

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 13, 1979

The Senate called to Order by the Secretary.

The Secretary: Is it the pleasure of the Senate that the Senator from Kennebec, Senator Katz, act as President Pro-Tem?
It is a vote.

The Secretary asked the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Katz, to the rostrum.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz, to the rostrum, where he acted as President Pro-Tem.

Prayer by Reverend Russell M. Chase, United Church of Monmouth.

Reverend CHASE: O'God our heavenly Father, we thank you for this day and for the beauty thereof and for the opportunity to be here. For thou has brought us to this minute of this day, and here we are ready to do thy will to the best of our ability. We thank you for each member of this body. Bless them and their families, keep them steadfast in thy ways, loyal to thy spirit and aware of your truth. Be with us and strengthen us in all things as we keep on, keeping on, while we pray in the Master's name. Amen.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

An Expression of Legislative Sentiment recognizing that:

Henry Stewart of Old Orchard Beach has been named Old Orchard Beach's first Outstanding Citizen... (H. P. 922)

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

House Papers

Bill, "An Act Permitting Businesses to Remain Open on 4 Sundays Prior to December 25th". (H. P. 862) (L. D. 1060)

Bill, "An Act to Prohibit the Administration of Lie Detector Tests to Employment Applicants". (H. P. 873) (L. D. 1065)

Bill, "An Act to Encourage Fee and Open Competition in Insurance Funded Repairs". (H. P. 874) (L. D. 1064)

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 Voter Approval of School Construction Projects". (H. P. 863) (L. D. 1062)

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

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

Bill, "An Act to Limit Abortions in the Second and Third Trimesters to Certain Specified Situations". (H. P. 865) (L. D. 1061)

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

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

Bill, "An Act to Modify the Dispute Resolution Process under the Labor Statutes". (H. P. 824) (L. D. 1035)

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 to Dedicate Lottery Revenue to Programs for the Elderly". (H. P. 866) (L. D.

1063)

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed.
On Motion by Senator Pierce of Kennebec, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Convert Wallagrass Plantation into the Town of Wallagrass". (Emergency) (H. P. 832) (L. D. 1039)

Bill, "An Act to Limit Increases in the Bonded Indebtedness of Municipalities without Referenda thereon by the Same Municipalities". (H. P. 830) (L. D. 1037)

Bill, "An Act to Provide for County Self Government". (H. P. 831) (L. D. 1038)

Bill, "An Act Concerning Interdepartmental Transfers of Appropriated Funds by a County and Concerning other County Budget Items". (H. P. 838) (L. D. 1040)

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

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

Bill, "An Act to Provide for Lifeline Electrical Service". (H. P. 840) (L. D. 1043)

Bill, "An Act to Encourage the Conservation of Electricity by Providing for Promotional and Informational Material". (H. P. 839) (L. D. 1042)

Bill, An Act to Prohibit Rate Discrimination by Public Utilities. (H. P. 837) (L. D. 1041)

Bill, "An Act Relating to the Protection of Underground Facilities". (H. P. 838) (L. D. 1036)

Bill, "An Act Relating to Inspecting Electricity and Water Meters by the Public Utilities Commission". (H. P. 835) (L. D. 1034)

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

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

Bill, "An Act Relating to the State Apprenticeship Council". (H. P. 844) (L. D. 1046)

Bill, "An Act to Provide Fiscal Impact Statements". (H. P. 843) (L. D. 1045)

RESOLUTION. Proposing an Amendment to the Constitution of Maine to Limit Maine Senators to not More than Five Consecutive Two-year Terms, and to Limit Maine Representatives to not More than Five Consecutive Two-year Terms. (H. P. 846) (L. D. 1048)

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

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

Bill, "An Act to Include Independent Contractors within Deferred Compensation Plans". (H. P. 845) (L. D. 1047)

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

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

Bill, "An Act to Authorize the Bureau of Public Lands to Lease Lands in the Intertidal Zone Adjacent to Permanent Structures." (H. P. 842) (L.D. 1044)

Committee on State Government suggested.
Comes from the House, referred to the Committee 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 to Provide a Homeowner State Income Tax Credit for Installation of Energy-saving Solar Devices". (H. P. 853) (L. D. 1053)

Bill, "An Act to Provide an Income Tax Credit for Installation of Insulation in Residences". (H. P. 852) (L. D. 1052)

Bill, "An Act to Provide a State Income Tax Credit for Installation of a Wood Stove". (H. P. 851) (L. D. 1051)

Bill, "An Act to Repeal State Valuation of Property Throughout the State". (H. P. 850) (L. D. 1050)

Bill, "An Act to Allow Municipalities to Levy a User Charge in Place of Taxes for Service Provided State and County Owned Property". (H. P. 849) (L. D. 1049)

Bill, "An Act to Create the Property Tax Homestead Relief Act of 1979". (H. P. 854) (L. D. 1054)

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 Owners of Certain Property Abutting a Discontinued or Abandoned Town Way Access to Public Roads and Highways". (H. P. 856) (L. D. 1056)

Bill, "An Act to Provide for the Issuance of a Warning for Operating an Unregistered Motor Vehicle within One Month of the Expiration of Registration". (H. P. 858) (L. D. 1058)

Bill, "An Act to Provide Local Control of Winter Closing of Town Ways". (H. P. 857) (L. D. 1057)

Bill, "An Act Concerning Illumination of Railroad Switching Leads". (H. P. 855) (L. D. 1055)

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

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

**Communications
COMMITTEE ON LABOR**

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 Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Harold G. Loring to serve on the Maine Employment Security Commission as the Labor Representative.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to 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 following result:

Yeas: Senators 3, Representatives 13

Nays: Senators 0, Representatives 0

Absent: Senators 0, Representatives 0

Thirteen members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Harold G. Loring to the position as Labor Representative on the Maine Security Commission be confirmed.

Sincerely,

ROLAND SUTTON, Senate Chairman

JASPER WYMAN, House Chairman

Which was Read and Ordered Placed on file.

The PRESIDENT PRO-TEM: The Joint Standing Committee on Labor has recommended that the nomination of Harold G. Loring be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Labor 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—None.

NAY—Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Troitzky, Usher, Sewall.

ABSENT—Danton.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being 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 Harold G Loring is confirmed.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the rostrum to assume the duties of President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall, to the Rostrom, where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz, to his seat.

The PRESIDENT: The Chair thanks the Senator from Kennebec, Senator Katz, for an outstanding job.

