

# 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 22, 1979  
Senate called to Order by the President.

Prayer by Father Rudolph LeVeille, Sacred Heart Catholic Church, in Hallowell.

Father LeVEILLE: Let us pray! All Mighty Father, you are a God of mercy and of love; you speak your love to men in simple things, a hand outstretched to help a brother, a look of understanding and concern. Man shows to man what you are like, and makes your presence real in our midst.

Assembled again this morning, we call upon you to guide and direct us in deliberating wisely and justly those areas of concern presented for our consideration and judgment today.

Help us above all to respect the ideas and opinions of those that we disagree with, while voting our convictions in those matters that concern the welfare and common good of all our fellow citizens of whatever age, especially those whom we represent.

May our every concern not in anyway jeopardize, any man's right to the justice that is his, by God's law of love.

Yes Father we ask you to breathe your spirit, once more upon our State and World Leaders that we may know a new and better spring, where every one and everything around you is truly alive. Blessed are you, Father, in everything that your spirit accomplishes and makes new, in and through us your creations, may you be praised now and forever. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House**

**Non-concurrent Matter**

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

In the Senate, March 13, Passed to be Engrossed as amended by Committee Amendment "A" (S-33) as amended by Senate Amendment "A" (S-35), thereto.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-116), in non-concurrence.

On Motion by Senator Pierce, of Kennebec, Tabled for 2 Legislative Days, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act to Provide for a Student Member of the Board of Trustees of the University of Maine". (H. P. 155) (L. D. 194)

In the House, March 15, Minority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-88), as amended by House Amendment "A" (H-100), thereto.

In the Senate, March 20, Majority Report (Ought Not to Pass), Read and Accepted, in non-concurrence.

Comes from the House, that Body Insisted, and Asked for a Committee of Conference.

The PRESIDENT: The Senator from Penobscot, Senate Devoe moves that the Senate Insist; and Join in a Committee of Conference.

Is this the pleasure of the Senate.

The Motion Prevailed.

**Joint Orders**

An Expression of Legislative Sentiment recognizing that:

Mabel E. Chandler of Dexter, widow of the late Honorable Frank E. Chandler of Dover, will celebrate the one hundred and first anniversary of her birth on March 22, 1979... (H. P. 1116)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that:

Mrs. Annie B. McGown, distinguished citizen of the City of Ellsworth, recipient of the Boston Post Cane Award and elder family member of five living generations, celebrated on March 15, 1979, the 101st anniversary of her birth with Monroe and Marcia McGown, Jr., her son and daughter-in-law along with friends of that community... (H. P. 1117)

Comes from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**House Papers**

RESOLVE, Authorizing an Appropriation of \$300,000 to Provide Administrative and Other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home. (Emergency) (H. P. 1014) (L. D. 1248)

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

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

Sent down for concurrence.

Bill, "An Act Concerning Regulations of the Department of Agriculture Governing Organic Fertilizers". (H. P. 1015) (L. D. 1249)

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

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

Bill, "An Act to Prohibit the Licensing of Deceptively Similar Names for Firms — Corporations of Agents, Brokers, Adjusters or Consultants under the Insurance Law". (H. P. 1017) (L. D. 1250)

Bill, "An Act to Amend the Law Relating to the State Board of Social Worker Registration". (H. P. 1018) (L. D. 1251)

Bill, "An Act to Establish at \$75,000 per Qualified Applicant, the Maximum Limit of Liability which an Insurer Must Assume under the Assigned Risk Motor Vehicle Insurance Statutes". (H. P. 1019) (L. D. 1252)

Bill, "An Act to Provide for Public Input to Insurance Classifications and Classification Rate Structures". (H. P. 1021) (L. D. 1253)

Bill, "An Act to Provide for Sales of Straight Life Insurance by Savings Banks". (H. P. 968) (L. D. 1243)

Comes 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 Authorize a Bond Issue in the Amount of \$6,500,000 for Acquisition or Construction of Regional Jail Facilities". (H. P. 972) (L. D. 1241)

Comes from the House, referred to the Joint Select Committee on Correctional Institutions and Ordered Printed.

Which was referred to the Joint Select Committee on Correctional Institutions and Ordered Printed, in concurrence.

