

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 23, 1979

Senate called to Order by the President.

Prayer by Father Andrew George, St. George Greek Orthodox Church of Bangor.

Father GEORGE: In the name of the Father and the Son and the Holy Spirit, in peace let us praise the Lord and bow our heads, unto the Lord.

O Lord our God; who at all time and every hour in heaven and on earth art worshipped and glorified; who art long suffering and merciful and compassionate; who loveth the just and showers mercy upon the sinner; who call to salvation. O Lord in this hour receive our suffocation and direct our lives according to thy commandments.

You know that we can do nothing without your help, assist this body of Senators and all those responsible for the functioning of the State Government, that they will be dedicated servants for the well being and future progress of this State. That they will serve you, first as their Lord and thusly serve the people of this State, with honesty and integrity. For thou art a God of love and compassion, a God of strength and wisdom, and unto thee we subscribe glory to the Father, to the Son and Holy Spirit. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House

Non-concurrent Matter

Bill, "An Act to Clarify Executive Conflict of Interest." (S. P. 400) (L. D. 1223)

In the Senate, March 14, Referred to the Committee on Judiciary.

In the House, March 20, Referred to the Committee on State Government, in non-concurrence.

In the Senate, March 21, that Body Insisted.

Come from the House, that Body Adhered.

The PRESIDENT: The Senator from Knox, Senator Collins, 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 Permit the State Auditor to Report Certain Suspected Improper Transactions to the Attorney General's Office." (H. P. 196) (L. D. 245)

In the House, March 15, Majority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-91)

In the Senate, March 19, Minority 'Ought Not to Pass' Report, Read and Accepted, in non-concurrence.

Comes from the House, that Body Insisted.

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

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

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

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Recede and Concur with the House, please rise in their places to be counted.

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

19 Senators having voted in the affirmative, and 6 Senators in the negative, the Motion to Recede and Concur with the House, does prevail.

House Papers

Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Instructors at the Vocational Technical Institutes and the School of Practical Nursing." (H. P. 1119) (L. D. 1284) (Emergency)

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

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

Bill, "An Act Requiring Motor Vehicle Owners and Operators to Carry Liability Insurance." (H. P. 994) (L. D. 1262)

Bill, "An Act to Require Counselor Licensing and to Regulate the Practice of Counseling." (H. P. 971) (L. D. 1260)

Bill, "An Act to Prohibit Interlocks of Corporate Banking Positions by Professional Firms." (H. P. 1049) (L. D. 1285)

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 Create a Special Commission to Revise the Procedures for Teacher Certification." (Emergency) (H. P. 1022) (L. D. 1263)

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 Authorize the Administration of Medications by State Corrections Officials in Certain Cases." (H. P. 1025) (L. D. 1270)

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

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

Bill, "An Act Relating to the Acquisition and Ownership of Real Property by Aliens and Businesses of Foreign Countries." (H. P. 976) (L. D. 1261)

Bill, "An Act to Establish a Judicial Selection Advisory Committee." (H. P. 1026) (L. D. 1280)

Come 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 Concerning the Openings of Private Ways by Municipal Officers." (H. P. 1031) (L. D. 1271)

Bill, "An Act to Eliminate the Office of York County Treasurer." (H. P. 1032) (L. D. 1281)

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 Refine the State's Accounting System." (H. P. 1034) (L. D. 1282)

Bill, "An Act to Amend the Salary Range for the State Librarian and the Executive Director of the Historic Preservation Commission." (H. P. 1035) (L. D. 1272)

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 Establish Proration of Excise Taxes." (H. P. 1038) (L. D. 1279)

Bill, "An Act to Provide a Maine Earned Income Credit for Taxpayers with Low Income." (H. P. 1039) (L. D. 1274)

Bill, "An Act to Amend the Burden of Proof Placed on the Bureau of Taxation in an Appeals Proceeding." (H. P. 1036) (L. D. 1273)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing the Legislature to Impose a Property Tax in Excess of the Cost of Services upon Properties in the Unorganized Territories. (H. P. 1040) (L. D. 1283)

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

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

Sent down for concurrence.

Bill, "An Act Pertaining to Motor Vehicles Passing Stopped School Buses." (H. P. 1041) (L. D. 1278)

Bill, "An Act Relating to the Purchase of Railroad Rights of Way." (H. P. 1042) (L. D. 1275)

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

HOUSE OF REPRESENTATIVES

March 22, 1979

The Honorable May M. Ross

Secretary of the Senate

109th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Increase the Permissible State Discount to State Agency Stores to 12% Under the Alcoholic Beverages Statutes" (H. P. 88) (L. D. 100)

Respectfully,

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on file.