Senate Papers

Senator Gill of Cumberland presented, RESOLVE, to Provide Minimum Retirement Benefits for Mrs. Elizabeth Ramsay of South Portland. (S. P. 372)

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

Sent down for concurrence.

Senator McBreaity of Aroostook presented, Bill, "An Act to Carry Forward to June 30, 1983 Appropriated Park Development Funds". (Emergency) (S. P. 380)

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

Sent down for concurrence.

Senator O'Leary of Oxford presented, Bill, "An Act Relating to Holding Tanks for New Seasonal Dwellings". (S. P. 375)

The same Senator presented, Bill, "An Act Relating to the Plumbing and Subsurface Disposal Laws". (S. P. 376)

The same Senator presented, Bill, "An Act Relating to Appointment of Local Plumbing Inspectors in the Unorganized Townships". (S. P. 378)

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

Sent down for concurrence.

Senator Pray of Penobscot presented, Bill, "An Act to Clarify the Statutory Requirements for Issuance of Maine Guides Licenses". (S. P. 374)

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

Sent down for concurrence.

Senator Pierce of Kennebec, Cosponsor: Senator Conley of Cumberland presented, Bill, "An Act to Authorize the Provision of Services

to Developmentally Disabled Children". (S. P. 377)

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

Sent down for concurrence.

Senator Collins of Knox presented, Bill, "An Act to Amend the Uniform Criminal Extradition Act and the Uniform Interstate Compact on Juveniles". (S. P. 373)

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

Sent down for concurrence.

Senator Teague of Somerset presented, Bill, "An Act to Protect Subcontractors from Non-payment on Public Improvement Contracts". (S. P. 370)

Senator Najarian of Cumberland presented, Bill, "An Act Pertaining to Employment Statutes of Unclassified Policy-Making Positions". (S. P. 371)

Senator Ault of Kennebec presented, Bill, "An Act to Authorize a Bond Issue for Kennebec County for the Construction of a New Correctional Facility or Reconstruction of an Existing Facility". (S. P. 379)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Senator Teague of Somerset, Cosponsor: Senator Clark of Cumberland presented, Bill, "An Act to Extend the New Jobs Credit Provisions under the Statutes relating to Taxation". (S. P. 369)

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

Sent down for concurrence.

(Off Record Remarks)

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 Relating to Requirements for Physical Education and Minimum School Year for Elementary and Secondary Education". (H. P. 429) (L. D. 546)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Guarantee the Rights, Privileges and Immunities of its Citizens. (H. P. 287) (L. D. 364)

Leave to Withdraw

The Committee on Education on, Bill, "An Act to Provide for Limited Education Concerning Reproduction in the 7th and 8th Grades". (H. P. 368) (L. D. 476)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act Concerning Destitute Indians Outside of Reservations". (H. P. 393) (L. D. 501)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Judiciary on, Bill, "An Act to Transfer Jury Commissioners' Functions to Clerks of Courts and Permit Grand Jury Terms to be Set by Order of the Chief Justice". (H. P. 280) (L. D. 358)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act to Expand the Meaning of the Term

"Exite" under the Public Safety Laws". (H. P. 441) (L. D. 558)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act to Clarify the Meaning of "the Prevention of Fire" under the Public Safety Statutes". (H. P. 440) (L. D. 557)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act to Include the Fire Chief or his Designee in Filing Statements of Fire Occurrence". (H. P. 439) (L. D. 556)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act Relating to Inspection by the State Fire Marshal". (H. P. 438) (L. D. 555)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act to Revise the Laws Concerning Fire Exits". (H. P. 314) (L. D. 420)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Clarify the Law Relating to the Maine Criminal Justice Sentencing Institute". (H. P. 281) (L. D. 359)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-80)

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

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

The Committee on Business Legislation on, Bill, "An Act to Revise the Podiatric Practice Act". (H. P. 235) (L. D. 281)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-76).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-84).

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.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Prohibit Gas Stations from Charging a Fee for Putting Air in a Customer's Tires". (H. P. 153) (L. D. 192)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

CHAPMAN of Sagadahoc

AULT of Kennebec

CLARK of Cumberland

Representatives:

ALOUPIS of Bangor

HOWE of So. Portland

SPROWL of Hope

LIZOTTE of Biddeford

JACKSON of Yarmouth

GWADOSKY of Fairfield

WHITTEMORE of Skowhegan

BROWN of Bethel

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

Signed:

Representatives:

BRANNIGAN of Portland
DUTREMBLE of Biddeford

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

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Injunctions in Labor Disputes". (H. P. 374) (L. D. 475)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
DEVOE of Penobscot

Representatives:

SEWALL of Newcastle
SILSBY of Ellsworth
GRAY of Rockland
JOYCE of Portland
CARRIER of Westbrook
STETSON of Wiscasset

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

Signed:

Senators:

TRAFTON of Androscoggin

Representatives:

HOBBINS of Saco
LAFFIN of Westbrook
SIMON of Lewiston

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

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Permit Sellers of Alcoholic Beverages to Remain Open to 2 A.M.". (H. P. 221) (L. D. 269)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Waldo

Representatives:

VIOLETTE of Van Buren
SOULAS of Bangor
MAXWELL of Jay
BROWN of Gorham
McSWEENEY of Old Orchard Beach
STOVER of West Bath
GAVETT of Orono
CALL of Lewiston
DELLERT of Gardiner
DUDLEY of Enfield

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

Signed:

Senators:

FARLEY of York
COTE of Androscoggin

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

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

Senate

Ought to Pass — As Amended

Senator Trotzky for the Committee on Energy and Natural Resources on, Bill, "An Act Relating to Plumbing Inspectors". (S. P. 153) (L. D. 369)

Reported that the same Ought to Pass, as amended by Committee Amendment "A" (S-36).

Which Report was Read and Accepted, in concurrence. The Bill Read Once.

Committee Amendment "A" Read and Adopted in concurrence.

The Bill, as amended, Tomorrow assigned for Second Reading.

Second Readers

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

House

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

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

Sent down for concurrence.

House — As Amended

Bill, "An Act Concerning County Commissioners' Discretionary Powers Regarding Grants Placed in County Budgets". (H. P. 144) (L. D. 151)

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

Bill, "An Act Relating to the Use of Deadly Force and Nondeadly Disabling Chemicals in Property Offenses". (H. P. 127) (L. D. 136)

Which was Read a Second Time.

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

Senator FARLEY: Mr. President and Members of the Senate: I received a letter this morning, given to me by the senior Senator from York, Senator Lovell, and I would like to ask the Chairman of the Judiciary Committee if the contents of this letter would be applying in the piece of Legislation before us.

