

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and 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 16, 1979

Senate called to Order by the President.
Prayer by the Honorable Joseph E. Brennan,
Governor of the State of Maine.

GOVERNOR BRENNAN: I come to you at
noon in a spirit of peace and hope, that we
all may join together to share this Irish
Prayer. May our silent hearts rejoice with
cheer and our eyes reflect with joy and let us
not forget Saint Patrick's legacy, of commu-
nicating this spirit of peace and hope from the
mountains of our minds to the shores of our
souls.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
Non-concurrent Matter**

Bill "An Act to Regulate Odors." (H. P. 888)
(L. D. 1078)

In the House, March 8, Referred to the Com-
mittee on Energy and Natural Resources.

In the Senate, March 14, Referred to the
Committee on Agriculture, in non-concur-
rence.

Comes from the House, that Body Having Ad-
hered.

The PRESIDENT: The Senator from Kenne-
bec, Senator Pierce, 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 Create a State Compensation
Commission." (H. P. 403) (L. D. 523)

In the House, March 13, Passed to be En-
grossed.

In the Senate, March 14, Bill and Papers, In-
definitely Postponed, in non-concurrence.

Comes from the House, that Body Insisted.

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

Senator PIERCE: Mr. President, I move the
Senate Adhere.

The PRESIDENT: The Senator from Kenne-
bec, Senator Pierce, now moves that the
Senate Adhere.

Is this the pleasure of the Senate?

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

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

The PRESIDENT: The Senator from Cum-
berland, Senator Conley, moves that the Senate
Recede and Concur, with the House.

The Chair will order a Division. Will all those
Senators in favor of the Motion to Recede and
Concur, please rise in their places to be count-
ed.

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

11 Senators having voted in the affirmative
and 14 Senators in the negative the Motion to
Recede and Concur, does not prevail.

Is it now the pleasure of the Senate to
Adhere.

The Motion prevailed.

Non-concurrent Matter

Joint Order (S. P. 343) Relative to recalling
L. D. 412 from legislative files to the Senate.

In the Senate, March 8, Read and Passed.

Comes from the House, the Speaker Ruled
Not Properly Before the House Pursuant to
Reeds Rules, Page 188, Section 252.

On Motion by Senator Pierce of Kennebec,
Tabled, pending Consideration.

Joint Orders

An Expression of Legislative Sentiment rec-
ognizing that:

The Robert Shand Post #1641 of the Veterans

of Foreign Wars is celebrating its 50th year of
dedicated service to Rumford and to its veter-
ans... (H. P. 987)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment rec-
ognizing that:

Karen Jean Palanza, daughter of Mr. and
Mrs. John Palanza of South Portland, has been
recognized for her outstanding academic
record by being chosen Valedictorian of South
Portland High School for 1978... (H. P. 1005)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment rec-
ognizing that: in this International Year of the
Child, and during the week of March 12, 1979,
proclaimed by the Governor as "Girl Scout
Week," the Girl Scouts of America are ce-
lebrating the 67th anniversary of their found-
ing... (H. P. 1006)

Comes from the House, Read and Passed.

Which were Read and Passed, in concur-
rence.

Joint Resolution

A Joint Resolution in Memoriam:

Whereas, the Legislature has learned with
deep regret of the death of Charles "Chick"
Evans, who during his lifetime served as an as-
sistant to 3 Maine Governors and President
Franklin D. Roosevelt and was a former re-
porter, president of the Maine State Em-
ployee's Association and a staunch advocate
for senior citizens... (H. P. 988)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concur-
rence.

House Papers

Bill, An Act to Revise the Qualifications for
Burial in the Veterans Memorial Cemetery.
(H. P. 923) (L. D. 1138)

RESOLVE, to Provide Minimum Retirement
Benefits for Alfred R. Skolfield of Corinth. (H.
P. 924) (L. D. 1139)

Comes from the House, referred to the Com-
mittee 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 to Provide Loans for Family
Farms. (H. P. 925) (L. D. 1134)

Comes from the House, referred to the Com-
mittee on Agriculture and Ordered Printed.