MAINE STATE RETIREMENT SYSTEM

February 15, 1979

Honorable Joseph E. Brennan

Governor of Maine

State House, Augusta

Members, 109th Legislature

Dear Governor Brennan and Members of the Legislature:

In accordance with the provisions of 5 MRSA, Section 1031, subsection 9, the Trustees of the Maine State Retirement System submit herewith a report of the financial transactions of the System for the fiscal year and the assets and liabilities of the Retirement System at the end of said year. Included are the following June 30, 1978, reports:

Report of the Actuary for the year ended June 30, 1978

Report of the Investment Consultant

Report of the Executive Director

Group Life Insurance Underwriter's Report for the policy year ended June 30, 1978

Membership on the Board is comprised of two members appointed by the Governor, subject to review of the Joint Standing Committee on Veterans & Retirement and to confirmation by the Legislature, one member appointed by the Governor from a list of three nominees submitted by the Maine Retired Teachers Association, one member selected by the Maine Teachers Association, one member elected by the Maine State Employees Association, one member appointed by the Maine Municipal Association, and one member who is a recipient

of a retirement allowance through the System, selected by the foregoing members.

During the past year the Board has held two meetings with investment managers to review the investment performance and future direction of the program. The time-weighted rate of return on investments during the year ended June 30, 1978, was 2.7%, which is approximately the same rate as the previous year. This rate of return has not been considered adequate in view of the assumed earnings rate and has caused the Trustees to direct more of the System's funds into the fixed income investment area. The Board has recently authorized an initial investment of \$3,000,000 in a real estate equity fund administered by The Travelers Insurance Company, an action which is felt will add to diversification and assure an investment return which is compatible with the interest assumption being used by the System's Actuary.

The Trustees have accepted revised actuarial assumptions for investment earnings (8½%), salary scale increases (5½%), cost-of-living increase for retirees (4%), and revised mortality tables, effective July 1, 1978. In connection with this action the Board has directed the System's Actuary to establish the employer contribution rates such that the unfunded liability amortization period will be reduced by one year annually, and that any actuarial gains or losses will be absorbed in the following year. Although it is realized that this action will involve significant cost increases by the state, it is the position of the Trustees that the integrity of the System should be maintained.

Although the Trustees have not included funding for the "non-contributory" teacher group in this year's appropriations request, as has been done during the past two regular legislative sessions (both requests were denied), it is believed most important that this matter be reviewed by the appropriate legislative committee. Expenditures for benefits applicable to this group, together with interest charges, have exceeded appropriations and other credits by an amount of \$105,881,000 as of June 30, 1978. A Joint Order introduced at the 108th Legislature to study the funding problems of the Maine State Retirement System, particularly those relating to this group of retired persons and beneficiaries, was indefinitely postponed.

Very truly yours,
WILLIAM G. BLODGETT,
Executive Director for
the Board of Trustees,

Maine State Retirement System

Which was Read and with accompanying report, Ordered Placed on file.

Senate Papers

Senator Pierce of Kennebec presented, Bill, "An Act Concerning Reimbursements to Mount St. Joseph's Nursing Home for Costs of its Retirement Plan." (S. P. 453)

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

Sent down for concurrence.

Senator McBreairsty of Aroostook presented, Bill, "An Act to Facilitate Operation of Department of Conservation Campsites." (S. P. 454)

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

Sent down for concurrence.

Senator Devoe of Penobscot presented, Bill, "An Act to Clarify the Consent Requirements for Adoptions." (S. P. 455)

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

Sent down for concurrence.

Senator Hichens of York presented, Bill, "An

Act Concerning Contracts of Town Managers." (S. P. 456)

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

Sent down for concurrence.

Senator Devoe of Penobscot presented, Bill, "An Act to Allow Direct Purchase by Citizens of Certain Bonds." (S. P. 459)

Senator Najarian of Cumberland presented, Bill, "An Act to Rename the Bureau of Consumer Protection to be the Bureau of Consumer Credit Protection." (S. P. 460)

Senator Silverman of Washington presented, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit the Governor to Veto or Reduce Appropriations in Bills and to Permit the Legislature to Override that Veto or Reduction. (S. P. 457)

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

Sent down for concurrence.

Senator Najarian of Cumberland presented, Bill, "An Act to Establish a Higher Education Tax Deferred Savings Plan and Other Tax Benefits for Parents and Students." (S. P. 461)

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

Sent down for concurrence.

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

Committee Reports House

Ought to Pass

The Committee on Election Laws on, Bill, "An Act Concerning the Investigation and Invalidation of Indian Tribal Elections." (H. P. 388) (L. D. 498)

Reported that the same Ought to Pass.

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

The Committee on Election Laws on, Bill, "An Act Concerning Notice Provisions for Penobscot Indian Tribal Elections." (H. P. 389) (L. D. 525)

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 Legal Affairs on, Bill, "An Act to Clarify Sex Discrimination in the Maine Human Rights Act." (H. P. 548) (L. D. 679)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-115).

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

The Committee on Legal Affairs on, Bill, "An Act Concerning Fines Resulting from Fish and Game Violations on Lands of the Penobscot Indians." (H. P. 392) (L. D. 541)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-114)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-114)

The Committee on Legal Affairs on, Bill, "An Act Relating to Constables and Special Police Officers." (H. P. 250) (L. D. 295)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-113)

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

The Committee on Transportation on, Bill,

"An Act Making Minor Revisions in the Aeronautics Law." (H. P. 166) (L. D. 198)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-120).