Bill, "An Act Relating to Impact Aid Funds Received under United States Public Law 81-874". (H. P. 997) (L. D. 1246)

Bill, "An Act to Provide for Voting by Secret Ballot on School Budgets". (H. P. 1004) (L. D. 1238)

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

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

Bill, "An Act to Revise the Procedure for

Filing Absentee Ballots". (H. P. 999) (L. D. 1234)

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

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

Bill, "An Act to Allow the Board of Environmental Protection to Exempt Snow Dumps from the Waste Discharge Licensing Provisions of the Statutes". (H. P. 1023) (L. D. 1256)

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 Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work". (H. P. 974) (L. D. 1242)

Bill, "An Act Concerning Training of Ambulance Personnel and Providing for Review of Ambulance Funding by the Governor's Advisory Board on Ambulance Services". (H. P. 1024) (L. D. 1257)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which were referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

Bill, "An Act to Revise the Fees for Service of Civil Process". (H. P. 1027) (L. D. 1258)

Bill, "An Act Regarding Abuse and Neglect Custody, Proceedings and Termination of Parental Rights". (H. P. 954) (L. D. 1239)

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

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

Bill, "An Act to Enable the Establishment of Municipal Police Aid Agreements". (H. P. 1029) (L. D. 1259)

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

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

Bill, "An Act to Create an Office of Housing Affairs". (H. P. 962) (L. D. 1240)

Bill, "An Act Authorizing a Study to Determine the Feasibility of Establishing a System of Youth Hostels". (H. P. 1000) (L. D. 1235)

Comes 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 Relating to Mining on State Lands". (H. P. 1001) (L. D. 1247)

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 that the State Tax Assessor Shall Use Information from Federal Income Tax Forms to Determine Appropriate Valuation of Land under the Tree Growth Tax Law for Those Taxpayers who Declare Capital Gains from Timber Sales on Federal Income Tax Returns". (H. P. 848) (L. D. 1033)

Bill, "An Act Relating to Withdrawal Penalties under the Tree Growth Tax Law". (H. P. 1003) (L. D. 1237)

Bill, "An Act to Provide Reimbursement of Sales Tax on Depreciable Machinery and

Equipment Used in Aquaculture". (H. P. 1002) (L. D. 1236)

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.

#### Study Report — Committee on Taxation

The Committee on Taxation to which was referred the Study Relative to The Tree Growth Tax Law, Pursuant to (H. P. 2271) of the 108th Legislature, has had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Amend the Tree Growth Tax Law", (H. P. 1115), (L. D. 1244) be referred to the Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 17.

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

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

#### Senate Papers

Senator Carpenter of Aroostook presented, Bill, "An Act to Create the Maine Potato Board". (S. P. 451)

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

Sent down for concurrence.

Senator Clark of Cumberland presented, Bill, "An Act to Amend Financial Institutions and Credit Union Laws". (S. P. 450)

The same Senator presented, Bill, "An Act to Clarify Certain Definitions under the Real Estate Law". (S. P. 447)

The same Senator presented, Bill, "An Act Concerning Licensing Manufactured Housing Dealers, Itinerant Vendors, Lightning Rod Salesmen and Apprentices and Helper Electricians". (S. P. 446)

The same Senator presented, Bill, "An Act Relating to Records of Sales of Used Merchandise". (S. P. 442)

The same Senator presented, Bill, "An Act to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities". (S. P. 443)

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

Sent down for concurrence.

Senator Silverman of Washington presented, Bill, "An Act to Require Mandatory Disclosure of Attorney Fees". (S. P. 444)

Senator Chapman of Sagadahoc presented, Bill, "An Act to Establish the Maine Judicial Retirement System". (S. P. 452)

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

Sent down for concurrence.

Senator Ault of Kennebec presented, Bill, "An Act to Improve Local Government Investment Opportunities". (S. P. 449)

Senator Clark of Cumberland presented, Bill, "An Act Relating to the Location of the Office of Superintendent of Insurance". (S. P. 441)

Senator Martin of Aroostook, cosponsor: Senator Ault of Kennebec presented, Bill, "An Act to Exempt Certain Transportation Statutes from the Administrative Procedure Act". (Emergency) (S. P. 445)

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

Sent down for concurrence.

Senator Clark of Cumberland presented, Bill, "An Act to Require Certain Out-of-State Sellers to Register Under the Maine Sales and Use Tax Law". (S. P. 448)

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

Sent down for concurrence.

#### Orders

An Expression of Legislative Sentiment recognizing that:

The Westbrook High School girls' basketball team, coached by Archie Manoogian, has won the Western Maine Class A Basketball Championship for 1979... (S. P. 439) is presented by Senator Usher of Cumberland, cosponsored by Representatives: Laffin of Westbrook, Carrier of Westbrook and Brown of Gorham.