If I am permitted I'd like to read the very short letter to the Chairman of the Judiciary Committee. It's addressed to Senator Lovell and it says, "Dear Senator Lovell. The people of Maine expect you to help us and one of the best ways you can do so is to correct the injustices done to us by amending the Maine Criminal Code and make it like the Maine Constitution, that guarantees you the right to possess property and to protect it by using such force as he finds necessary to keep his property from being stolen or vandalized. We are all fed up on being the victims and not being able to do anything about it. The way it is now the Legislature is on the side of the criminals and we do not like it." I'd like to know if this particular piece of Legislation would, to some degree, satisfy some of the arguments in the letter that I received?

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

Senator COLLINS: Mr. President. This piece of Legislation moves in the direction that your correspondent, would wish. I'm sure it doesn't go as far as he would wish. There are many letters and people that come to us wanting us to authorize the use of deadly force, which generally means the use of a gun to shoot people for most any reason whatsoever.

Our Criminal Code has not gone that far, because if we do so we will probably lose out on a great many convictions for homicides. When you draw a criminal statute in this field, you are in a very tricky and very difficult area, to write the words, so that in writing them to help one person, you do not thereby cause several bad people to get off, scott free, that's always our dilemma in this type of Legislation.

Your correspondent should be informed that he has the right to use a reasonable degree of non-deadly force to protect his property. He probably can use his fists and at times clubs and we are adding to his armamentarian the use of chemical mace, if he has a store or motel and he wants to have a can of chemical mace at strategic places, that he can whip out and use on an intruder or someone trying to

steal his property he may now do so, if this is passed. Whereas in the past that would have been an illegal act on his part. So we move in that direction a little bit, we do not move as the original bill wanted us to, to the point where if you see a kid stealing apples in your backyard you can haul out your rifle and shoot him dead.

We don't think that is what Maine people want in their law, although that is what some of the bills ask us to do.

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

It is a vote.

Senate — As Amended

Bill, "An Act to Amend the Representation of Towns on Community Schools Districts". (S. P. 93) (L. D. 179)

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

Sent down for concurrence.

Enactors

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

An Act to Strengthen Regional Library Systems. (S. P. 77) (L. D. 166)

On Motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

Orders of the Day

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

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-41); Minority Report — Ought Not to Pass

Tabled—March 8, 1979 by Senator Katz of Kennebec

Pending—Acceptance of Either Report

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

Senator KATZ: I move Acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee, in concurrence.

Is this the pleasure of the Senate?

It is a vote.

The Bill Read Once.

Committee Amendment "A" Read.

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

Senator LOVELL: I present Senate Amendment "A" to Committee Amendment "A". The only thing this amendment does is after the amount \$500.00, it cuts the amendment there, at \$500.00 instead of giving it to the employee. In other words, it goes into the revenue funds instead of the \$500.00 being given to the employee on the nurses records, on the fines that are involved.

Senate Amendment "A" (S-22) Read.

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

Senator KATZ: May I ask if the amendment has been reproduced?

The PRESIDENT: The Senator from Kennebec has posed a question through the Chair.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: The amendment is S-22, L. D. 158. It came out of the Labor Committee Ought to Pass, as amended, but they did leave off that part. They didn't feel the money should go to the employee five hundred dollars from two dollars, to five hundred dollars on the fine, or if that was assessed it should go into the regular state funds.

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

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate: There seems to be a good deal of confusion regarding this Bill and its acceptability. Because of this, I view it with some apprehension and would therefore move we Indefinitely Postpone the Bill.

Senate Amendment "A" to Committee Amendment "A". Adopted Committee Amendment "A" as amended, Adopted, in non-concurrence.

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

Senator PERKINS: I move Indefinite Postponement of this Bill and its accompanying papers.

The PRESIDENT: The Senator from Hancock, Senator Perkins, now moves that this Bill, as amended, and its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: Since this bill has been on the table for a few days, I think in light of the process we went through this morning, and there is a Divided Report on the Bill out of Committee, that the amendment offered by the Senator from York, Senator Lovell, does take care of some of the problems of those who had signed out the Minority Ought Not To Pass Report. I disagree with the Senator from Hancock, Senator Perkins, that there is confusion over this Bill and since this Bill is only in its First Reading, Acceptance of the Committee Report, if he desires to Withdraw his Motion to Indefinitely Postpone, and perhaps still is confused by the time it reaches Enactment and wishes to move Indefinite Postponement then, perhaps we could take care of the matter.

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

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

The PRESIDENT: A Division has been requested.

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

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

8 Senators having voted in the affirmative, and 20 Senators in the negative, the Motion to Indefinitely Postpone, does not prevail.

The Bill, as amended, Tomorrow assigned for Second Reading.

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 cember 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 9, 1979 by Senator Katz of Kennebec

Pending—Acceptance of Either Report

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

Senator AULT: Mr. President, I move Acceptance of the Ought to Pass Report and would speak briefly.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate Accept the Minority Ought to Pass Report of the committee.

The Senator has the floor.

Senator AULT: Mr. President, I signed the Ought Not to Pass Report on this Bill, but I am moving the Ought to Pass Report this morning in order to keep it alive. There were 2 bills concerning this subject, that came before the State Government Committee. The other one being

L. D. 7, which proposed to move the convening date of the Legislature back to January from December. The people approved moving it to December in last November referendum.

We have since killed L. D. 7 what this Legislation proposes to do, is specify what the Legislature shall do in that December convening, and if the members of this body, of the whole Legislature, are interested in specifying, what we are going to do in that December session, I should think you would want to keep this Bill alive.

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

Senator MARTIN: Mr. President, I also concur with the good Senator, Senator Ault. And to further clarification of L. D. 348 this amendment simply specifies the purpose of the December convening date, and requires the House and Senate meet for 3 consecutive days to elect their constitutional officers and their leadership. It also clarifies or reestablishes the Senate apportionment date to 1983.

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

Senator CONLEY: Mr. President, I would pose a question through the Chair to any member of the State Government Committee, and that would be whether or not this has to be done through a Constitutional Amendment or can it be done through the statutes?

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question through the Chair, to any member of the Committee who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, and Ladies and Gentlemen of the Senate. Part of this Bill, L. D. 348, I am certain has to be dealt with by the Constitution, that is the reestablishment date of the reapportionment for the Senate from 1964 to 1983.

