

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 28, 1979

Senate called to Order by the President.

Prayer by Mr. Paul Cates, Friends Meeting House in East Vassalboro.

Mr. CATES: Let us pray! Dear Father, we thank you for the privilege of living in this beautiful State of Maine. As the deliberations of this body begin on this particular day, we ask that every member of this body, may be truly representative of this state, not of the lowest common denominator, but of the highest aspirations, the highest motivations, of the good people of Maine.

We thank you for your presence in this body, as the day's deliberations begin, for we know that in your sight all are equal, regardless of financial status; of political influence; regardless of educational degree; regardless of status in society.

We thank you also for your presence, because many of the problems which face the people of the State of Maine are very difficult ones. Give us wisdom, all of us, the people and their representatives, in facing these problems, and help us all to differentiate between those which are solvable through Legislation, and those which are better left to private initiative.

Our Father, we know that some people would say the things you are trying to do, the hopes and dreams you have for this state are impossible to realize, but again we Thank You for your presence, knowing that in your spirit and through your power all things are possible. We ask it in the name of the people of many faiths, who have contributed to the growth and development of this state and our great nation. Amen.

Reading of the Journal of yesterday.

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

**Paper from the House
Joint Order**

An Expression of Legislative Sentiment recognizing that: Nurses in the State of Maine render an invaluable service to the State by assisting Maine people in the maintenance of health and the management of illness... (H. P. 1231)

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

(Off Record Remarks)

Non-concurrent Matter

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

In the Senate, March 21, Failed of Enactment.

Comes from the House, Passed to be Enacted as amended by House Amendment "A" (H-126), in non-concurrence.

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

Senator KATZ: Mr. President, to finally dispose of this matter, I move that the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move the Senate Recede.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Senate Recede.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for

the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: With the Chair's permission, I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

Obviously more than one-fifth having arisen a Roll Call is ordered.

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

Senator PRAY: Mr. President and Members of the Senate, to refresh your memory on this bill which we have debated to some great lengths prior to this, in discussion of the penalties of those who violate the minimum wage law. I have taken the time to call Paul Lovejoy, Deputy Director of the Bureau of Labor and the head of the Minimum Wage and Child Labor Law division over there. I'd like to read to you the memorandum, which I received, from him explaining the process in which these penalties are assessed.

A routine visit is made to a place of business within the State of Maine on the average of one to two years for the purpose of inspecting payroll records, enforcement of the minimum wage and child labor laws, which also include several other sections of the Maine Labor Laws. One of the primary reasons in addition to the enforcement of the law is to personally advise the employer of the laws, rules and regulations and to assist the employer by answering questions, suggesting improvements in recordkeeping and advising of changes in the law.

When a violation concerning wages is found, the amount deemed to be owed is figured and explained to the employer. A receipt is written in triplicate to be signed by the employee upon payment of any wages adjudged to be owed. The employer is given ample time to make the correction and adjustment and a copy of the receipt is retained by the employer for his/her records. As I explained earlier, this office uses the prosecution procedure in the courts only as a last resort when the employer refuses to comply with the State statutes. During the calendar year of 1978 our inspectors found a total of 288 employees who were owed a total of \$17,772.36 in unpaid minimum wage and overtime. Also, our inspectors found a total of 6,145 violations of the minimum wage statutes. In each instance, a follow-up form letter is mailed to the employer citing the violation and asking if the law is now understood and that the violation has been corrected. These forms are signed by the employer and returned to the Bureau of Labor where a notation is entered in the Bureau's card file. After three successive inspections where the same violation is found, a letter is written to the employer as a final request for compliance, with the statement that a further consecutive violation would warrant legal action by the Bureau.

As we have talked before on this matter, in reference to the severity of the penalties, I think that after a clear understanding of the steps that are taken, before an individual is going to be faced with this fine, and after this body has previously had an opportunity to address the Minimum Wage Issue, as to the minimal amount, an individual is going to be required to earn in this State, this is a small step we're taking to assure these individuals of

a decent wage and not to be harassed by the employer, who fails to pay it. The penalties if he does fail to pay it are going to be justifiably more severe than they have been when we established the Minimum Wage Penalties back in 1965, when Minimum Wage was \$1.15. I think that it is a fair and a justified step for the Senate to take today, to Recede and Enact this Legislation.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I spoke on this Bill, I guess it was just last week, and in the meantime, I went home this weekend and talked to some of my business people. Obviously, most businessmen in the Senate are not real excited about the Minimum Wage, but I think that most legitimate businessmen do accept the necessity of having Minimum Wage Laws. I found no businessmen in my district, that I talked to, and I talked to quite a few of them, who were in the least bit concerned about this Bill.