An Expression of Legislative Sentiment recognizing that:

The Westbrook High School girls' basketball team, coached by Archie Manoogian, has won the Class A State Girls' Basketball Championship for 1979, their 2nd consecutive state championship... (S. P. 440) is presented by Senator Usher of Cumberland, cosponsored by Representatives: Laffin of Westbrook, Carrier of Westbrook and Brown of Gorham.

Which were Read.

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

Senator USHER: Mr. President and Members of the Senate: This is the last order probably related to Basketball Tournaments in this year. Last Saturday Night many of us observed some of the finest sportsmanship among the female sex in our High Schools.

I am very honored to represent the State Champs in Girl's Class A Basketball for the second consecutive year.

Which were Passed.

Sent down for concurrence.

#### 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 to Change the Date of the Primary Election to the First Thursday after Labor Day". (H. P. 2) (L. D. 8)

Bill, "An Act to Provide for Public Rest Room Facilities in Shopping Centers". (H. P. 408) (L. D. 511)

Bill, "An Act to Assist Snow Removal and Improve Highway Safety". (H. P. 327) (L. D. 404)

Bill, "An Act to Permit the Use of Flashing Red Lights on Vehicles Used by Doctors and Osteopaths". (H. P. 572) (L. D. 720)

Bill, "An Act Concerning the Definition of Urban Compact Area". (H. P. 516) (L. D. 630)

#### Leave to Withdraw

The Committee on Education on, Bill, "An Act to Require Instruction in the Public Schools on the Ill Effects of Alcohol, Tobacco and Other Substances". (H. P. 590) (L. D. 745)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act Concerning Residential Utility Consumer Action Groups". (H. P. 351) (L. D. 468)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Allow Municipal Law Enforcement Officers to Use Blue Flashing Lights on Personal Vehicles During an Emergency". (H. P. 616) (L. D. 757)

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 in New Draft

The Committee on State Government on, Bill, "An Act to Provide for Art in Public Buildings and Other Facilities". (H. P. 171) (L. D. 222)

Reported that the same Ought to Pass in new

draft under same title. (H. P. 1071) (L. D. 1224)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

#### Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, Bill, An Act to Re-instate Mandatory Retirement for Certain Law Enforcement Officers. (H. P. 452) (L. D. 566)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LOVELL of York  
SILVERMAN of Washington  
TEAGUE of Somerset

Representatives:

NELSON of Portland  
DELLERT of Gardiner  
CHURCHILL of Orland  
LOWE of Winterport  
PAUL of Sanford  
STUDLEY of Berwick  
HANSON of Kennebunkport

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-112).

Signed:

Representatives:

REEVES of Newport  
THERIAULT of Rumford  
HICKEY of Augusta

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 Labor on, Bill, An Act to Define Employer's Rights after Failure to File a Separation Report in Unemployment Compensation Cases. (H. P. 307) (L. D. 402)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. P. 105).

Signed:

Senators:

SUTTON of Oxford  
LOVELL of York  
PRAY of Penobscot

Representatives:

WYMAN of Pittsfield  
MARTIN of Brunswick  
CUNNINGHAM of New Gloucester  
TUTTLE of Sanford  
McHENRY of Madawaska  
LEWIS of Auburn  
BAKER of Portland  
BEAULIEU of Portland

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

Signed:

Representatives:

FILLMORE of Freeport  
DEXTER of Kingfield

Comes from the House, the Majority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read. The Majority Ought to Pass Report of the Committee. Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended. Tomorrow Assigned for Second Reading.

#### Senate

##### Ought to Pass — As Amended

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Amend the Geologist and Soil Scientists Certification

Act (S. P. 136) (L. D. 313)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-48).

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

#### Second Readers

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

#### House — As Amended

Bill, "An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events in Competition". (Emergency) (H. P. 901) (L. D. 1117)

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

#### Senate

Bill, "An Act Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Special or Charter Bus Licenses". (S. P. 113) (L. D. 207)

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

Sent down for concurrence.

Bill, "An Act to Limit the Number and Location of Agency Stores under the Statutes Relating to Alcoholic Beverages". (S. P. 217) (L. D. 602)

Which was Read a Second Time.

On Motion by Senator Shute of Waldo, Tabled until later in today's session, pending Passage to be Engrossed.