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

The Committee on Judiciary on, Bill, "An Act Relating to Fatal Motor Vehicle Accidents." (H. P. 459) (L. D. 572)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-103).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-107).

Which Report was Read and Accepted, in concurrence and the Bill Read Once. Committee Amendment "A" Read.

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

Senator COLLINS: Mr. President, I move that Committee Amendment "A" be Indefinitely Postponed, there was an error in it and it has been replaced.

Committee Amendment "A" Indefinitely Postponed, in concurrence. House Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Amend the Requirements for Registration of Professional Foresters." (H. P. 82) (L. D. 93)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-102).

Signed:
Senators:

CHAPMAN of Sagadahoc
AULT of Kennebec
CLARK of Cumberland

Representatives:

HOWE of South Portland
GWADOSKY of Fairfield
WHITEMORE of Skowhegan
ALOUPIIS of Bangor
BRANNIGAN of Portland
JACKSON of Yarmouth
SPROWL of Hope

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

Signed:

Representatives:

DUTREMBLE of Biddeford
BROWN of Bethel

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-123).

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act for Per Diem Compensation for Active Retired Judges." (Emergency) (H. P. 375) (L. D. 485)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-110).

Signed:

Senators:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

STETSON of Wiscasset
SIMON of Lewiston
JOYCE of Portland
HOBBINS of Saco
SILSBY of Ellsworth
SEWALL of Newcastle
CARRIER of Westbrook

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-111).

Signed:

Representatives:

LAFFIN of Westbrook
GRAY of Rockland

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.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Adjust Unemployment Benefits for Employees on Layoff who are Temporarily Recalled to Work by their Regular Employer." (H. P. 219) (L. D. 267)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-104).

Signed:

Senator:

PRAY of Penobscot

Representatives:

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

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

Signed:

Senators:

SUTTON of Oxford
LOVELL of York

Representatives:

CUNNINGHAM of New Gloucester
FILLMORE of Freeport
DEXTER of Kingfield

Comes from the House, Recommended to the Committee on Labor.

Which Reports were Read.

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

Senator SUTTON: Mr. President I move that we Recommit this document to the Committee on Labor in concurrence.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now moves that this Bill be Recommitted to the Committee on Labor, in concurrence.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: I am going to oppose the Motion made by the Senator from Oxford, Senator Sutton, in reference to Recommitting this Bill to the Labor Committee.

If you will take a moment to check in the House Amendments and check the Committee Amendment that has been put on there, you will find a 5 page amendment which the Committee had worked on to great lengths, spent a great deal of time trying to solve this problem.

I think that as you can see that there is a divided report, that my two colleagues in this body who signed ought not to pass, I am sure that neither one of them are opposed to removing the disincentives of putting individuals back to work.

The Bill does address that and I think that issue can be addressed in the Legislative process by putting this Bill in first reading, putting it into its second reading and the amendments that individuals have concern about and want to put on can do it at that stage, but to send it back before the Labor Committee with the number of Bills and pressing issues that it has presently is not going to serve any useful purpose. I would ask for a division.

The PRESIDENT: A Division has been requested.

With all those Senators in favor of Recommitting this Bill to the Committee on Labor, in concurrence, please rise in their places to be counted.

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

18 Senators having voted in the affirmative and 8 Senators in the negative, the Motion to Recommit in concurrence does prevail.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Require Public Disclosure of Certain Financial Information by Large Public Utilities." (H. P. 322) (L. D. 423)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DEVOE of Penobscot
COLLINS of Knox
TRAFTON of Androscoggin

Representatives:

VOSE of Eastport
BROWN of Livermore Falls
BERRY of Buxton
GAVETT of Orono
DAVIES of Orono
CUNNINGHAM of New Gloucester
McKEAN of Limestone
NELSON of Portland

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-119).

Signed:

Representatives:

LOWE of Winterport
REEVES of Newport

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

Five members of the Committee on Judiciary on, Bill, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances." (H. P. 18) (L. D. 35)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-117).

Signed:

Senators:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

SEWALL of Newcastle
CARRIER of Westbrook

Five 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 "B" (H-118).

Signed:

Representatives:

GRAY of Rockland
SILSBY of Ellsworth
LAFFIN of Westbrook

JOYCE of Portland

STETSON of Wiscasset

Two members of the same Committee on the same subject matter Reported in Report "C" that the same Ought Not to Pass.

Signed:

Representatives:

HOBBINS of Saco
SIMON of Lewiston

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

Which Reports were Read.

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

Senator COLLINS: Mr. President and Members of the Senate: This is a controversial Bill that has been before the Legislature three times in the last three years.

When we enacted the Juvenile Code, a couple of years ago, and it had a delayed effective date so that it did not finally get itself shaped up until last year, the general scheme was that for more serious crimes. The Homicides and Class A, B, & C crimes the shield of protection for juveniles that had previously been the case would be removed and that hearings and the use of names and such serious cases would become public.

As to the less serious crimes, those that are reflected in the Class D and E crimes, they were to remain closed and not public, unless the Judge in his discretion should choose to make the matter public.