Which was referred to the Committee on Ag-
riculture and Ordered Printed, in concurrence.

Bill, An Act to Transfer the Cost of Witness
Fees for Superior Court from County Budget to
the State. (H. P. 926) (L. D. 1140)

Comes from the House, referred to the Com-
mittee on Appropriations and Financial Affairs
and Ordered Printed.

Which was referred to the Committee on Ap-
propriations and Financial Affairs and Ordered
Printed, in concurrence.

Bill, An Act to Permit Optional Credit Life
Insurance for the Comaker of a Debt. (H. P.
929) (L. D. 1142)

Bill, An Act to Improve the Efficiency and
Operation of Redemption Centers for Return-
able Containers. (H. P. 928) (L. D. 1141)

Comes from the House, referred to the Com-
mittee on Business Legislation and Ordered
Printed.

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

Bill, An Act to Reduce the Total Debt Service
and Interest on School Construction in any One
Year from \$30,000,000 to \$20,000,000. (H. P. 904)
(L. D. 1129)

Bill, An Act to Require Vocational-technical

Institutes to Provide Vocational Education for
Handicapped Students. (Emergency) (H. P.
931) (L. D. 1145)

Comes from the House, referred to the Com-
mittee on Education and Ordered Printed.

Which were referred to the Committee on
Education and Ordered Printed, in concur-
rence.

Bill, An Act to Improve Election Laws and to
Make Equal Application of Legal Require-
ments for Independents, Democrats and Re-
publicans in all Respects. (H. P. 898) (L. D.
1136)

Comes from the House, referred to the Com-
mittee on Election Laws and Ordered Printed.

Which was referred to the Committee on
Election Laws and Ordered Printed, in concur-
rence.

Bill, An Act to Authorize a General Fund
Bond Issue in the Amount of \$16,500,000 to
Assist Municipalities with Solid Waste Man-
agement. (H. P. 906) (L. D. 1131)

Bill, An Act to Authorize a Bond Issue in the
Amount of \$2,500,000 for Energy Conservation
Improvements for Local Government Build-
ings and Public Care Institutions. (H. P. 908)
(L. D. 1132)

Comes from the House, referred to the Com-
mittee 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 Permit Hunting until 1/2 Hour
After Sunset During Open Season on Deer. (H.
P. 932) (L. D. 1146)

Comes from the House, referred to the Com-
mittee on Fisheries and Wildlife and Ordered
Printed.

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

Bill, An Act Concerning Abuse Between
Family or Household Members. (H. P. 910) (L.
D. 1133)

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

Which was referred to the Committee on Ju-
diciary and Ordered Printed, in concurrence.

Bill, An Act to Permit Use of the Municipal
Securities Approval Act for Development of
Low and Middle Income Housing. (H. P. 911)
(L. D. 1137)

Comes from the House, referred to the Com-
mittee on Local and County Government and
Ordered Printed.

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

Bill, An Act to Establish a Commission to
Study the State Personnel System. (H. P. 926)
(L. D. 1148)

Comes from the House, referred to the Com-
mittee on State Government and Ordered
Printed.

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

Bill, An Act to Amend the Method of Appoint-
ment to the Advisory Committee on Medical
Education. (H. P. 937) (L. D. 1147)

Comes from the House, referred to the Com-
mittee on State Government and Ordered
Printed.

On Motion by Senator Pierce of Kennebec,
Referred to the Committee on Education and
Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, An Act to Enforce Collection of Sales
Tax at Coin Shows. (H. P. 939) (L. D. 1144)

Bill, "An Act Providing for Revisions in the Maine Individual Income Tax Law." (H. P. 917) (L. D. 1135)

Bill, An Act Providing a State Income Tax Deduction for the Cost of Removing Architectural and Transportation Barriers to the Handicapped. (H. P. 916) (L. D. 1127)

Bill, An Act to Partially Exempt School Books from the Sales Tax. (H. P. 938) (L. D. 1143)

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 Eliminate Inspection and Registration for Motor Vehicles Used Solely on Islands. (H. P. 919) (L. D. 1130)

RESOLVE, Providing for Study to Determine the Needs for and Location of an Additional River Crossing Between the City of Bath and the Town of Woolwich. (Emergency) (H. P. 920) (L. D. 1128)

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.