I would once again remind the Senate, that if I'm not mistaken this was a unanimous Committee Report, every Member on the Labor Committee thought that perhaps we should make an effort to increase the penalties, for intentional, willful violation of the Minimum Wage. I'm a little bit amazed at the attitude, I guess, of the Legislature, that they not only don't want to do anything about the Minimum Wage, that's acceptable, that's a matter of philosophy, I guess, but here we had a situation where we had \$17,000 last year that was found to be owed to our people in terms of willful, flagrant, I guess you could call them, violations, and now we're not in the least bit concerned about increasing the penalty for doing that. Thank you.

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

Senator KATZ: Mr. President, because there are so many visitors here today, perhaps it might be well to point out that the State presently has a Minimum Wage Bill and we are amongst the highest in the United States. We also have on our books penalties for those employers who violate the Minimum Wage Law. The Bill before us would seek to increase the penalties on those few employers who violate the Minimum Wage Law.

It is my position that the Law that is presently on the books is working. It is my position that the number has decreased every year over the past five years.

The back wages paid to employees had decreased every year for the past five years. The \$17,000 figure is a figure that applies to all the employees, all over the State of Maine, and it seems to me to be an extraordinary small figure indicating that the law is working.

I look upon the Bill that's before us today as just another Bill to pass another law in an area where there is demonstrable need, when our present law is working very well.

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

Senator CONLEY: Mr. President and Members of the Senate. The good Senator from Penobscot, Senator Pray, I think has made an excellent point. The fact is that small businessmen throughout this State do abide by the law, do pay the minimum wage, do not take advantage of the working class in this State.

I think the fact that this Bill has been introduced will only further encourage those who want to avoid the law, those who want to pay off with the lights out, those who after being warned by the Department of Labor that they are in violation of the statute and having had the opportunity to repay, and then again flagrantly violate the Law should be taken to task. This Bill as simple as it may be would only again encourage those who want to work in this manner to abide by the law.

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate. I think the Senator from Kennebec, Senator Katz started, in his remarks, to address the situation, then changed direction. His first words were, "the number of violations", and then he changed it to "the number of employees who have been violated against". There is a definite difference there, because though the number of employees has gone down that have been violated against, the number of violations themselves have increased over 1,000 a year, but the number of employees have dropped down to 288, the number of violations have gone from roughly 1,200 in 1969 to over 6,000 now, almost a 5,000 increase.

I think the penalties that we're asking for, we're not talking about protecting small businesses, we're talking about those who violate the law after warning, after warning, after warning, and fail to adhere to those warnings, those are the people we are talking about.

The PRESIDENT: The pending question before the Senate, is the Motion by the Senator from Penobscot, Senator Pray, that the Senate Recede from it's posture whereby this Bill Failed of Enactment.

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

A No vote will be opposed.

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

ROLL CALL

YEA—Carpenter, Conley, Cote, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Silverman, Sutton, Teague, Trafton, Usher.

NAY—Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, McBreairty, Perkins, Pierce, Redmond, Shute, Trotzky.

ABSENT—Clark, Danton, Lovell.

A Roll Call was had.

14 Senators having voted in the affirmative and 15 in the negative, and 3 Senators being absent, the Motion to Recede does not prevail.

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

Senator PRAY: Mr. President, before the Senate Adheres. I'd like to share a small conversation that Senator Sutton and I had yesterday after the Session, in reference to the fact that a number of Labor Bills have come out with Divided Reports, and the lengthy debate that followed suit. We had kind of agreed that all we have to do is stand up and say, "I'm for" and "I'm against", and we know where everybody is going to fall.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move that the Senate, Reconsider it's motion whereby it Adhered.

The PRESIDENT: The Senator from Kennebec, Senator Katz now moves the Senate reconsider it's Action whereby it voted to Adhere.

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.

Non-concurrent Matter

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)

In the House, March 16 Referred to the Committee on Taxation.

In the Senate, March 23 Referred to the Committee on State Government, in non-concurrence.

Comes from the House, that Body Adhered.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Katz.

Senator KATZ: I move that the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion prevailed.

Joint Orders

An Expression of Legislative Sentiment recognizing that: Captain Walter Olsen of the City of Portland, Ladder 6, with great courage and devotion to duty saved a life on January 12, 1978... (H. P. 1201)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that: Stephen Thibeault, firefighter for the City of Portland, Ladder 6, with great courage and devotion to duty saved a life on January 12, 1978... (H. P. 1202)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that: The Black Raiders of Winslow High School coached by Harold Violette, have won the State Class B Hockey Championship for 1979, their second consecutive win of this title... (H. P. 1204)

Comes from the House, Read and Passed.