The Minority Ought to Pass Report of the committee, accepted, in concurrence.

The Resolution Read Once. The Bill, tomorrow assigned, for Second Reading.

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

SENATE REPORTS — from the Committee on Education — Bill, "An Act Concerning the Hiring of all School Bus Drivers." (S. P. 76) (L. D. 152) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled—March 12, 1979 by Senator Pierce of Kennebec

Pending—Acceptance of Either Report

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

Senator TROTZKY: Mr. President, I move Acceptance of the Minority Report and would like to speak to my motion.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves the Senate Accept the Minority Ought to Pass Report of the Committee.

The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate: What this Bill does is, it states that anyone who is going to operate a School Bus must pass an examination before they drive that school bus. Right now the present law states a person can start driving immediately without having passed any examination, but they must apply within 10 days after commencement of such operation of that school bus.

Now the problem the committee had to face was that the Department of the Secretary of State, is not in a position to handle tests on demand. A hundred and eighty-five thousand people are tested annually for all kinds of drivers licenses and what takes place in the months of September, October, November you get a large number of people applying for school bus licenses. I think they mentioned at the committee hearing 300 to 400 people and it takes the de-

partment between 3 and 8 weeks to get to licensing or testing these people.

The other problem is we have compulsory education in the school system in Maine, so if a Superintendent doesn't have a driver whose passed an examination the kids can't go to school. So what I've done is gone to the Secretary of State, and asked them if they can test on demand and they can't. They say existing staff of drivers licensing examiners is not sufficient to test school bus drivers upon demand.

To provide immediate testing of school bus applicants by my best estimates would require two additional positions of Driver Licensor Examiner 1. These two positions would be reserved for the purpose of testing school bus applicants within a ten day period. The price tag would be \$36,000 for the first year and \$31,000 for the second year, to expand the Secretary of State's department to test school bus drivers on demand.

So tomorrow I will be offering an amendment to beef up the Secretary of States office so school bus drivers can be tested on demand. So today I would urge the Senate to Accept the Ought to Pass Report of the Committee.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Even though this report came out of the Education Committee the Majority Ought Not to Pass, I would hope even though Senator Trotzky has changed his position because of the proposed amendment, would vote against the pending motion to Accept the Minority Report.

The indication that came forth before the Education Committee was that you just arbitrarily picked up a man or a lady to drive a school bus, this is not true. These people before they drive any type of a school bus, are required either by the school district or by the private operator to have a minimum of twenty hours driving time in that bus, without children, to a maximum of 60 hours in that school bus without children, this is to prepare them for their examination.

I think this is one of the most important points to stress in this particular debate this morning. They just do not get into a school bus pick up 50 or 60 kids and drive them off to school. Nobody wants to risk the lives of those kids, whether they are private operators or whether the school department has it's own buses.

The other fact is very true, relevant to the Secretary of State's Department about examinations. Each time it costs the operator or the department or the private operator at least \$8 to send these people down for examinations. Many times they fail the examination, because of what they refer to as the imaginary lines, when they are backing the school buses in different locations, even people who are proficient in driving. In fact, one gentleman from a Bangor area who runs a fleet of school buses, testified for the committee that he had been the champion rodeo school bus driver in the State of Maine, but in order to drive that bus today and follow the guidelines laid down by the drivers examiners, he himself would fail even though he is proficient.

The statement was rendered that thirty-one percent of the people failed, this may be true but there are other factors that come into play. One was in our particular area of Lewiston where we have private operators. They sent down a 60 passenger school bus, it did not have the school bus yellow, but it held 60 kids. It was cream and red, and the examiner at the time failed to give the five individuals their examinations. Yet it cost our bus line \$40 to send those men down, plus their expenses. Now these bus companies are being put to a great deal of hardship because in that training period they have to employ these people full-time, at least at the minimum wage, and send them

down for examinations. They are not going to jeopardize their equipment by sending out unqualified drivers and there is absolutely no necessity for this legislation. Regardless if you amend it, if you accept the minority report and amend it, you better be prepared to put an appropriation on there for sixty or seventy thousand dollars.

It still won't guarantee when the dire need comes to fill the requirement when it comes to school bus drivers in the State of Maine, that the Secretary of States Department is going to be able to handle them. Mr. President, I would make a motion, or remind the Senate members to vote against the Minority Ought to Pass Report and Accept the Majority Ought to Pass Report of the Committee.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: This happens to be my Bill and it seems to be a very simple little bill. When I took it before the Committee on Education, I really did not anticipate the problems that have developed with this.

Very simply. I hope you will vote with myself and the Senator from Penobscot, Senator Trotzky, this morning and Accept the Minority Ought to Pass Report of the Committee. Probably at that point, the Senator from Penobscot and I will part company, as far as the amendment that he will propose.

Presently, in the State of Maine, I, for example, have a Class 3 License to operate a car, I can go out and be hired by the School District to run a school bus. No other examination is required period, that is it, no if and or buts. Now many private bus lines and many school districts do provide an in-house training program. Obviously the standards vary from community to community, many provide none, OK, So we do have people driving school buses who have no license to drive that school bus, and they may go 3, 6, 8 weeks, this is the crux of the whole matter.

This is the problem, I am trying to get at, it seems inconsistent to me, that in order to haul dead chickens down the road, in a tractor trailer, you have to have a Class 1 License, but you can haul school children around the back roads of the State of Maine, and you do not have to have any type of special test or any type of special license.

The bill does not call for a test on demand. This is something I am sure we will discuss when the proposed amendment is offered, if it is offered tomorrow. I would hope this morning we would Accept the Minority Ought to Pass Report and I would ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, again it is with reluctance that I oppose the good Senator from Aroostook, but I do not see any need for this Bill. I think it is going to put a great hardship on a great many School Districts, who especially in the small areas, where they are faced sometimes especially like this year with the flu, that hits very unexpectedly, they do not have enough trained bus drivers on hand, but yet they are very careful as to the type of person they pick to drive those school buses.

I know that in our own District SAD 35, that they require one has a Class 2 License with permission to drive heavy equipment. These people are capable of driving a school bus, I would contradict his statement that sometimes they drive for 3 or 4 weeks, our present Law requires the unlicensed school bus driver, that does not have a special license, can only drive 5 days during the school year on an emergency basis.

I think when these people are called all of a sudden, that they should have the right to drive. I know they are going to be very careful,

and the School Boards are going to be very careful who they pick, so I would oppose this Bill.

(Off Record Remarks)

Senator Hichens, of York, was granted unanimous consent to address the Senate, Off the Record.