Senate Papers

Senator Najarian of Cumberland presented, Bill, An Act to Amend the Returnable Beverage Container Statute to Provide for a 2¢ Handling Charge for Returnable Bottles. (S. P. 411)

Senator Teague of Somerset presented, Bill, An Act to Redistribute Responsibility for Enforcement of Laws Prohibiting Certain Unfair Trade Practices. (S. P. 413)

Which were referred to the Committee on Business Legislation and Ordered Printed.
Sent down for concurrence.

Senator McBreairty of Aroostook, Cosponsors: Senator Carpenter of Aroostook, Senator O'Leary of Oxford, Senator Martin of Aroostook presented, Bill, An Act to Conform Land Use Regulation in the Unorganized Territory to Statewide Standards. (S. P. 415)

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

Sent down for concurrence.

Senator Perkins of Hancock presented, Bill, An Act to Facilitate the Dispensing of Generic Drugs. (S. P. 410)

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

Sent down for concurrence.

Senator Ault of Kennebec presented, RESOLVE, to Reimburse Norman M. Curtis for Financial Loss Due to a Legislative Oversight. (S. P. 412)

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

Senator Teague of Somerset presented, Bill, An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation. (S. P. 414)

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

Orders

An Expression of Legislative Sentiment recognizing that:

Kenneth H. Cadagan of Portland, a member of many of Portland's public service committees and organizations, has been awarded the Jefferson Award for public service work by the American Public Service Institute... (S. P. 409) is presented by Senator Najarian of Cumberland, cosponsored by Representative Nelson of

Portland.

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Education on, Bill, An Act to Prevent the Spouse of a School Director from Working for That Director's School Administrative District whether With or Without Pay. (H. P. 409) (L. D. 512)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, An Act to Clarify the Hearing Procedures under the Workers' Compensation Act. (H. P. 462) (L. D. 575)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, An Act to Increase Fees for Filing of Probate Instruments. (Emergency) (H. P. 416) (L. D. 531)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, An Act to Require Small Municipalities to Provide a Full-time Law Enforcement Officer. (H. P. 401) (L. D. 522)

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 Fisheries and Wildlife on, Bill, Act Concerning Reissue of Inactive Snowmobile Registration Numbers. (H. P. 297) (L. D. 392)

Reported that the same Ought to Pass.

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

The Committee on Fisheries and Wildlife on, Bill, An Act Concerning Reissuance of Inactive Boat Registration Numbers. (H. P. 298) (L. D. 396)

Reported that the same Ought to Pass.

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

The Committee on Labor on, Bill, An Act to Clarify the Definition of Employer Under the Workers' Compensation Act. (H. P. 248) (L. D. 293)

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 State Government on, Bill, An Act to Provide that the Adoption of Rules by the State Controller are Consistent with the Maine Administrative Procedure Act. (H. P. 323) (L. D. 424)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-90).

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

The Committee on Taxation on, Bill, An Act Relating to Abatement Proceedings. (H. P. 181) (L. D. 209)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-92).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amend-

ment "A".

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

Divided Report

Seven members of the Committee on Judiciary on, Bill, An Act to Establish more Convenient Hours to Permit Easier Access to Small Claims Court. (H. P. 302) (L. D. 397)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
DEVOE of Penobscot

Representatives:

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

Three members of the same Committee on the same subject matter Reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "A" (H-85).

Signed:

Senator:

TRAFTON of Androscoggin

Representatives:

SIMON of Lewiston
HOBBINS of Saco

Two members of the same Committee on the same subject matter Reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "B" (H-86).