An Expression of Legislative Sentiment recognizing that: Henry and Gloria Stover have served on a full-time volunteer basis with unfailing dedication as executive secretaries to the Waldo County Chapter of the American Red Cross since the spring of 1974... (H. P. 1218)

Comes from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Joint Resolution

A Joint Resolution In Memoriam:

Whereas, the Legislature has learned with deep regret of the death of Alice Hobbins of Biddeford... (H. P. 1219)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

House Papers

Bill, An Act to Require the Department of Mental Health and Corrections to Reimburse the Knox County Sheriff's Department for the Costs of Transportation Provided Convicts at the State Prison. (H. P. 1114) (L. D. 1374)

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 to Create a Special Commission on State Mandates Imposed on Local Units. (H. P. 1083) (L. D. 1350)

Committee on Education suggested.

Comes from the House, referred to the Committee on Local and County Government 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 to Require Commercial Timber Harvesters to Replace Destroyed Trees. (H. P. 1084) (L. D. 1351)

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 Concerning Interdepartmental Coordination of Services to Children and Families. (H. P. 1086) (L. D. 1353)

Bill, An Act Concerning Transfer of Assets for the Purpose of Qualifying for Medical As-

sistance. (H. P. 1088) (L. D. 1354)

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 Relating to Criminal Appeals and Search Warrants. (H. P. 1092) (L. D. 1375)

Bill, An Act Concerning Availability of Remedy under Laws Relating to Landlord-tenant Relations. (H. P. 1094) (L. D. 1355)

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 Clarify Home Rule Authority. (H. P. 1097) (L. D. 1376)

Committee on Legal Affairs suggested.

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

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

Bill, An Act to Allow for the Implementation of an Optional County-manager Form of County Government. (H. P. 1062) (L. D. 1357)

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

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

Bill, An Act Relating to the Management of the Department of Attorney General. (H. P. 1100) (L. D. 1352)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Changing the Legislature to a Single Chamber, Unicameral System. (H. P. 1033) (L. D. 1347)

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 to Exempt from the Maine Income Tax All Disability Payments Under the State Retirement System. (H. P. 1102) (L. D. 1361)

Bill, An Act to Provide an Investment Tax Credit. (H. P. 1106) (L. D. 1360)

Bill, An Act to Exempt Maine State Retirement Pensions from the State Income Tax. (H. P. 1105) (L. D. 1359)

Bill, An Act to Establish Standard Assessment Procedures for the Tax Laws. (H. P. 1067) (L. D. 1348)

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

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

Bill, An Act to Permit Conventional Registration of Institutional Vehicles. (H. P. 1108) (L. D. 1358)

Bill, An Act Relating to Winter Driving Skills Under the Motor Vehicle Laws. (H. P. 1107) (L. D. 1356)

Bill, An Act Concerning State Highways and Parking on State Controlled Property. (H. P. 1109) (L. D. 1372)

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

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

Communications

COMMITTEE ON BUSINESS LEGISLATION

March 26, 1979

The Honorable Joseph Sewall

President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Gordon L. Weil to the position of Commissioner of Business Regulation.

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

YEAS:

Senators — 2

Representatives — 8

NAYS:

Senators — 0

Representatives — 0

ABSENT: Sen. Nancy Randall Clark, Rep. Dennis Dutremble, Rep. Joseph Brannigan

10 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Gordon L. Weil to the position of Commissioner of Business Regulation be confirmed:

Sincerely,
JOHN CHAPMAN
Senate Chairman
ROBERT HOWE
House Chairman

Which was Read and Ordered Placed on file.

The PRESIDENT: The Joint Standing Committee on Business Legislation has recommended that the nomination of Gordon L. Weil be confirmed.

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

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

ROLL CALL

YEA—Farley.

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

ABSENT—Clark, Danton, Lovell.

A Roll Call was had.

1 Senator having voted in the affirmative and 29 Senators in the negative, and 3 Senators being absent, and 1 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of GORDON L. WEIL is confirmed.

Senator Farley of York was granted unanimous consent to address the Senate, on the record.

Senator FARLEY: Mr. President and Members of the Senate: Just briefly, this is another confirmation, confirmed this morning with nothing in front of us as to what the qualifications of the candidate are, no background material, nothing. I thought a month ago, when I addressed this subject we were going to have something in front of us on the candidate. It makes this whole process a farce and I shall continue to vote against any candidate without something in front of me to find out what the candidate's qualifications are. Thank you very much.

SENATE CHAMBER President's Office

March 27, 1979

Honorable James McBreairty
Honorable William Blodgett
Chairmen, Energy and Natural Resources
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Maynard F. Marsh of Gorham and Lionel C. Ferland of Poland to serve on the Board of Environmental Protection.

These nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House

(S. P. 479)

Which was Read and referred to the Committee on Energy and Natural Resources.
Sent down for concurrence.