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

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

Senator TROTZKY: Mr. President and Members of the Senate. School Bus Drivers, in that field there is a large turnover, in many cases it is a part-time job, and if we are going to make sure are licensed on demand, we must provide the Secretary of the State's Office with the funds, to be able to license those Bus Drivers on demand.

I would remind Senator Carpenter, there is no free ride in our society. If this Bill is to pass, it must have an amendment on it, to beef-up the Secretary of State's office, and that price tag from the Secretary of State's Office is near \$70,000.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate, is the Motion by the Senator from Penobscot, Senator Trotzky, that the Senate, Accept the Minority Ought to Pass Report of the Committee.

A Division has been requested.

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

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

14 Senators having voted in the affirmative and 15 Senators in the negative, the Motion to Accept the Minority Ought to Pass Report, does not prevail.

The Majority Ought Not to Pass Report of the Committee, Accepted in concurrence.

Sent down for concurrence.

The President laid before the Senate the Fourth Tabled and specially assigned matter: JOINT ORDER — Relative to Joint Rule 35 regarding Memorials. (S. P. 342)

Tabled—March 12, 1979 by Senator Pierce of Kennebec

Pending—Passage

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

Senator KATZ: Because very clearly there is tension being built up in reference to Tabled Item # 6, and we are anxious to get to it, I would hope that somebody would table this for one legislative day.

On Motion by Senator Pierce, of Kennebec, Retabled, for 1 Legislative Day.

(Off Record Remarks)

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

JOINT ORDER — Relative to Joint Rule 6-A regarding Legislative Papers. (S. P. 359)

Tabled—March 12, 1979 by Senator Pierce of Kennebec

Pending—Passage

On Motion by Senator Pierce of Kennebec, Retabled, for 1 Legislative Day.

The President laid before the Senate the Sixth 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 12, 1979 by Senator Pierce of Kennebec

Pending—Acceptance of Report

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

Senator REDMOND: Mr. President, I move the Senate Accept the Committee Report.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate Accept the Majority Ought to Pass as amended Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator Katz: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought to Pass, as amended. Report of the Committee, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I would like to give just a brief outline, and history in dealing with the Maine Moose here, over the long period of years.

I would state here in Augusta, we have had a deep concern for the moose for a good many years.

On June 2, 1920 — just two days after the opening of the first Maine Legislature — A committee was appointed "to report a suitable device and seal for the State of Maine." Just one week later, the Committee presented its report to the Legislature, including a sketch and description of the seal.

Included at the very center of the seal was a majestic, reclining moose. The committee reported the symbolism of the moose as follows:

"A native animal of the state, which retires before the approaching steps of human inhabitation, in his recumbent posture and undisturbed situation, denotes the extent of unsettled lands, which future years may see the abodes of successive generations of men, whose spirit of independence shall be untamed, as this emblem, and whose liberty shall be unrestricted as the range of the moose."

The committee described the regal mammal itself in this way: "The moose is a native of the forest of Maine. It has a neck, short and thick, a large head, horns dilating almost immediately from the base into a broad form. A thick, heavy upper lip, hanging very much over the lower, very high shoulders and long legs, the color is a dark greyish brown, much paler on the legs and the under part of the body. The hair is coarse and strong, and is much longer on the top of the shoulders, and the ridge of the neck, than on other parts. The eyes and ears are large, the hoofs broad, and the tail extremely short. The greatest height is about 17 hands and the weight about 1220 pounds. In deep snows they collect in numbers in pine forest"

In 1919, the Legislature passed a resolve to cast a new die for the state seal. Every effort was made to have the new seal accurate in all particulars. The State Department of Fish and Game supplied a correct picture of a moose, so that the representation of that majestic mammal on the state seal could no longer be accused of being a deer with moose horns.

In 1924, our State librarian was especially critical of the kind of moose appearing in the latest design of the State Seal.

"The design submitted is approaching reasonable accuracy. The only serious criticism, I think, is in relation to...the moose. the design of the head is not characteristic of the moose. The back is too straight; there should be a distinct hump on the shoulders, the bell should not be in the form of a baby's bib, but should hang straight like a goatee...the artist should strive to get more expression in the face. The moose is never an old cow or a half-asleep horse, nor

has he the look of the mild and gentle sheep, on the whole, the moose is a challenging animal as becomes the Lord of the Northern Forest."

In 1937, an 8th grader at the Mary S. Snow School in Bangor had the right idea when he wrote about the moose on the State Seal as part of a class assignment.

"The reclining moose is a native of the forest of Maine. He is commonly known as the King of the Northern Beasts, and is noted for his prodigious strength, he lives where the woods are thickest and has never been tamed by man.

"We may well imagine as we see him in prone position that it may symbolize the fact that he will stay with us as a fortress of strength only as long as we keep for him the shelter of the massive pines, also, the very fact that he has never been subjugated to man may stand as a symbol of Maine's complete independence."

In 1977, A sportsman Senator from Portland, realizing that he could not prevent Senate passage of a moose hunting season, sought to save the moose by amending the legislation.

He introduced amendments to allow hunting of moose only with cameras, to change the "moose slaughter permits", and to issue moose harvesting licenses only to those on public assistance, thereby insuring that those Maine residents most in need of nutrition would benefit from the legislation. The moose was saved. However, by the welcome veto of an enlightened Governor. I repeat, the moose was saved, however, by the welcome veto of an enlightened Governor.

In 1979, after all these years, is it now the time to declare an open season on the symbol of Maine's independence and the Lord of our Forest?

The moose, Ladies and Gentlemen, appears at the very center of the Senate woven into the carpet in the well of the chamber. Its likeness also appears on Blaine House China so I am told. But this Senator, unlike the sportsman Senator of 2 years ago, will offer no amendments to the legislation now before us. He will make no impassioned pleas to save our native moose. Mr. President, I simply move that this Bill and its accompanying papers, be indefinitely postponed. And I ask that the vote be taken by the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, the Senator from Northern Aroostook would like to thank the good Senator from Cumberland, Senator Conley for his research, his words of wisdom offered this body on the Moose Bill, and his description of the great majestic animal of the State of Maine, he forgot to say, they are sometimes very tasty.

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

Senator REDMOND: The Committee on Fisheries and Wildlife, gave a public hearing to the L. D., and it came out of Committee. Unanimous Ought to Pass, as amended.