#### Enactors

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

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

An Act Relating to Plumbing Inspectors. (S. P. 153) (L. D. 369)

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

#### Orders of the Day

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

**SENATE REPORT — from the Committee on Health and Institutional Service — Bill, "An Act to Provide Interpreter Service for the Hearing Impaired. (S. P. 80) (L. D. 157) Ought to Pass as Amended by Committee Amendment "A" (S-44)**

Tabled—March 21, 1979 by Senator Pierce of Kennebec

Pending—Acceptance of Report

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

Senator HICHENS: Mr. President I now move Acceptance of the Committee Report.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate Accept the Committee Report.

The Ought to Pass Report of the Committee, Accepted. The Bill Read Once. Committee Amendment "A" Read.

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

Senator HICHENS: Mr. President, I now submit Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from York Senator Hichens now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-49) Read and Adopted, Committee Amendment "A", as

amended, Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the Second Tabled, and specially assigned matter: Bill, "An Act Relating to Certificate of Deposit as it Applies to Survivors." (S. P. 192) (L. D. 459)

Tabled—March 21, 1979 by Senator Conley of Cumberland

Pending—Motion of Senator Devoe of Penobscot to Reconsider Passage to be Engrossed

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

Senator DEVOE: Thank you, Mr. President and Members of the Senate. The reason that I asked for Reconsideration of this is to permit introduction of Senate Amendment "A" which has a F# S-47. It is in your books, S-47 simply attempts to treat all joint bank accounts that are not between spouses in the same manner that L. D. 459 would treat jointly owned Certificates of Deposit.

At the present time the Joint Bank Account Law is as follows: If you have joint bank accounts between spouses and one of the spouses dies that the surviving spouse is the owner of all of the money in the joint bank account regardless of what form the joint bank accounts are in, be it a Checking Account, a Passbook Savings Account or a Certificate of Deposit.

L. D. 459 if it were passed in its present form would state that jointly owned Certificates of Deposit, that are not owned by spouses, would pass entirely to the surviving holder of the Certificate of Deposit.

A few days ago when we discussed this bill, I mentioned an estate which I have in my office where a lady passed away had joint bank accounts with her son and daughter. If this Bill were to have been the law when this Lady died in December, if one of the children had had a jointly owned Certificate of Deposit with the mother, then that child would have been permitted to hold the entire amount as her solely owned property in the joint certificate of deposit. Yet the other child of the decedent had they owned as they did a passbook account with their mother would have been entitled to receive only the first \$5,000.

I do not see any rational basis for treating jointly owned Certificates of Deposit any differently than jointly owned savings accounts or jointly owned checking accounts and it is for that reason that I would introduce Senate Amendment "A" and move its adoption, if the Senate were to vote to reconsider.

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

Senator FARLEY: Mr. President and Members of the Senate: I would oppose the motion to reconsider this as another unanimous report, I would bring to the Senate's attention that no one at the public hearing appeared as an opponent on this piece of legislation.

Now the Bill has been heavily lobbied, for the last 2 days by lobbyists groups, ironically enough the Bill was given to me or asked to be presented to the Committee, by another attorney and it happened a couple of years ago. Too late to get a bill in committee, I approached the good Senator from Knox, Senator Collins who I believe was aware of the problem, or knew of the attorney's program, asked him for some information on it. He said that the Bill did have some merit, I don't want to put the good Senator from Knox, on the spot that he said that when I make the statement.

The Amendment that is before you today, that Senator Devoe from Penobscot is going to offer, is present now in the Probate Code that is being considered by the Judiciary Committee and will appear before you at a later date.

The instance that the good Senator from Penobscot, Senator Devoe, points out to you to the two children I am sure is a realistic one, but I think again a very, very real one compared to the problems that arise that this Bill before you

will probably solve. On that note I would hope that the Senate would stick firm to its position of a few days ago and defeat the Reconsideration Motion.

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

Senator CHAPMAN: Mr. President and Members of the Senate: The Business Legislation Committee in going through this realized that in the pending Probate Code, revision L. D. 1, there are some provisions addressing this same issue I believe to remove the \$5,000 limitation on any joint accounts, as it is being presently considered.