Senate Papers

Senator Najarian of Cumberland presented, Bill, "An Act to Provide for the Development of Community Mental Health Services." (S. P. 475)

The same Senator presented, Bill, "An Act to Place an Annual Limit on Capital Expenditures Approved in Accordance with the Provisions of the Maine Certificate of Need Act of 1978." (S. P. 477)

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

Sent down for concurrence.

Senator Trafton of Androscoggin, Cosponsor: Senator Clark of Cumberland presented, Bill, "An Act to Establish Self-governing Provisions for Androscoggin County." (S. P. 478)

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

Sent down for concurrence.

Senator Najarian of Cumberland, Cosponsors: Senator Gill of Cumberland, Senator Conley of Cumberland presented, Bill, "An Act to Permit the Maine State Housing Authority to Issue Bonds Backed by the Moral Obligation of the State." (S. P. 476)

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

Senator Shute of Waldo presented, Bill, "An Act to Provide a Maine Homestead Property Tax Credit." (S. P. 474)

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

Order

An Expression of Legislative Sentiment recognizing that: Allie Ryan of Brooksville is the recipient of the Jefferson Award... (S. P. 480) is presented by Senator Perkins of Hancock, co-sponsored by Representative Bowden of Brooklin.

Which was Read and Passed.

Sent down for concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Aging, Retirement and Veterans on, Bill, "An Act Relating to Adjustment of Retirement Allowance for Retirees of the State Police." (H. P. 230) (L. D. 277)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Aging, Retirement and Veterans on, Bill, "An Act Relating to the Definition of 'Teacher' under the Maine State Retirement System." (H. P. 115) (L. D. 117)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act to Facilitate the Treatment of Minors for Alcohol and Drug Abuse Problems." (H. P. 592) (L. D. 736)

Reported that the same Ought to Pass.
Comes from the House, the Bill Passed to be Engrossed.

The Committee on Labor on, Bill, "An Act to Exempt Part-time Musicians from the Unemployment Compensation Tax." (H. P. 311) (L. D. 407)

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 Labor on, Bill, "An Act Relating to Revisions of the Occupational Safety and Health Statute and to Conform the Occupational Safety and Health Rules and Regulations to Federal Requirements." (H. P. 309) (L. D. 427)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-129)

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

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Recoupment of Erroneous Payment by the Employment Security Commission." (H. P. 308) (L. D. 419)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SUTTON of Oxford
LOVELL of York

Representatives:

TUTTLE of Sanford
DEXTER of Kingfield
LEWIS of Auburn
WYMAN of Pittsfield
CUNNINGHAM of New Gloucester
FILLMORE of Freeport
MARTIN of Brunswick

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-128).

Signed:

Senators:

PRAY of Penobscot

Representatives:

McHENRY of Madawaska
BEAULIEU of Portland

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 Transportation on, Bill, An Act to Increase the Legally Authorized Length of a Combination Tractor-trailer Operating Upon the Roadways of the State of Maine. (H. P. 328) (L. D. 383)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-124).

Signed:
Senators:

EMERSON of Penobscot
O'LEARY of Oxford
USHER of Cumberland

Representatives:

STROUT of Corinth
HUTCHINGS of Lincolnville
McKEAN of Limestone
CARROLL of Limerick
LOUGEE of Island Falls
ELIAS of Madison
BROWN of Mexico
JACQUES of Lewiston

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

Signed:

Representatives:

HUNTER of Benton
McPHERSON of Eliot

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, as amended, Report of the Committee, Accepted, in concurrence.

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

Senator MINKOWSKY: Mr. President, is this Bill still in order to discuss?

The PRESIDENT: The Chair would reply in the affirmative.

Senator MINKOWSKY: Mr. President and Members of the Senate: I would like to call your attention to this particular Bill, we are making a radical change in the State Laws at the present time.

Presently trucks should not exceed 55 feet in length, these have been known for the past 14 years, since I have been here, as rolling freight trains. This particular Bill now extends the truck lengths to 60 feet, and I think that it is an awful thing at the present time with conditions of the roads in the State of Maine to have these trucks extended to that particular maximum length.

I would also call to the attention of the Senate, in Section B of the Bill, where if you are hauling trees the length of those logs may be 25% longer than the length of that particular body. Which means not only are we extending the regular trailer trucks in the State of Maine to 60 feet in length, but we are extending trucks that are hauling logs to another 8½ feet for a total of 12 feet extra length on that particular road.

This may be up in the northern section of Maine, where they are hauling logs, but I think that this really could be a very, very serious safety hazard, for people who are on Secondary Roads, that want to pass these particular vehicles. It is a tough enough job at this particular time to pass these vehicles without now being faced with additional length.

The tear-sheet that came out with that particular Bill this morning indicates this Bill does not allow for bigger or longer trailers. I really dispute that particular evaluation, because we are talking possibility, not so much about the trailers, but longer cabs and also an 8½ foot extension on logs.