We had the support, at the hearing, of probably 95% of those in attendance at that hearing-supported this Bill. We had the support of Sports Unlimited of Maine, Maine Chapter of Wildlife Societies, the Sportsman's Alliance of Maine, the Associated Sportsman's Clubs of Maine and we have the support from the greater majority of the outdoor people from Maine.

There is no question in my mind that the establishment of a Moose Hunting Season, will provide the opportunity to realize the full range of recreational, economic and social benefits which the resource has the potential to provide the citizens of Maine.

At the same time, the establishment of a Moose Season, provides the mechanism and resource needed to properly manage moose, and insure that an optimum population is maintained for future generations to enjoy.

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

Senator PRAY: Mr. President and Members of the Senate: I want to congratulate the good Senator from Cumberland, Senator Conley, in his remarks. Prior to today's session, I read his historical remarks from two years ago, and two years before that and I must say that his wealth of knowledge on the moose has definitely improved, still he made a number of erroneous statements.

I would like to point out, in reference to his historical background of the moose, to start with, first of all the moose is not a native of Maine, it moved up through the ice age, into the State of Maine as the ice receded roughly 20,000 year ago. Also through this historical time, this little travel which he took this chamber on, to talk about the moose, the different time periods which the legislature addressed it, it should also be pointed out that all those time periods, except for the last few years of history, we had a moose season.

The question we are down to, is not one of emotion, of what we feel about our natural resources, or the State Seal, if we want to look at that reclining moose on the State Seal, let's look at the tree that is behind it, a resource which we use. Maine is great in its abundance of natural resources and we try through management to renew those resources, and to utilize them to the fullest potential, our fish, our deer herds, our forest products.

The question we come down to today, is one which has been addressed by the department which we have assigned the responsibility of game management. It is their high recommendation through a number of years of research, long hard dedicated hours of individuals who are connected with promoting the health of the herd. It is their recommendation that we are addressing today, not for the slaughter of moose but for the benefit of the herd, itself.

Those areas around us and our neighbors to the north Canada, who have had a moose season, have found that a limited season, well controlled has been beneficial to the herd, that is all logical arguments in favor, not emotional. I would hope that we would defeat the motion that has been made by the Senator from Cumberland, Senator Conley, and pass this bill along.

(Off Record Remarks)

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity. Senator McBREAITY: This is my Bill with some slight modifications by the Inland Fisheries and Game Department.

The 103rd Legislature instructed the Fish and Game Dept. to make a study of our moose so that they might better advise the legislature on how we should manage our moose herd. For twelve years the Fish and Game Dept. has had Francis Dunn, game biologist who lives in Patten, Maine conducting an extensive study of the population count and the general conditions of our herd. Our Game Dept. has had excellent cooperation from the University of Maine. And Canadian game biologists.

This study to date has cost many thousands of dollars. I'm sure if the advice given as a result of the thousands spent on research is continued to be disregarded the money could be spent to greater advantage some other way. The Moose Bill we have before us was actually drafted by the most experienced wildlife experts in the State of Maine, and Canada. I'm sure if we would follow their advice a great benefit could be shared by all concerned.

It is very repulsive for real true conservationists to see a valuable natural resource being illegally taken by unpunished poachers and so poorly managed that a large percentage is going to waste.

Give us a limited open season and I'll guaran-

tee we will create an incentive to nearly everyone in the state to protect and better manage our herd.

To those of you who say we don't want moose killed, I am going to give you the figures compiled for the four years on accidental and known illegal kills. A total of 402 moose have been killed as a result of vehicle/moose collisions.

Imagine the property damage and injuries resulting from over 400 collisions with an animal the size of a moose.

In the same length of time we have had 600 known illegal mortalities.

Add to this the unknown poaching and we must realize we already are losing a large percentage of our moose herd because of very poor management and lack of funding to better protect our animals.

Hopefully the 109th Legislature will show more wisdom by passing a limited experimental open season on moose. By doing so we will create the incentive, and generate the funds to better manage and protect a very valuable natural resource for the mutual benefit of all the people in the State of Maine.

Maine is a state nearly as large as the rest of New England with human population of only one million people.

How can we allow and pay for legal abortions to regulate the human population for the health, happiness and welfare of the people and honestly vote against the scientific management of a moose herd.

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

Senator LOVELL: I would like to ask a question to any member of the Committee. What is the length of this Moose Hunting Season, and how is it going to be regulated, on who gets the license and how much it costs?

The PRESIDENT: The Senator from York, Senator Lovell, has posed a question through the Chair, to any member of the Committee who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: In response to the good Senator from York, if he would look at Senate Amendment S-26, it is an experimental season, which will be held in 1980 the last week of September. The prices will be \$5. for application, \$10. if your name is drawn, and \$10. to register the moose if you are successful. It was the Committee's thoughts that the drawing could be held possibly at like a Sportsman Show in Bangor, or county fair, and this would be a one year season only.

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

Senator LOVELL: I certainly thank the Senator from Cumberland. I was going to go against this Bill, but if it is only a week, it does not seem most of the people around this part of Maine and the upper section are pretty poor shots I understand, it does seem to me they are going to kill too many moose. It seems to me the State is going to get some money from it, so I think I will vote for the Bill.

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 this Bill be Indefinitely Postponed.

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.

A vote of Yes will be in favor of Indefinite Postponement.

A vote of No will be opposed.

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

ROLL CALL

YEA—Chapman, Conley, Emerson, Farley, Hichens, Huber, Katz, Minkowsky, Najarian, Perkins, Shute, Trotzky.

NAY—Ault, Carpenter, Clark, Collins, Cote, Devoe, Gill, Lovell, Martin, McBreairey, O'Leary, Pierce, Pray, Redmond, Silverman, Sutton, Teague, Trafton, Usher.

ABSENT—Danton.

A Roll Call was had.

Senator Farley of York, was granted permission to change his vote from Yea to Nay.

11 Senators having voted in the affirmative and 20 Senators in the negative, with 1 Senator being absent, the Motion to Indefinitely Postpone does not Prevail.

The Ought to Pass, as amended, Report of the Committee, Accepted.

The Bill Read Once.

Committee Amendment "A" Read.

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

Senator REDMOND: I now present Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-32) Read, and Adopted.

Committee Amendment "A" as amended, Adopted.

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

Senator PRAY: I move under Suspension of the Rules, that we give this Bill its Second Reading at this time.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate Suspend its Rules in order to give this Bill its Second Reading, by title only at this time.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I request a Division.

The PRESIDENT: A Division has been requested.

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

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

14 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Suspend the Rules, does not Prevail.