There is a good deal of variety of opinion, in various places about the best policy in this whole area, and the Judiciary Committee is serving you a menu with three choices. I would have to say quite candidly that it is a rather difficult choice to make; it has been for me, and I expect that it may be for others. I am hoping that perhaps, this Bill may be tabled, over the weekend for two reasons, 1.) that there is one technical matter that we are having an amendment prepared for, for whatever position comes out. Another is that it will give you a chance to reflect on it and perhaps to read if you choose and consult your favorite girl and come back Monday with a decision.

The position signed in Report "C" is to leave everything alone as it is now, as we established through the Juvenile Code. That position is favored by a large majority of our Judges, by a substantial segment I am not sure whether it is the majority or not, of our probation and parole professionals, definitely by our intake workers and our restitution alternative workers and by some of our social service workers.

The position in Reports A and B are favored by the Press, which of course would like to have things as open as possible, by some of our police officers. I am not sure what the ratio is, by a few professionals, that work in the systems in probation and parole or whatever.

The Report A which has been favored by the 3 Senators on the Committee, and which I shall be moving acceptance of, is a sort of a middle ground position. It says in essence, that the closed treatment closed hearing, shall become opened after conviction of a Juvenile, but that the court in its discretion, may close that record if the court decides that it is in the best interest of the Juvenile's having regard to the Juvenile history and circumstances of the case.

Report B, is similar except that, it says that if the Juvenile has a second conviction then, the court no longer has that discretion, the record must be open from the point of the second conviction onward. So there are the 3 choices that are before you.

I have never worked in a system or practiced law in a system which had an open policy of releasing names of juveniles for these misdemeanor crimes.

I guess that one of my reasons for choosing Report "A" is that until I have observed an experiment, in broader publicity of these names I

will not really know, whether the protection policy is doing what we hope that it would. Traditional juvenile policy has been called in question, it started, of course, many years ago, in the 30's as time went on more and more states adopted juvenile laws that closed all of the proceedings in our courts relating to juveniles, kept their names out of the papers. The theory was that this gave the enforcement and social workers establishment a chance to work with those youngsters and straighten them out, and then they would not have a public blemish on their record and no one would know about it.

In the small towns which is my chief area of acquaintance, the idea that no one is going to know about it, really doesn't hold, because the word gets around among the peers of the youngster pretty rapidly, regardless of what is in the paper or not in the paper.

Sometimes, I wonder if the supposed protection policy is really doing what we hoped, I will have to admit that I do know of at least two cases in my own experience as a professional who occasionally touches this field in years gone by, two cases where keeping the name out of public circulation probably did some good. I would have to say also that I know of several cases, where I doubt that it did any good, and it might have been useful to the public to know that those particular youngsters were in trouble with the law and needed to be watched more carefully.

So here is an area in which we all have concern and I really doubt that any of us feels like an expert I certainly do not; I have listened to these matters for 5 years here and have had a little direct participation as an appointed attorney in the courts, for indigent children, but I really do not know the answer. So I am supporting a position that experiments with a somewhat different approach than we have known in the past. I hope that you will reflect on this and after there has been a days opportunity that we can reach a decision.

On motion by Senator Devoe of Penobscot, Tabled for 1 Legislative Day, pending Acceptance of any Report.

Senate Ought to Pass

Senator Lovell for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Permit the Retirement Earnings Limitation to Increase as Cost-of-Living Increases if Retirement Benefits are Granted." (S. P. 222) (L. D. 606)

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 — As Amended

Senator Devoe for the Committee on Public Utilities on, Bill, An Act to Restrict the Placing of Hazardous Objects on Utility Poles. (S. P. 107) (L. D. 212)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-52).

Which Report was Read and Accepted and the Bill Read Once.

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

Senator KATZ: Mr. President. May I ask the Chairman of the Committee, whether this restriction might probably also include tapping for maple sugar?

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

Senator DEVOE: Thank you, Mr. President. That thought did not come under discussion at the committee, although I realize that the sap is flowing freely today.

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

Bill, "An Act to Provide for Art in Public Buildings and Other Facilities." (H. P. 1071) (L. D. 1224)

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

House — As Amended

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)

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

Senate — As Amended

Bill, "An Act to Amend the Geologists and Soil Scientists Certification Act." (S. P. 136) (L. D. 313)

Bill, "An Act to Provide Interpreter Service for the Hearing Impaired." (S. P. 80) (L. D. 157)

Which were 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 Establish the Minimum Wage at \$2.90 Per Hour and to Set a \$4 Per Hour Ceiling. (H. P. 26) (L. D. 43)

An Act to Clarify the Definition of Employer under the Workers' Compensation Act. (H. P. 248) (L. D. 293)

An Act Concerning Reissue of Inactive Snowmobile Registration Numbers. (H. P. 297) (L. D. 392)

An Act Relating to Abatement Proceedings. (H. P. 181) (L. D. 209)

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)

An Act Concerning Reissuance of Inactive Boat Registration Numbers. (H. P. 298) (L. D. 396)

An Act Relating to Self Employee Workers' Compensation Insurance Coverage. (S. P. 148) (L. D. 325)

An Act Relating to Appropriation of Funds for Assistant District Attorneys. (S. P. 128) (L. D. 306)

An Act to Remove Overlapping Causes of Action, to Limit Municipal Liabilities for Highway Defects and to Remove the Sunset Provision on the Tort Claims Act. (S. P. 119) (L. D. 228)

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

An Act to Test an Experimental Season on Moose for a One-year Period. (S. P. 42) (L. D. 28)

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

Senator CONLEY: Mr. President. I move that this Bill and all of its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley now moves that L. D. 28 and all of its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I request that when the vote is taken it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

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

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until

counted.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: I would hope that when the vote is taken it is taken with serious thought, as to the work that has gone into this Legislation and the concern of all as to the use of a Maine resource.