This is a sufficient amount, I believe, that there should be additional debate on the floor of the Senate relevant to the discussion before the Transportation Committee on this particular Bill. If there is not, I would certainly hope that somebody would table this for 1 Legislative Day, pending further consideration.

The Bill Read Once.
Committee Amendment "A" Read and Adopted, in concurrence.

On Motion by Senator Hichens of York, Tabled, for 1 Legislative Day, pending Assignment for Second Reading.

Senate

Leave to Withdraw

Senator Trotzky for the Committee on Education on, Bill, An Act to Recognize the Rights of Students to a Free Public Education. (S. P. 298) (L. D. 898)

Reported that the same be granted Leave to Withdraw.

Senator Trotzky for the Committee on Education on, Bill, An Act to Provide Guidelines for Teachers or other Persons who use Force to Punish Students. (S. P. 301) (L. D. 899)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator Collins for the Committee on Public Utilities on, Bill, An Act Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Contract Carrier Permits. (S. P. 112) (L. D. 215)

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 Hichens for the Committee on Health and Institutional Services on, Bill, An Act Concerning Telecommunications for the Deaf. (Emergency) (S. P. 152) (L. D. 329)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-61)

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 Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances. (H. P. 18) (L. D. 35)

Which was Read a Second Time.

On Motion by Senator Collins of Knox, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A", to L. D. 35.

On Motion by Senator Collins of Knox, Committee Amendment "A", Indefinitely Postponed.

Senator COLLINS: I now offer Senate Amendment (S-62) and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins now offers Senate Amendment (S-62) and moves its Adoption.

Senate Amendment (S-62) Read. On Motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Adoption of Senate Amendment.

Senate

Bill, An Act Concerning Dismissal of Municipal Police Chiefs. (S. P. 122) (L. D. 231)

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

Sent down for concurrence.

Senate — As Amended

Bill, An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs. (S. P. 147) (L. D. 324)

Bill, An Act Relating to Occupational Loss of Hearing. (S. P. 199) (L. D. 495)

Bill, An Act to Encourage Retraining of

Handicapped Workers. (S. P. 164) (L. D. 368)

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 Permit Participating Local Districts of the Maine State Retirement System to Discontinue Special Retirement Benefits Prospectively. (H. P. 361) (L. D. 470)

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

Senator PRAY: Earlier in this session when this Bill first came out I had some reservations about it, and we discussed it for a number of days and it laid on the table.

Senator Conley, read some remarks into the record as to his understanding of the Legislation. I have before me a letter from the Maine Labor Relations Board, in reference to L. D. 470, again I would like to read into the record the comments of the Executive Director of the Maine Labor Relations Board, as he expresses his understanding of the Legislation.

It is my hope and expectation that the legislative action contemplated in L. D. 470 is of a permissive nature and would not allow for unilateral actions to be taken by any employee to withdraw pension benefits. The current state of the law requires that pension benefits be negotiated between the public employer and the bargaining agent (if any) for the public employees who are involved. If it is the intention of this legislation to circumvent the requirement to negotiate such benefits or any changes in those benefits once they have been accorded to employees, I would submit that such a change would be dangerous to the collective bargaining process and would foster an unwarranted flurry of unilateral changes which would precipitate unnecessary prohibited practice complaint charges.

Lastly, as we both realize, pension benefits, like any other benefits under a collective bargaining agreement, are bargained for by the parties. This implicitly suggests that each side has made concessions in order to arrive at the final terms of the collective bargaining agreement. To the extent that parties have bargained the pension benefits, they may have made concessions in other demands. If this is the case, it will be completely unfair to the collective bargaining process to allow unilateral changes to modify pension benefits which have been bargained.

Mr. President and Members of the Senate, this is signed by Parker Denaco and expresses many of the concerns that I had had earlier, in reference to this Legislation. I hope that the Legislature acts today with the understanding that this does not allow a unilateral decision by one side or the other.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be Passed to be Enacted?

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: I request a Roll Call on this enactment, please.

The PRESIDENT: A Roll Call has been requested.

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

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

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is Enactment of L. D. 470.

A Yes vote will be in favor of Enactment.
A No vote will be opposed.
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Chapman, Collins, Conley, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, McBreairety, Minkowsky, Perkins, Pierce, Redmond, Silverman, Sutton, Teague, Trafton, Trotzky.

NAY—Carpenter, Farley, Martin, Najarian, O'Leary, Pray, Shute, Usher.

ABSENT—Clark, Danton, Lovell.

A Roll Call was had.

21 Senators having voted in the affirmative and 8 Senators in the negative, with 3 Senators being absent, the Bill was Passed to be Enacted.