**Present Banking Law prohibits on the death of a joint owner of any account, more than \$5,000 passing to the survivors in that joint account, unless they are a husband and wife, in which case there is no limit and it does pass.**

The Bill before us here removes that limitation for Certificates of Deposits only, the testimony at the hearing was all in favor of this Bill, the superintendent of banking and the representatives from the savings banks and various Maine Bankers Associations, they felt that they would like to see the limitation removed on all joint accounts. The Committee, however, felt strongly that that should not be done.

It is too easy for someone to go into a bank to open up an account and for a teller to suggest that they might want to add somebody else's name to that account, in the event of contingency not realizing the impact that such an addition of another name on that account might have, to the estate of that individual if this was wide open.

But in the cases of Certificates of Deposits there is considerably more time involved. There is more thoughtful process involved more knowledge of what one is doing, when one is buying Certificates of Deposit. We did feel that because of this thought process, that and the time procedure involved that it would be proper to open up, to remove, this \$5,000 limitation for CD's only, but to open it up for all joint accounts in my opinion and I think in the opinion of the Committee, could create a situation of harm to the persons primarily opening accounts.

Take for example, if you will, an elderly individual who may have a housekeeper, or somebody who needs this kind of help. It might seem in the interest of convenience that, it would be a good idea to add the housekeepers name to the account to facilitate withdrawals and so on.

If there is no limitation such as the amendment that Senator Devoe is proposing, should that elderly individual die that entire account would pass to the housekeeper. That may not be the intent at all, and yet it seemed for convenience sake perhaps a good thing to do. Present law would permit no more than \$5,000 passing to the housekeeper in such a situation.

The Committee felt that in the case of CD's where, there is a more thought out process involved that a person adding a joint name to a CD would be able to plan a little bit more, what the consequences were, what a person was doing. So I would urge the Senate to oppose reconsideration of this Bill for this amendment.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of Reconsideration in this Matter, please rise in their places to be counted.

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

5 Senators having voted in the affirmative and 18 Senators in the negative, the Motion to Reconsider does not prevail.

Sent down for concurrence.

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

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)

Tabled—March 21, 1979 by Senator Conley of Cumberland

Pending—Motion of Senator Pray of Penobscot to Reconsider Passage to be Engrossed.

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

Senator CONLEY: Mr. President and Members of the Senate: When I first looked at the proposed Legislation, as was explained by various people representing some of the large communities in the State, I thought that the bill before us was a relatively very simple Bill to understand. Then I decided to read it and it was obvious to be immediately that some lawyer obviously drafted the Bill.

There are many people who are running around the halls these days, who represent union employees or certain fire departments within communities, police departments within communities, who had grave concerns and perhaps still do as to whether or not any municipality or community with a bargaining unit could just automatically unilaterally dismiss a provision within their contracts that hold a 20 year retirement provision.

It has been my concern that in no way should those bargain in good faith and under the collective bargaining law, lose something that they obviously had negotiated, whether it was last night or whether it was 5 years ago.

So I have been asking the last few days for a clarification of the proposed statute before us, as I stated, some attorneys feel that the law does not say what the intention of the law was, but I personally am satisfied that it does today. I want to make sure that it is within the Legislative record and is clearly understood by those who may have some doubts.

The catch all phrase is: may discontinue any such benefit as to employees in a class hired after the effective date of the action only. What this Bill does is that it presently grand-fathers all those individuals who are currently under a 20 year retirement plan, a 22 year retirement plan or a 23 or 25 or whatever the case maybe. It allows communities to negotiate again within the collective bargaining system, the right to bargain for 25 years or whatever number of years they so desire with new employees coming on board at some future date, after the expiration of a contract in existence today. It would affect no one who has presently, presently enjoyed that luxury of having negotiation with a community a retirement plan as it now stands.

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

Senator PRAY: Mr. President and Members of the Senate: I just want to underscore my concerns about this legislation, and the fact that it is, after talking to a number of individuals, my understanding, and I believe the intent of this body in voting for this Legislation, is that any new plan would be negotiated at the bargaining table, with that understanding. Mr. President, I ask Leave of the Senate to Withdraw my Motion to Reconsider.

The PRESIDENT: Senator Pray of Penobscot now requests Leave of the Senate to Withdraw his Motion to Reconsider.

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

It is a vote.

The PRESIDENT: The Chair would direct the Senate's attention to Bill, "An Act to Limit the Number of Location to Agency Stores under the Statutes Relating to Alcoholic Beverages". (S. P. 217) (L. D. 602), tabled earlier in today's session.

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

Senator SHUTE: Mr. President, I present Senate Amendment "A" (S-51) and move its Adoption.