I would only point out that there are several sections of the Bill, which may be beneficial to those who oppose a moose season, maybe not beneficial but advantageous. That is first of all the 700 permits that are being issued, that that application for the permit would allow even my good friend and good seat mate the Senator from Cumberland, Senator Conley to apply and not to go hunting, if he so happens to be lucky enough to receive a permit, so it does provide a little protection there.

The most important thing that I think is in the bill, is the collection of biological data, which in the interest of game management will provide the department with needed information, and that information itself may lead to support the arguments that my good seatmate, Senator Conley so often, year after year, portrays before this body, lies before us to consider.

I think that there are certain advantages in the interest of game management and to his viewpoints and I would hope that we would follow suit to the previous actions, which we have taken in this body to overwhelmingly pass it. Thank you.

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

Senator CONLEY: Mr. President and Members of the Senate: I guess up until this morning this Bill has been sort of talked about, and laughed about, kidded about, and I have participated a great deal in the exchanges of levity, but in all honesty this Bill is a very, very serious Bill as far as I am concerned.

I think that it is nothing more than another way for the bureaucracy within the Fish and Game Department under dedicated revenues, to raise additional funds for their own purposes. If what the good Senator from Penobscot, Senator Pray has stated, if it is biological experiments that they are after, then I think, that we should do it within the Fish and Game Department itself. We should not be going through a Hokey-Pokey scheme of establishing a lottery where 700 permits are drawn, and it is not limited to the number of people who can apply, there is anticipation of a ¼ million dollars of revenue to be received by the Department. If we are really sincere and we are talking about culling the herd then why not do it in a rational way?

Now I am concerned because of the fact that I do not necessarily agree with the figures that are being tossed about by the Department, with the number of moose in this State. I know that there are tens of thousands of kids in this state that have never seen a moose. I know that there are thousands and thousands of other people who visit this state annually particularly in the summertime, to be able to enjoy the luxury of going to some of our most scenic parts of the State, to cast their eyes upon such a delicate scene.

If we have a serious problem, with moose in this state, I do not think that it is one that is highly recognized by those of us in the southern and central parts of this State, and I have driven a great deal within the northern part of this State also, and I can honestly say in the 2 dozen time in the past 1½ years that I have been up through Northern Maine, I have yet to see one moose.

I think that when we start getting into a lottery type system, and people submit their applications and \$5.00 and their name is not drawn, I can see no reasons why they in good conscience can't feel that because of a quirk of fate that they are not entitled to go out and gun

down one of these massive animals because of the fact that their name was not drawn.

We all know how large they are, and we know that when one is gunned down that it is an impossibility for any one person or two persons to cart this animal away. We know that what is going to happen, in most cases, is that either the front quarters or the hind quarters of the moose is going to be taken and the rest of it is going to be left to deteriorate in the woods.

If we have a problem then I think that the Fish and Game Department should attack it in a more sensible manner, and not through any type of lottery scheme to increase the revenue within that department. Therefore, Mr. President and Members of the Senate, I would hope that you would support the Motion to Indefinitely Postpone.

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

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

March 23rd in '79 will go down in history

As the day the grand and stately moose lost its privilege to run free.

The great and gracious symbol emblazoned on our flag

Will be a hunted animal — just subject to a tag.

The heartless gun-crazed hunter will stalk our mighty moose

And with careful aim and then the shot will really "cook his goose".

So long he's run his earthly course and learned to fear no man

"Dead duck" is what he's sure to be — as in wonderment he'll scan

The stalking hunter unaware that he will soon be dead

By a bullet whizzing through the air — implanted in his head.

This animal long looked upon as Maine's proud symbol — great.

Will never run — he's known no fear — and he shall meet his fate

Because he's been so trusting of people passing by

And never learned to fear them — and he must wonder why

He's suddenly become a target — free to roam no more

Between Maine's lofty mountain peaks to distant ocean's shore.

And as I look upon this emblem on the Senate floor

I realize its significance is lost forevermore; And every time I pass it I shall hang my head in shame

To think that our beloved moose — is nothing more than game.

Oh may the good Lord up above forgive men's brutal ways

As the grand old moose like other beasts are living numbered days.

And may as he looks from above — and feels a twinge of pain

Have a great compassion for these thoughtless folk of Maine

Who gave in to the Hunters' whims — and vote that they may kill

This creature we're so proud of — in their own time and will,

And as we cast our votes today — each one as he may choose

Let's all give thanks to God above — that we weren't born a moose.