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

Senator PERKINS: 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 Hancock, Senator Perkins now moves that the Senate Reconsider its action 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, the Bill was by the Secretary presented to the Governor for his approval.

On Motion by Senator Pray of Penobscot, the Senate voted to reconsider its action of earlier in today's session whereby Bill, An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs. (S. P. 147) (L. D. 324) was Passed to be Engrossed.

The Senator has the floor.

Senator PRAY: Mr. President and Members of the Senate: In reference to L. D. 324 you can see that it is very similar to the issue we just dealt with, in talking about the Retirement System of policemen, firemen, etc., very similar to the topic which we just talked about, the special benefits which go usually to the Police and Fire Departments.

I have a couple of questions that I would pose to any member here who may care to answer or any member of the committee. In reference to whether or not this is really necessary after our enactment of 8-1 and also what type of changes, that L. D. 324 makes in the present system?

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

On Motion by Senator Teague of Somerset, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Emergency

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

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

Senator TROTZKY: Mr. President, I would oppose the enactment of this Bill and request a Roll Call and I would like to speak on this Bill, if I may.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate: This Bill, concerns the New England Championship events which are sponsored by the Council of New England Secondary Schools Principals Association. There is a letter which was delivered to each of you which states, and I will quote from it. "The New England Council policy is and has been not to invite schools or individual athletes to participate in our activities from states not holding membership in the council."

The State Principals Association voted to withdraw from the council. However, they are bringing this topic up at their April 27, 1979 spring business meeting, to discuss the issue again, I believe because they have gotten the message from many Legislators, who would like to see Maine Athletes participating in competition as far as they can go.

The Bill will in no way admit our championship schools into the New England Competition, as this letter states. The Bill is familiarly termed the "Jock Bill" by the Bangor Daily News and said that it pitted a Bronx High School Science Swimmer against a Sanford Wrestler and the event was being held, out of water, so the swimmer was at a disadvantage.

Anyway, I do believe, I was an athlete and swam in championships, the sponsor of this Bill also was involved in athletic competition and championships, I think all of us would like to see our athletes go on as far as they can. This Bill is, as I said to you, a slap in the face to the State Principals Association which is the only organization which has come forth to voluntarily regulate High School Athletics and I think that they have done a good job, and hope that this Bill would not be enacted.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: The State Principal Association got a slap in the face 10 years ago and they never got the message then. The meeting is coming up very shortly, and they still are not going to get the message. The only way to address this particular problem is to revert back to the communities to give it local control, and that is what I asked for previously when this Bill was going through the regular Legislative process. I would hope that you would oppose the Motion by Senator Trotzky relevant to the Indefinite Postponement of this measure.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate. Just very briefly, I opposed this Bill before, I am not at all happy with the SPA, I think that they have done a lousy job along the line, but at the moment we do not have anyone else to do it and until such time as we do have someone to perform these duties, I would say that we stay with them.

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

Senator PRAY: Mr. President, in light of what the good Senator from Penobscot, Senator Trotzky has told us about the upcoming meeting of the SPA in relationship to this Legislation, perhaps it would be advisable to keep this bill around a while to see what the SPA does do. If we kill it at this point and time, SPA has no motives to follow through on what they say they are going to do anyway.

The PRESIDENT: A Roll Call has been requested.

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

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

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I wish leave of the Senate to pair my vote with the Senator from Kennebec, Senator Katz, who if I were he and he were me he would vote nay and I would vote yea.

The PRESIDENT: The Senator from Cumberland, Senator Conley, requests leave of the Senate to pair his vote with the gentleman from Kennebec, Senator Katz, who if he were here would be voting Nay and the Senator from

Cumberland, Senator Conley 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 enactment of L. D. 117.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Clark, Cote, Farley, Gill, Minkowsky, Najarian, O'Leary, Trafton.

NAY—Ault, Chapman, Collins, Devoe, Emerson, Hichens, Huber, Martin, McBreairety, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trotzky, Usher.

ABSENT—Danton, Lovell.

PAIRED—Conley, Katz.

A Roll Call was had.

9 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators pairing their votes, and 2 Senators being absent, and 9 being less than two-thirds of the entire elected membership of the Senate, this Bill Fails of Enactment.

Sent down for concurrence.

Orders of the Day

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

HOUSE REPORTS — From the Committee on Labor — Bill, "An Act to Adjust Unemployment Benefits for Employees on Layoff who are Temporarily Recalled to Work by their Regular Employer." (H. P. 219) (L. D. 267) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-104): Minority Report Ought Not to Pass.

Tabled—March 26, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of a Report.