Signed:

Representatives:

CARRIER of Westbrook
LAFFIN of Westbrook

Comes from the House, Report "C" Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" (H-94), thereto.

Which Reports were Read.

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

Senator CONLEY: Mr. President. I would move that the Senate Accept Report "C".

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Accept Report "C".

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President. I would hope that the Senate would vote No on the pending motion, and that the Senate would then Adopt the Ought Not to Pass Report of the Committee.

This Bill deals with keeping the District Courts open one night a month, for the purpose of Small Claims Cases, the Original Bill called for one hour in each district. I have no objection to the Small Claims Court, being open an hour per month in the evening, but the testimony that came before us was that this is pretty much being done now.

That is, most of our district judges are finding it necessary to accomplish their work, to work into the evening, at least one night a month.

It would not be too difficult to structure the program, so that this, is usually established as a fixed night under existing programs. If we mandate the one night a month, or particularly if we adopt the position taken in the other body, we are going to get into not one night per month, but 3 or 4 nights a month, because some districts have three or more divisions in their courts.

The explanatory note on the amendment, put on in the other body for example, suggests that in the district which comprises Millinocket, Lincoln and Dover-Foxcroft, it would have to

be three nights per month.

There would be a price tag of about \$17,000. The judges are not paid anymore, but the personnel system in the courts, there would be some overtime involved and there would be some shifting of security personnel. When you hold court it is not just the judge and perhaps one clerk, because the holding of court frequently involves the handling of money, and this requires some security measures. In a court such as Portland, where you have a large building with many corridors you cannot get by always, with just one guard on duty.

It is a more complicated prospect than meets the eye on the original Bill. I think that the intention is a good one but in practice the people that utilize evening hours, are likely to be, not the poor laborer who has a hard time to get away from his job in the day time, but the merchant who has a professional collector working for him, who really knows how to set things up. So that the objective is, in my judgement, not likely to be accomplished any better than it is under the present system. I have no quarrel with the general intent, theory and purpose, but I do not feel that this Bill is necessary to carry out that general idea.

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

Senator DEVOE: Thank you, Mr. President. I would like to supplement the comments made by the good Senator from Knox, Senator Collins.

It was revealed during the hearing on this Bill, that the District Court through the office of the Court Administrator, and through the office of the Chief Judge of the District Court is already studying this problem, with a view to seeing whether or not the District Court sometime later on this year, we think, can recommend a policy or adopt a policy that the District Court Judges will be able to follow, to permit some night time activity, depending on the need for it in the particular district or division involved.

Most of us I think on the Committee felt, for our committee based on the rather limited testimony that we had, and not having a great deal of first hand experience, for us to try to substitute our judgement on the committee, for a longer and more careful view, by the people themselves who are involved, that is court personnel and district court judges, would be perhaps premature so for that reason that is why I signed the Ought Not to Pass Report. I too share the view that people perhaps are going to have to come to the time when they will be permitted on a limited basis to go into the District Courts Small Claims Section in the evening, and transact some of their business, because of their inability to do it during the day.

But for us on the basis of a half hour or 45 minutes or an hour hearing before the Committee, to try to substitute our judgement for a longer more careful view by the District Court Judges and the Court Administrative staff would not be prudent, for that reason I ask you to approve the Ought Not to Pass Report on this Bill. Thank you.

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

Senator CONLEY: Mr. President and Members of the Senate: I was delighted to hear the good words by the Senator from Knox, Senator Collins that he would not be particularly upset if something like this was established.

This Bill has been before the Legislature, in the last session that I recall and I am sure even prior to that. So when the good Senator from Penobscot, Senator Devoe makes the statement that it is under study by the courts, it seems to me that when Legislation such as this is introduced to give the working class, of this State the opportunity of attending evening courts rather than to have to take a day off and lose money, it seems to me that that is what government is all about that it should be as accessible and easy for one to be able to get to

government.