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

Senator SHUTE: Mr. President, I would like to ask a question through the Chair if I could.

The PRESIDENT: The Senator may state his question.

Senator SHUTE: I think that the Bill, the moose season is expected to generate several hundreds of thousands of dollars this coming year. My question is to a member of the Committee, if the season is not approved the following year, is the department going to reduce

services by 3 to 4 hundred thousand dollars the following year, or will they increase our regular hunting and fishing license to make up this \$400,000 loss of revenue?

The PRESIDENT: The Senator from Waldo, Senator Shute has posed a question through the Chair, to any member of the Fisheries and Wildlife Committee who may care to answer.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, as I understand the question, if the revenue — if we do not have a moose season, do you mean are we going to have to increase the fees for other licenses?

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

Senator SHUTE: The question was if this bill passes it is expected that the Department will get \$400,000 extra revenue, and if the following year we do not have a moose season, is the department going to reduce services by \$400,000 worth of services, or are they going to increase our hunting and fishing licenses to make up that loss of revenue, that they expect on the moose season?

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

Senator USHER: May I respond to the good Senator from Waldo, first of all I do not believe that anybody can estimate how much revenue that we are going to receive. It is really not a big money making scheme, because you can not estimate how many people are going to apply.

The only possible way that they could make a lot of money is a lot of people applying, the \$5.00 fee. Because it is only \$10 for a License and there is only 700 licenses and that is no great amount of money, and the other \$10. fee is only if you get the moose, and it has been proven to us from New Brunswick that the successful part of their season has only been between 45 to 50% so we are talking 350 moose, if it goes along with the New Brunswick part.

The \$5.00 fee there is no way of saying how many people are going to apply for the thing and that is the only money making part of the thing, so I really do not agree with the \$400,000 or \$300,000 it is really hard to judge.

I do not believe that they will reduce any services or increase the license, I think that the department is pretty stable.

Also in the amendment it states that \$85,000 will be used for future study of the results of this season and this is basically why we want this one season, to finish the thing. The last season that was held was in 1935 and we do not have any records on it, back in 1935 I do not believe that many departments kept records on anything, this will finish the whole matter, one season only.

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

Senator PIERCE: Mr. President and Members of the Senate: I think that as a result of the question raised by Senator Shute, that it might be appropriate at this time, for me to make really the only comment, neither pro nor con, on the Bill that I want to make.

As the special liaison to the Senate President on Fish and Game issues, I want you to know that we spend many hours in the President's office debating whether or not there should be 4 quarts of smelts or 6 and baiting bear and hunting coon, muzzleloading rifles and many other things, I feel that I would like to make at least one comment about this bill.

I make it mainly because this is going to be 1980 and I may be here to raise the question next time and I may not, but I at least want to put in the Senators' minds to tuck away and think about sometime in the future, for those who are here, and that is I suspect that the Department of Fisheries and Wildlife is going to get somewhere between \$3 to 5 hundred thousand dollars dedicated revenues as a result of this Bill.

In the Bill we have only required them to use \$85,000. for moose management. I mention that only in that I would hope that the Senators would keep that in mind and obviously you will have some hard figures on exactly how much they did get, but I would hate to see them go back to the Legislature for more increase in various hunting fees, fishing fees or whatever and I hope that the Senate will take a long hard look at the exact dollars that this Bill does give them, because it obviously, I think, is going to be considerable. They are dedicated funds and I think that the Senator from Waldo, raises a legitimate question, because I am sure that that is one of the arguments that the Department would have to keep the bill going. But I do want only to put that question in your minds, so that perhaps in the future sometime when bills are appearing to increase fees and so forth you would take a long hard look at them.

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

Senator TROTZKY: Mr. President and Members of the Senate: I am very much concerned about this Bill, the last two terms in the Senate I sat through the entire hearing at the Civic Center when the moose bill was being heard.

The first thing that I think that I would like to state is that game management is not a precise science. We have 10 million acres or more of wilderness up in the northern part of the State and the Fish and Game Wildlife Department determines that there is 16,000 moose, plus or minus, there is a margin of error there.

This past summer, I spent some time up on the Allagash Wilderness Waterway and we went something like 75 miles or more by canoe and we saw about 7 moose. I asked some of the officials, on the waterway, whether they felt that there should be a moose season or not in the State of Maine, these were people from Aroostook County Area, I think that 2 out of 3 officials would tell me that they were opposed to a moose season.

Secondly they are changing cutting forestry practices in the State of Maine with a great deal of clear cutting going on, in the State of Maine, which is providing a lot of food for wildlife. There is no moose, I have asked people in the Fish and Game Department and there isn't any indication of any moose starving in the State of Maine or undernourished, and no one can say there is.

The moose herd at the hearing was determined to be a healthy herd. The meningeal disease which two or four years ago was one of the reasons for a moose season was to cull the herd, because it was felt that hunting would take out those moose that had meningeal disease, however the biologist stated that the Maine herd is healthy in the northern part of the State and meningeal disease has declined naturally.