The PRESIDENT: The Chair recognizes the

Senator from Waldo, Senator Shute, now offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-41) Read.

On Motion by Senator Katz of Kennebec, Tabled, for 1 Legislative Day, pending Adoption of Senate Amendment "A".

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

#### Papers from the House Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule, 19-A, to read as follows:

**19-A. Reporting out errors and inconsistencies legislation. Prior to reporting out any bill entitled "An Act to Correct Errors and Inconsistencies in the Laws of Maine," the Joint Standing Committee on Judiciary shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which amendments shall be included in the bill reported out. No floor amendment shall be entertained in either House unless the amendment is printed and distributed at least 24 hours prior to introduction. (H. P. 1154)**

Comes from the House, Read and Passed.

Which was Read.

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

Senator PRAY: Mr. President and Members of the Senate: In relation to the change in the Joint Rules, I have some concern about the pace that this Joint Order is taking. I just want to be sure that the members of this Chamber, are aware of exactly what this change will do.

I share the concerns of the supporters of this Change in Joint Rule in an attempt to speed up the Legislative process, particularly at the end of the session when we have this Bill come before us and we start having amendments doubling up on the alphabet.

While I share those concerns, I also share a concern of slightly closing the doors to the Legislative process. I would just point out that the change in the joint rules would require that amendments would have to be printed and distributed 24 hours before introduction on the floor. Sometimes in those closing days in the session when we are trying to track our own bills through the Legislative process and take care of other matters, that we do not always have that time to do it, when it is a pressing matter. I think that we should have some reservations about passing this at this time. I would wish that somebody might table this for a day so that some consideration could be given to what we are trading away.

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

Senator COLLINS: Mr. President, through the years we have attempted at various times to establish some fairly stringent rules to avoid confusion and the element of surprise that sometimes happens when we handle the errors bill at the end of the session.

The Minority Leader and I in the 108th, sponsored a resolution that was aimed in this direction and passed this body and did not pass the other body, and various other attempts have been made.

This is by all means the simplest provision of discipline, that has been offered. I hope that you will accept it. It is not much of a problem to deal with the first errors bill, because we have plenty of time, but at the very end of the session if someone has a serious concern and they think about it they will be able to get their amendment done at least 1 day before offering. We always lay the bill on the table for at least a day, to permit people to look at it. It will avoid these close to the vest performances that sometimes happen at the very last minute that can confuse both bodies and slow down the bill and bring the ridicule of the press and the

public upon these bodies because it is clear that at times we do not know what we are doing when we act in that fashion.

I would like to have a more stringent bill, but I realize that it would not stand very much chance and so I am willing to support this Bill and I submit to the Senator from Penobscot who has raised questions about the feeding of legislative process that this is not defeating the legislative process, that this is not a defeat of it in any way. It is a way of making it more certain that we will know what we are doing and that certainly is not to defeat the process.

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

Senator CONLEY: I concur with the remarks of the good Senator from Knox, Senator Collins. I believe that most of us who have been here a few years have experienced what has happened with the errors and inconsistencies Bill. I would like to go back a few years to the time when Sam Slosberg was Legislative Research Director and when he would appear before the Judiciary Committee on Errors and Inconsistencies. Generally that committee adopted or rejected pretty much what the gentleman presented to them, and Legislators were also given the opportunity of going before the Committee at that particular time. I do not know what has happened over the last few years, but we know that it becomes a field day for amendments by various legislators with this Bill and to me there is a real question in my mind at times as to whether or not the amendments that are being offered are not really substance for change in the present laws, and should be handled before committees dealing primarily with that subject matter.

So again I concur with the good Senator from Penobscot, Senator Pray, that we table this for a day certainly and give everyone the opportunity or reviewing what is being said.

I think that it should also be noted that even if there is an amendment that has to be offered, and it is a valid one, I believe the Chairman of the Judiciary Committee could acknowledge the validity and we could suspend the rule for the sole purpose of adding an amendment to the Bill. But it would certainly cut out many of the amendments that have been printed at great expense to the State and have not or do get on, and it would be nice for the Judiciary Committee to actually review those amendments.

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

On Motion by Senator Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby Bill "An Act to Improve Local Government Investment Opportunities". (S. P. 449) was referred to the Committee on State Government.

On Motion by Senator Katz of Kennebec, referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

On Motion by Senator Pierce of Kennebec, Adjourned until 12 noon tomorrow.