When the good Senator mentions the fact about court in Portland, I can tell you that that building is so well secured at night that even the janitor has trouble getting out in the morning. The district court is located in one end of the building that could be very easily secured with respect to having any type of a small claims hearing. It seems to me that what this bill primarily is is to make government a little bit more accessible, for the people of this state.

With respect to the pay increase both the good Senator from Knox, Senator Collins and I are trying to do something about that. We have introduced Legislation to bring their pay scale up and I think that it is well deserved but this is not the time for me to go on a tour of trying to publicize or promote a pay increase for the court.

I do not think that the judges would be upset if they had to spend 1 hour per month to listen to some small claims hearing, so it would be my hope that the Senate would vote to Accept Report "C".

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate.

Senator PIERCE: I would like to at least just briefly concur with the good Senator from Cumberland, Senator Conley. It seems to me that the intent of this Bill, everyone applauds and the amended version as it comes from the other body is not something that is unreasonable. If we could at least get some experience and if in fact this one night a month does not work. The court feel that they can not handle it and it is more expensive than the Appropriation that we have put on it, then perhaps we could readdress that question as we seem to be doing every year anyway. So I would hope that the Senate would Adopt Report "C" today.

The PRESIDENT: The pending Motion before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Accept Report "C" Ought to Pass as amended by Committee Amendment "B".

The Chair will order a Division.

Will all those Senators in favor of the Motion to Accept Report "C", 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 18 Senators in the negative, the Motion to Accept Report "C" does not prevail.

Report "A" Ought Not to Pass, Accepted, in non-concurrence.

Sent down for concurrence.

Senate Ought to Pass

Sensor Usher for the Committee on Transportation on, Bill, An Act to Establish a Sign on the Maine Turnpike for Lost Valley. (S. P. 202) (L. D. 534)

Reported that the same Ought to Pass.

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

Ought to Pass in New Draft

Sensor Collins for the Committee on Judiciary on, Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 7) (L. D. 14)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 401) (L. D. 1161)

Which Report was Read.

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

Sensor COLLINS: Mr. President. This is the Errors and Inconsistencies Bill Number 1 for this Session. In recent years we have been presenting two bills each session, one near the beginning of the session, and one at the very end

of the session.

I am expecting that someone will table this for a couple of days after my remarks, because it has been our practice to call this to your attention each time and ask you to take a look at it, to be sure that it carries out its purpose of correcting all the errors and inconsistencies and not making changes in the policy of our laws.

I remind you that the organization of this Bill is such that if you are interested in a particular area, you can look at the items that amend that area by picking up the title number.

If you are on the education committee for example, you may want to look at those sections that are in education.

The committee followed the policy this year of notifying every committee that had subject matter in the Bill, calling their attention to those sections of the Bill and inviting comment. Most of the Committees did respond and were very helpful, in every case where a committee had any objection to provisions of the Bill, in their area we eliminate those items from the Bill.

In some cases the Committee decided that there were items that were worthy of consideration, by both bodies, but since they had a small policy aspect to them we decided that if they were presented they should be presented from the floor. I believe that there is only one amendment, that I know of, that will come from the floor in the Senate. If anyone has items that they think should be in this Bill, the Judiciary Committee Senators would very much welcome your advice about this, and will be glad to be helpful if they feel that it is a legitimate item for this Bill. Thank you, Mr. President.

On Motion by Senator Pierce of Kennebec, Tabled, pending Acceptance of the Committee Report.

Orders of the Day

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

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

Tabled — March 14, 1979 by Senator Katz of Kennebec

Pending — Enactment

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

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

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

Tabled—March 14, 1979 by Senator Pierce of Kennebec

Pending—Passage to be Engrossed

On Motion by Senator Pierce of Kennebec, Retabled.

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

Bill, "An Act to Increase Salaries of County Officers." (H. P. 201) (L. D. 227)

Tabled—March 15, 1979 by Senator Conley of Cumberland

Pending—Motion of Senator Cote of Androscoggin that the Senat Recede and Concur

The PRESIDENT: The Senator from Androscoggin, Senator Cote, now requests Leave of the Senate to Withdraw his Motion to Recede and Concur.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Senator from Penobscot, Senator Devoe moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion prevailed.