Governor Brennan, will probably not veto this Bill, and I feel that what is going on in the vote today in the Senate is going to be the final decision as to the fate of 500 or 700 moose in the State of Maine.

I feel that it has been shown that from department statistics that approximately 300 hundred moose are harvested illegally or killed by train or car each year in the State of Maine. If 300 moose are harvested in this way, and it is possible that there are many many more that we do not know about, I feel that the moose is a greater benefit to the people of the State of Maine, and to people who come to Maine from all over the country to visit, to be seen walking through the woods in the State. One guide who takes people hunting said he takes people hunting and sometimes they do not see a deer, or they do not get a deer but when they come back from that hunting trip it was always a thrill to see a moose wandering through the forests of the State. Since this is the last decision on the Senate floor — is going to be the last decision on the Moose Hunting Season for the State of Maine, I would hope that the Senate would go

along with the Minority Leader's Motion to Indefinitely Postpone this Bill.

The PRESIDENT: The Chair recognizes the Senator from Aroostook Senator McBreairty.

Senator MCBREAIRTY: Mr. President and Members of the Senate: I just want to make a couple or three comments. In answer to Senator Shute's question, I do not believe that there is any intention of increasing services because of this moose bill, so any revenues that might come from it should reduce the chances of an increase in our license fees in the near future.

One other comment, I live in Aroostook County and I talk to people all over the County, and believe me Senator Trotzky must have talked to a different group than I have because probably 9 out of 10 people in Aroostook County do want an experimental season on moose.

I would hope that when you do consider this Bill today, that you would really consider the fact that we are only asking for a one year experimental season. Now I am sure that many of you will be back here when this one year is over and we will have more statistics and if you feel that the experimental season was not successful or wrong you can vote against it next time. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I guess that my feeling over the past few years when this Bill has come before us, has not changed one single bit, I am still opposed to it. The more I hear of it and the more I read about this particular issue and the more mail I receive about it I get more apprehensive that we should have a moose season in the State of Maine, especially predicated upon an estimated amount of moose at 16,000.

But one of the greatest concerns that have been expressed to me by the opponents of a moose season came on page 2 of the Bill, Under Section 5, Bag Limit, "which was that the bag limit shall be one moose of either sex, per permit holder." Since we do not have valid statistics to justify what the sex makeup of the moose population of the State of Maine is, I am wondering if we are really, will the moose season have a deleterious effect upon the propagation of moose in the future.

When I look at Senate Amendment 32, asking for the \$85,000, to more or less study exactly what the results are, I think that it is after the fact, these studies should have been conducted before the Bill was ever introduced to give everybody here a valid justification for either voting for or against the particular measure. But to come out and say after so many years that this Bill has been before us that now you have a limited moose season, and allocate \$85,000, and we will develop statistics I think is an atrocious gimmick.

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

Senator REDMOND: On the Senate Amendment which was presented, the \$85,000 set aside for doing research on moose was fully discussed in the Committee. It was a unanimous vote. However, it was an error of the printers that had left it out, this is why we had to put that amendment in.

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

Senator PRAY: Mr. President and Members of the Senate: Here is another unanimous committee report, how many times this week have we heard that, and now the good Senator from Cumberland, Senator Conley, himself is standing up and attacking a unanimous committee report.

But to respond to some of the statements that have been said. The good Senator from Cumberland, Senator Conley, talked about the size of a moose that it was too big for an individual or two people to handle, so the moose would be, or part of the moose would be left in the woods,

I wish that he had taken time to read the Bill. On page 2, under Sub-section 7 it says that the entire animal will be presented for tagging, the entire animal, so that takes care of his concerns about leaving part of the moose in the woods.

The Fish and Game Department has been studying the moose herd and the moose population for 20 years, now. There is a Biologist by the name of Francis Dunn in Patten, Maine, that probably knows more about moose than just about anybody, that I could have through the four years, that I was on the Fish and Wildlife Committee, or the 16 years that I have been a Maine Guide, or the 34 years that I have lived in Maine and most of that in the unorganized territories of the State.

In response to the Senator from Penobscot, Senator Trotzky's comments in reference to the population, we are talking about the moose population in the district and a fraction of the State not the entire state, in an area where the moose population is heavy.

I think that all individuals are concerned about the health of the herd. In New Brunswick where they have had a season, the health of the herd was improved, nobody is running around saying that the Maine Moose are starving. I haven't heard anybody say that the moose herd is now diseased, but it is fact that as population of the moose increases the disease increases, unless the herd is kept young and healthy. That is basically what has happened in New Brunswick where they have had a season.

With concerns about the dollars as a member of the Fisheries and Wildlife Committee when they had the last license increase, I was the only member of the committee to vote against the license increase, in this body, as a member of that committee. At that time the budget was in excess of 7 million dollars. They have a surplus of roughly I think 1.3 million dollars to carry in case license sales dropped in the next year, as they had other problems such as that. I think that that surplus now, is about half of \$600,000. I think as prices increase and as wages increase for wardens that the vehicle prices increase, gasoline prices increase, that was one of the largest increase costs of the budget when I was on the committee, was the fact that gasoline had doubled.