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

SENATOR PIERCE: Mr. President and Members of the Senate. You will recall that when this Bill came to us the other day recommended to the Committee on Labor we chose to table it in here for a few days to see if the differences between the two sides could be worked out. It appeared at that point that there might be some common ground. It is now my understanding from talking to the sponsor of the bill and to people on both sides of the issue that such an understanding has not been able to be worked out, therefore I now move the Indefinite Postponement and all accompanying papers.

On Motion by Senator Pierce of Kennebec. Indefinitely Postponed, in nonconcurrence.

Sent down for concurrence.

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

Bill, "An Act Raising the Amount of the Homestead Exemption in Attachment and Bankruptcy Proceedings." (H. P. 419) (L. D. 532)

Tabled—March 27, 1979 by Senator Collins of Knox.

Pending—Enactment.

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

Senator COLLINS: Mr. President when the vote is taken on Enactment, I would ask that we have a Roll Call on this matter.

The PRESIDENT: A Roll Call has been requested.

The Senator has the floor.

Senator COLLINS: Mr. President. The Citizen Legislature, as we know it, in Maine, has some virtues which are truly valuable to many of us who serve here. When we go to our homes, or farms or offices or stores or places of business or industry, not only in the off-season, but on weekends or overnight, we mix with our fellow citizens, and we have a chance to

sample their opinions and to stay close to reality as distinguished from the group — euphoria that sometimes affects us when we are too long in Augusta.

Today in urging you to vote against this bill, I am responding to the soundly held views of so many of our constituents, the hard working men and women of the State of Maine.

These people who earn their bread by faithful labor, pay their bills, and carry their own weight and they tell us that they resent the type of Legislation, which makes it so easy for others to be paid by the taxpayers for not working, and for gimmicks which permit the crafty to avoid the payment of their just debts.

Pine Tree Legal Assistance Incorporated puts out a copyrighted pamphlet. I have one of these in my hands, it makes the heading. EXEMPTIONS FROM DEBT COLLECTION and it says thusly:

Let's say you owe somebody money. That makes you a debtor, and it makes the party you owe money to a creditor. If your creditor proves in court that you owe the money, the creditor can get a judgment against you for that money. This means the court has decided you owe the money. It also means the creditor can use the courts to help collect the money.

Then it goes on with other information.

Then it says

What are exemptions?

Some things the law does not allow creditors to take. These are called exemptions. When you have something the law does not allow creditors to take, that thing is called exempt. You have the right to all your exempt property and income. Then it describes 17 types of income that are exempt.

Then we come to exempt property.

If you own your home, you are normally allowed a \$5,000 exemption for the home and the land it is on. This means that normally creditors can collect only that part of your equity in the home which is above \$5,000.

Then it goes on with the other lists of types of property that are exempt from Court Order.

Your clothes

Your equity in goods and furniture in your house up to \$1,000

A bed and necessary bedding

Your equity in one radio and one TV - up to \$200

Your equity in a motor vehicle - up to \$1,000

A watch - up to \$50

Wedding and engagement rings - up to \$200

A cooking stove

Any iron stove

Heating gas, fuel oil, and kerosene

A sewing machine

A refrigerator

A washing machine

Livestock, up to certain limits

Farm equipment

A fishing boat 5 tons or less

Group life or group health insurance policies

Military uniforms and equipment

There are other items and I won't give you a whole list, but if you add up that list, you get at least \$5,000 plus the \$5,000 on your home. Then you have your equity in tools in a trade up to \$1,000. Musical Instruments that you use professionally, so we've recognized a protection for basic needs. I would say for the ordinary person that has this much would amount to at least \$10,000.

Well at times I am a supporter of Pine Tree Legal work, and at times I am a critic. It's my observation that they take on too much, in the way of Legislative Program and that they give too much time to Middle Income Causes. The truly poor, who most need the services of taxpayer funded lawyers are those in the bottom third of our economic strata.

I once thought that the Senatorial District represented by my friend, the leader of the loyal opposition, had a monopoly on poor people, but my research reveals that this is not the case. A study recorded in a Federal Grant

application this month shows that in Waldo, Knox, and Lincoln Counties, rural counties in general, 36% of the people have "family incomes" of less than \$6,000. I ask you, how many of these people in the bottom 36% own homesteads.

I asked the Welfare Director in the largest population area of my district to look into this question. The answer came through, very, very few in this bottom 36% and virtually all who do own their own homesteads are able to do so only because of an FHA Program or an Elderly Housing Federal Subsidy.

I challenge Pine Tree Legal and the defenders of this measure to show me one family in this bottom third of our population who has been or will be helped by this measure. So I conclude that this is really a measure to help the wealthy poor, the wealthy poor, the people in that stratum above 36% of our economic stratum in the population.

So, to me the philosophy in this bill encourages the philosophy of the "Free Lunch", it encourages the practice of avoiding payment of one's just debts, it tries to jump to the bandwagon of some Federal Standard which is pulled way up over Maine levels by the wide-open tradition of some of our Western States.