The Bill, as amended, tomorrow assigned for Second Reading.

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

JOINT ORDER — Relative to Joint Rule 6 and adding a new Joint Rule 35A. (H. P. 897)

Tabled—March 12, 1979 by Senator Pierce of Kennebec

Pending—Passage

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

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

Bill, "An Act to Encourage Industrial Cogeneration and Small Power Production Facilities Using Renewable Sources of Energy." (H. P. 795) (L. D. 1002)

Tabled—March 12, 1979 by Senator Pierce of Kennebec

Pending—Reference

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

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

HOUSE REPORTS — from the Committee on State Government — Bill, "An Act to Require that Heads of State Agencies Report to

the State Auditor any Suspected Improper or Illegal Financial Activity in Their Agency." (H. P. 195) (L. D. 244) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-53); Minority Report — Ought Not to Pass

Tabled—March 12, 1979 by Senator Conley of Cumberland

Pending—Motion of Senator Ault of Kennebec to Accept Minority Report

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

Senator O'LEARY: Mr. President, I would ask for a Division.

The PRESIDENT: A Division 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 like to remind my colleagues what this is all about. As I mentioned the other day, our Auditor has come to us, and suggested to us that there is some question as whether Heads of Departments at all levels, should report seeming inaccuracies or problems in their departments, to him for investigation. There seems to be, times when Heads of Departments, not trying to do wrong or what have you, but are trying to clean up their own house. In so doing sometimes will preclude an overall audit or investigation that might prove there was more than had met the original eye.

If there is one problem we have got with our citizens right now, it is a seeming lack of respect with our governmental processes and they have asked us at all levels to try and clean up our act.

Now if our Auditor and if there is a chance this is going to help him strengthen this procedure, I would certainly urge we take this opportunity to show the citizens we are interested in cleaning up our act, and I would urge you to defeat the Ought Not to Pass Report.

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

Senator AULT: Mr. President and Members of the Senate: I hope you will vote to Accept the Ought Not to Pass Report. I am not one to be in favor of putting laws on the books, I do not believe are necessary, and I do not believe this one is necessary. I am concerned about our Department Heads and Commissioners having to clean up their act in the State of Maine.

This Bill in its original form said "The head of any Department or Agency of the State who has any evidence of any improper or illegal transactions within his department or agency shall immediately report the transactions to the State Auditor."

In the first place, I do not understand why they would have to report it to the State Auditor, because I believe if they have to go to anybody, they should go to the Attorney General and I know of situations in the past where they have.

The Majority Report, the committee, who urge passage of this Law, went I believe overboard with the Committee Amendment which I do not know if any of you have read or not, but it says "The Head of any Department or Agency of the State or of any board, commission, agency or authority of any county, municipality, school district or any other political or administrative subdivision, who has any evidence of any improper or illegal transactions within his department or agency shall immediately report the transactions to the State Auditor."

They went far beyond the original intent of the Bill, I would point out to you that the present, law on the books says "The State Auditor shall prepare and publish reports, for each fiscal year, setting forth essential facts of such audit." These are the Audits of Departments of Agencies of the State Government, "in summary form within the following fiscal year after the books of the State Controller have

been officially closed. If he shall find in the course of his audit evidences of improper transactions or incompetence in keeping accounts or handling funds or any other improper practice or financial administration he shall report the same to the Governor and the Legislature immediately. If he shall find evidences of illegal transaction, he shall forthwith report such transactions to both the Governor and the Attorney General.

I believe the situation is adequately covered right now and I do hope you will Accept the Ought Not to Pass Report.

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

Senator SUTTON: I would like to just clarify just one other thing, on behalf of those who signed the Ought to Pass Report, by the way I put that amendment on, just to make doggone sure, that every level of State Government, including school districts, towns and counties where subject to the same requirements.

What we must remember is to go to the Attorney General is a very serious affair, and you must have all your ducks in a row before you go to the Attorney General, for all kinds of libelous reasons. So the intent of this is to enable an investigation be made where there is some suspect, without getting the Attorney General involved in the situation.

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

Senator AULT: Mr. President and Members of the Senate: I really question Senator Sutton's last statement where before you go to the Attorney General that you had better have all your ducks in a row. For goodness sakes any commissioner or head of a department that thinks he has something illegal going on in his area, and even if he has a question that something might be illegal, of course he can go to the Attorney General and ask for his help. We all work for the State of Maine.

The PRESIDENT: The pending question is the Motion by the Senator from Kennebec, Senator Ault, that the Senate Accept the Minority Ought Not to pass Report of the Committee.

A Division has been requested.

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

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

11 Senators having voted in the affirmative and 17 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report does not prevail.

The Majority Ought to Pass, as amended. Report of the Committee Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" Read and Adopted, in concurrence.

The Bill, amended, Tomorrow assigned for Second Reading.

(Senate at Ease)

The Senate called to Order by the President.

On Motion by Senator Katz of Kennebec, Rescinded until the sound of the Bell.

Recess

After Recess

The Senate called to Order by the President.

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

The President laid before the Senate:

Paper from the House

House Paper

Bill, "An Act to Establish a Moratorium on Issuing Commercial Fishing Licenses". (H. P. 941) (L. D. 1096)

Committee on Marine Resources suggested. Comes from the House. Passed to be Engrossed Without Reference to Committee and Ordered Printed.

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

Senator O'LEARY: I just quickly read this, in as much as I resent having Bills, come before us in such a quick manner passed to be enacted practically, with emergency preamble, this is going to preclude anyone else from perhaps ever having a Commercial Fishing License.

I cannot understand the dire need of a Bill like this. I would suggest Mr. President, we pass this Bill to the Committee on Marine Resources to have a public hearing on it.

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

Senator SHUTE: Mr. President, and Ladies and Gentlemen of the Senate.

I agree that this is a little unusual to pass Legislation this way, but the Committee on Marine Resources discussed this Bill and because of the Federal Quota System that has been put into effect, the Department of Marine Resources has had a number of applications for Commercial Fishing Licenses that could deplete the fishing supply in the State of Maine, non-resident and resident both.

Now the way the Bill is drawn up, any person that holds a Commercial Fishing License in the State of Maine, now continues to receive one and any resident that has a Lobster, Crab Fishing License, Scallop License, they can continue to get one, if they have held that license over the past two years. Of course this Bill the way it is written up, it will be repealed June 1, so I hope that explains the reasons for Legislation.

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

Senator O'LEARY: I move this item lie on the Table 1 Legislative Day.