This money that would come in at this time as the good Senator from Aroostook, Senator McBreairty, pointed out might forestall any future increases in the near future. It is something that we should take into consideration, since this department is self sufficient by the sportsmen of this state.

I think that a lot of thought has gone into this Bill, I would like to give my compliments to the members of that Committee who have worked so hard on this Bill and sit through such long hearings to hear hundreds of people testify in favor of it and I think too against it. I think it also a measure of the concerns of the people of this State.

A number of individuals have had a great lot of fun with this Bill, a lot of humor has gone around here this morning and the last couple of weeks. As the good Senator from Kennebec, Senator Pierce, said yesterday when he referred to the Legislature, that he'd always looked at this body, as one that dealt more in logic and other sections of the Legislature deals in emotion. When we look at the logic of this Bill, the arguments that have been presented, I think that it is overwhelmingly in favor of establishing this season. Thank you.

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

Senator SILVERMAN: Mr. President and Ladies and Gentlemen of the Senate. Before we close debate on this Bill, I would like to say I come from an area on the Canadian Border. I have some very good friends that have hunted moose for 19 years in New Brunswick. This I think should be read into the Record, at the hearing Brian Carter Fisheries and Wildlife

Commissioner of New Brunswick, Hugh Haswell the Provinces Chief Wildlife Biologist, told committee members of the New England Brunswick successful moose season, which has been in operation for 19 years. Carter said that the herd was 100% better than in 1960 when a 3 day limited permit season was instituted. Last year 4,700 New Brunswick hunters killed around 1,500 moose. There has been about 14,000 moose killed in the 19 years in New Brunswick by the law abiding citizens.

We in Maine in the same time have left our moose herd open to poachers and illegal hunting. I think that the time has come when Maine's honest citizens who care to go into the woods as sportsmen and hunters have the opportunity to hunt the moose in our state. Thank you.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been ordered.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I wish permission to pair my vote with the gentleman from Aroostook, Senator Carpenter, who if he were here would vote Nay and I would be voting Yea.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, Requests Leave of the Senate to pair his vote with the gentleman from Aroostook, Senator Carpenter, who if he were here would be voting Nay, the Senator from Sagadahoc, Senator Chapman, would be voting Yea.

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

It is a vote.

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Indefinitely Postpone L. D. 28 and all of its accompanying papers.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

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

ROLL CALL

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

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

ABSENT—Danton.

A Roll Call was had.

11 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators pairing their votes, and 1 Senator being absent, the Motion to Indefinitely Postpone does not prevail.

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

Senator TROTZKY: Mr. President, I move that L. D. 28 be tabled for 53 Legislative Days.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Table this Bill for 53 Legislative Days, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 19 Senators in the negative the Motion to Table does not prevail.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Passage of this Bill to be Enacted, please rise in their places to be counted. Will all those Senators opposed, please rise in their places to be counted.

18 Senators having voted in the affirmative

and 11 Senators in the negative the Bill Passed to be Enacted.

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

Senator REDMOND: Mr. President, having voted on the prevailing side, I now move reconsideration and I would urge you to vote against my motion.

The PRESIDENT: The Senator from Somerset, Senator Redmond now moves the Senate Reconsider its actions whereby this Bill was Passed to be Enacted.

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

Will all those Senators opposed please say No.

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

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

On Motion by Senator Devoe of Penobscot, the Senate voted to reconsider its action of earlier in today's session whereby Bill An Act Relating to Abatement Proceedings. (H. P. 181) (L. D. 209) was Passed to be Enacted.

On Motion by Senator Teague of Somerset, Tabled, for 1 Legislative Day, pending Enactment.

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 Adjust Unemployment Benefits for Employees on Layoff who are Temporarily Recalled to Work by their Regular Employer. (H. P. 219) (L. D. 267) was Recommitted to the Committee on Labor.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of either Report.

Emergency

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

Senator COTE: Mr. President. I move that the Rules be Suspended.

The PRESIDENT: The Senator from Androscoggin, Senator Cote, moves that the Senate Suspend its Rules.

Is this the pleasure of the Senate?

It is a vote.

On Motion by Senator Cote of Androscoggin, the Senate voted to reconsider its action whereby Bill, An Act to Increase Salaries of County Officers (H. P. 201) (L. D. 227) was Passed to be Engrossed.

Senator COTE: Mr. President. I move we reconsider Adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Cote, now moves that the Senate Reconsider its action whereby it Adopted, Committee Amendment "A".

Is this the pleasure of the Senate?

It is a vote.

Senator COTE: Mr. President. I present Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Cote, now offers Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

Senate Amendment "A" (S-53) Read and Adopted.

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

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

Sent down for concurrence.

Orders of the Day

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

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)

Tabled—March 22, 1979 by Senator Katz of Kennebec.

Pending—Adoption of Senate Amendment "A" (S-51).

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

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

JOINT ORDER — Relative to adding a new Joint Rule 19-A

Tabled—March 23, 1979 by Senator Katz of Kennebec

Pending—Passage

Which was Passed, in concurrence.

On Motion by Senator Pierce of Kennebec, Adjourned until Monday, March 26 at 11 o'clock in the morning.