deeper than that, and I could stand here and impugn the motives of many of the people who have used the Mercantile to their advantage over the years.

Suffice for me to say that there are a great deal of potatoes in Aroostook County and if this type of reason is given for this suspension then the State of Maine is going to have to take an active roll, I believe, in combating whatever bad publicity we may get out of this.

The last few days on the Mercantile in Aroostook County, the price for the April and May

contracts has been rising somewhere in the area of 140 points in the last four days. This may have put speculators in a very untenable position. I think that it is very interesting to note that the Mercantile can drop every day, and thus cripples the Maine farmer, but when it starts to rise, appreciably faster than the fresh market can stay with it, then there is suspension of trading.

I rise with mixed emotions because normally, I would be celebrating if the Mercantile had been suspended, but under the present circumstances, pending the reasons given for what I say is a very drastic action, there are presently I believe in the area of 10,000 carloads of potatoes outstanding on the May contract and that is roughly the entire Maine crop. There were over 100 cars left outstanding on the March contract. They were delivered in New York and they were found to be unacceptable, I say unacceptable, because I think there is a value judgment as to what the quality of the potatoes down there are, I think they are in good shape, but they are just a little bit too high priced. It was interesting to note that the potatoes that were delivered were turned down by the owners if you will. The Mercantile is not designed for the person to take ownership, they were then bought back at a lower price and the farmer has really no recourse if he has a load of potatoes in New York it would cost him a fortune to haul them back, he has to find a buyer for them.

So I wanted you to be aware of this, I am sure that there will be a lot on the news and there will probably be law suites and charges and countercharges in the next few weeks, but it does one way or the other and I think the other two Senators from Aroostook will agree with me, one way or the other this probably will have a significant impact on the economy of our area for the rest of the year.

(Senate at Ease)

The Senate called to Order by the President.

On Motion by Senator Pierce of Kennebec,
Adjourned until Monday, March 12, at 9:30
o'clock in the morning.