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

Senator KATZ: I request a Division on the Tabling Motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling this Item for 1 Legislative Day, please rise in their places to be counted.

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

8 Senators having voted in the affirmative and 17 Senators in the negative, the Motion to Table does not prevail.

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

Senator KATZ: Mr. President, the Senator from Oxford, Senator O'Leary, echoed almost identically my misgivings when I heard about this yesterday, for the first time. I had great reluctance to place any legal constraints on what is a natural flow of issuances of licenses.

After speaking to the Commissioner of the Department and understanding he is planning some public hearings forthwith to establish some necessary new, clearly understood regulations, pertaining to our Fishing Banks and being reassured that this Bill self destructs in a very, very limited time. I understood then the whole purpose of this Bill, is not to take away any rights of licensing, but to give an embattled department, just really a very limited few weeks to have some public hearings, and decide where to go in this constantly changing world of Commercial Fisheries. On that basis I support the Bill and request the Senate to also.

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

Senator SHUTE: Just to clarify some of the remarks made by the Senator from Oxford, Senator O'Leary. A couple of years ago I was the sponsor of a Bill that repealed a moratorium on Lobster Fishing Licenses in the State. I for one oppose most any type of moratorium and I certainly would not enact any legislation

which is going to harm any fisherman in the State. I wouldn't want this Legislation to reflect how I will vote on any Lobster License moratorium this year, because I am just as much opposed to that Bill, this year, as I ever have been in my life.

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

Senator FARLEY: Mr. President and Members of the Senate. If there is one area of this Legislature that I have probably been ignorant of it is that dealing with Legislation coming out of Marine Resources.

Last year they passed a massive piece of Legislation only to find out the few privileges we still have without going through a license and going through a wait factor, was the constituents of mine, who were picking up storm claims or hen claims I find out in that major piece of legislation last year we took that privilege away from them.

I got some correspondence in the mail yesterday, from a Lobsterman, who was inquiring about a 500 trap limit. I would like to ask the good Senator from Waldo, Senator Shute, what this Constituent of Maine, is asking, is included in the piece of legislation that we are circumventing the public hearing route, the first reading, second reader, and now asking to be passed to be engrossed?

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

Senator SHUTE: In answer to the Gentlemen's question. No it does not affect the trap limit the moratorium on Lobster Licenses or Crab Licenses, does not affect the number of traps, on a wharf or where you can fish for Lobsters or anything to do with Lobster fishing.

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

Senator CONLEY: Mr. President and Members of the Senate: I concur with the remarks that were made by the good Senator from Kennebec, Senator Katz. I think every one of us here recognizes there is no more controversial industry than the fishing industry. There is nobody here trying to strangle fishermen or lobstermen or anyone else, but there is obviously a very serious concern with the Commissioner, with respect to establishing new rules and regulations pertaining to that Department. Again I would point out if you would just read the very brief paragraph that is in this emergency preamble, that it does self destruct June 1, and by that time the rules and regulations will be established, I would urge the Senate to vote to Suspend the Rules.

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

Senator PRAY: Mr. President, I would like to pose a question through the Chair, to the Chairman of the Marine Resources Committee. Looking at the existing statutes I am curious as to whether or not the Commissioner, already has the regulatory authority to take care of this situation?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: It was the opinion of the Commissioner that he didn't have this authority at the present time. He wanted to be sure that he did, before he took any steps in this direction.

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

Senator CHAPMAN: Mr. President and Members of the Senate: The effort here is obviously, a very vast one, but it is vast only because there was conceived to be a very serious threat to the fisheries, that our Maine Fishermen have prime access to. It is an effort to buy some time to analyze the situation in response to this rather serious outside threat to the fisheries with very sizable boats and a rather complex situation. I for one through my familiarity

with the Fisheries and Marine Resources Committee see this as necessary, to buy some time to analyze the situation in a calm atmosphere and to develop the necessary regulations that will address the matter effectively on behalf of all fishermen.

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

Senator SILVERMAN: Mr. President and Members of the Senate: L. D. 1096, where I am a member of the Committee, states an Act to Establish a Moratorium on Issuing Commercial Fishing Licenses and the sub-section will be repealed on June 1, 1979. It has been stated here and I think it is most important the reason why this is being rushed in, is that Maine waters are now subject to non-residents gaining access to them by our open policy of issuing licenses, to protect those waters from all people being over fished and over used. This is very serious to those individuals in the commercial fishing business, in Maine.

This is necessary and the commissioner at this time, has no choice but to eventually issue licenses unless we act as a State in our Legislature to recognize this need and pass this Bill. I hope you do so according to L. D. 1096.

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

Senator PRAY: Mr. President and Members of the Senate: I hesitate to rise again. Particularly, if this question is in an area that is unrelated to my Senatorial District, but as I look at the statutes I become concerned under Title 12, sub-section 3504, which spells out the authority of the commissioner and under sub-paragraph 4, of that section, is a section spelled out where the Commissioner may declare an emergency. The fact that he can take immediate action. I would suspect, although I am not a lawyer my interpretation of this section is similar to Fish and Game Laws and under the same title which allows the commissioner of that department authority. I have seen in the past where he has used that authority for example to shorten the Deer Season, on a 1 day's notice. So I would have grave reservations about rushing this Bill through.

The PRESIDENT: Is it now the pleasure of the Senate to Suspend its Rules, in order to give this Bill its first reading at this time, without reference to a Committee, in concurrence?

It is a vote.

The Bill Read Once.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, without Reference to Committee.

Sent forthwith.

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

The President laid before the Senate:

Paper from the House Joint Order

An Expression of Legislative Sentiment recognizing that:

The Bucksport Golden Bucks, coached by Jerry Kane, have won the Eastern Maine and State of Maine Class B Basketball Championship for the academic year 1979... (H. P. 967)

Comes from the House, Read and Passed.

Which was Read.

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

Senator EMERSON: It is my pleasure to tell you folks that this is the second year in a row, this school has won these honors. Also I understand there is another basketball team in Hancock County which is a championship team and it is the School of George Academy in Blue Hill.

(Off Record Remarks)

Which was Passed, in concurrence.

On Motion by Senator Katz of Kennebec, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to Order by the President.

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

The President laid before the Senate:

Enactor

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

Emergency

An Act to Establish a Moratorium on Issuing Commercial Fishing Licenses. (H. P. 941) (L. D. 1096)

This being an emergency measure and having received the affirmative votes of 25 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.

Senator Conley of Cumberland, 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.