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

HOUSE REPORT — from the Committee on Aging, Retirement and Veterans — Bill, "An Act to Permit Participating Local Districts of the Maine State Retirement System to Discontinue Special Retirement Benefits Prospectively." (H. P. 361) (L. D. 470) Ought to Pass

Tabled—March 15, 1979 by Senator Katz of Kennebec

Pending—Motion of Senator Pray of Penobscot to Indefinitely Postpone Bill and Papers.

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

Senator LOVELL: I have my notes with me, and I am prepared to show the Senate that this Bill is all important and I would like to continue if I may.

The PRESIDENT: The Senator has the floor.

Senator LOVELL: Ladies and Gentlemen of the Senate. This Bill received the unanimous report from the Committee on Aging, which is composed of Republicans, Democrats and Independents and when you get those 3 groups together and you get a unanimous report it has got to be a good Bill.

The Bill does not affect the retirement benefits of any existing employee, and it does not change the rules of the game for existing employees. The Bill does allow a municipality to establish retirement benefits for future employees, that may differ from benefits for existing employees. Such change would affect only those employees hired after the effective date of the change. This Bill is necessary for those municipalities who presently offer retirement benefits they can ill afford and who wish to reduce costs in the case of future employees. A change of benefits is an issue which can be negotiated at the bargaining table.

It may be argued that this Bill will allow a municipality different retirement benefits for its employees. This, however, is already the case, since municipalities offer different benefits to fire, police and public personnel. This Bill affects particularly the cities and I have the facts on the City of Portland. That I am sure the delegation from Cumberland County certainly would not like. In 1975-76 7/1 - 6/30 the employee paid 6.5%, the regular employees paid 9.6% and the police paid 19.21%, this is what the city paid and the city paid for the fire department 19.68%. Now I will not go down over all of these because, I do not think that I need to. In 1977, 7/1 - 78 the employee paid 6.5%, the city paid 9.55% on the regular employees and 30.68% on the police employees, and 34.98% on the fire employees. Now that is going to ruin not only Portland, but Lewiston and a good many of these cities.

I would definitely ask for a Division, I think that this Bill should definitely pass. Unless the good Senator from Penobscot, would like to withdraw his motion, after he has talked with Senator Conley, from Cumberland. I would be happy to have him withdraw his motion and if not I would request a division.

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

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

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

Tabled—March 15, 1979 by Senator Emerson of Penobscot.

Pending—Enactment

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

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

Bill, "An Act Raising the Amount of the Homestead Exemption in Attachment and Bankruptcy Proceedings." (H. P. 419) (L. D. 532) REPORT "A" — Ought Not to Pass; REPORT "B" — Ought to Pass with Commit-

tee Amendment "A" (H-79); REPORT "C" — Ought to Pass.

Tabled—March 15, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of a Report.

On Motion by Senator Conley, of Cumberland, Retabled 1 Legislative Day.

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

JOINT ORDER — Relative to Joint Rule 35 regarding Memorials. (S. P. 342)

Tabled—March 15, 1979 by Senator Katz of Kennebec.

Pending—Passage.

On Motion by Senator Pierce of Kennebec, Retabled for 2 Legislative Days.

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

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

Tabled—March 15, 1979 by Senator Katz of Kennebec.

Pending—Passage.

On Motion by Senator Pierce of Kennebec, Retabled for 2 Legislative Days.

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

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

Tabled—March 15, 1979 by Senator Katz of Kennebec.

Pending—Passage.

On Motion by Senator Pierce of Kennebec, Retabled for 2 Legislative Days.

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

Senate at Ease

The Senate called to Order by the President.

On Motion by Senator Pierce of Kennebec, Adjourned until Monday, March 19 at 11 o'clock in the morning.