You'll recall the letter read to us by the Senator from Cumberland, Senator Clark quoting one of Maine's leading bankruptcy lawyers, saying that well, the Federals had arrived at a good figure and we ought to do the same. I say to you that a State that is forty-fifth in this Nation in per capita income, doesn't have to rise to the level of a Federal Standard, in this area.

Thank goodness Maine people have a reputation for paying their bills and thank goodness I can come to you and say that in my District there are only 7 people in 14 years in the two counties, that I represent, that have tried to use this device, and not one of them was a person you could call a poor person, if you call the poor those in the bottom 36% economically of our population.

Now, I realize that all of us have been lobbied very carefully by Pine Tree's very able representatives, I respect those lobbyists. In a personal sense, I know that they are good men doing their job as they see it.

I do not agree with this attempt, this effort to say, well, we ought to increase this a little bit because there's been inflation. If you look at what is actually happening here, if we adopt this law it would result in an increase over a two year period that commenced in October, 1977 or 117% for this exemption. Within the year 1979, if we adopt this law it means a leap of 30%, hardly a patriotic percentage according to President Carter's guideline.

I urge you to think carefully before supporting this type of Legislation. If people in the State of Maine can develop an equity of \$5,000 or \$10,000 when you include their personal items in their home, they've done pretty well and they aren't really the kind of people who need this sort of thing. The only people who are really going to take advantage of it are those people who are sufficiently trained in Education and in the Business of being crafty, to write their own papers and record them in the Registry of Deeds, and to try to outwit their creditors. I urge you to vote no.

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

Senator CONLEY: Mr. President and Members of the Senate: When this bill initially came before the Senate, the price on it for exemption was \$7,500 allegedly comply with the Federal exemption. We might ask for what purpose is there need for this type of Legislation, and I think the answer is relatively easy. It has been mentioned time and time again, in the Senate and debate, the Senate has overwhelmingly accepted this Legislation. It is primarily because the inflationary rise in property valuation. I hate to take the time in the Senate again this

morning to go over and over and over again this Bill.

Many of you read the newspapers this morning with respect to Loring Air Force Base closing. I would ask any of you here in this Senate Chamber, what is going to happen when they shut Loring Air Force Base down? No one knows what financial straits those people are in.

If you look at the last paragraph of the Bill, what it does is it allows \$6,500 of exemption in equity that someone might be able to reinvest in the purchase of a new home, and if it's not done within a year's time, then it is subject to Attachment and Execution.

I agree with the good Senator from Knox, Senator Collins, that we are low on the scale of per capita income in this State, and I agree with the good Senator from Knox, Senator Collins, thank God we have people in this State who have the ability and recognize the ability to pay their way.

All this bill is doing is increasing from \$5,000, an additional \$1,500, to \$6,500 on exemption. I don't think it's any great deal. I think that the Senate certainly compromised its position, overwhelmingly, earlier this week by reducing from \$7,500 to \$6,500 under the good leadership of the Senator from Cumberland, Senator Clark and I would respect and urge the Senate to vote for the Enactment of this Bill.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question is on the Enactment of L. D. 532.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Clark, Conley, Cote, Emerson, Farley, Gill, Hichens, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Silverman, Teague, Trafton, Trotzky, Usher.

NAY — Ault, Collins, Devoe, Huber, Redmond, Shute, Sutton.

ABSENT — Danton, Katz, Lovell.

A Roll Call was had.

22 Senators having voted in the affirmative and 7 Senators having voted in the negative, and 3 Senators being absent, the Bill Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act to Amend the Requirements for Registration of Professional Foresters." (H. P. 82) (L. D. 93)

Tabled — March 27, 1979 by Senator Pierce of Kennebec

Pending — Passage to be Engrossed.

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

Senator CHAPMAN: Mr. President I move that we Suspend the Rules.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, moves that the Senate suspend the Rules.

Is this the pleasure of the Senate?

It is a vote.

On Motion by Senator Chapman of Sagadahoc, the Senate voted to reconsider its adoption of Committee Amendment "A".

On Motion by Senator Chapman of Sagadahoc, Committee Amendment "A" Indefinitely Postponed, in non-concurrence.

On Motion by Senator Chapman of Sagadahoc,

hoc, the Senate voted to reconsider its Adoption of House Amendment "A".

On Motion by Senator Chapman of Sagadahoc, House Amendment "A" Indefinitely Postponed, in non-concurrence.

Senator CHAPMAN: I now offer Senate Amendment "A" (S-65) and move its Adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-65) Read, and Adopted.

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

Sent down for concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983. (H. P. 288) (L. D. 348)

Tabled — March 27, 1979 by Senator Conley of Cumberland.

Pending — Final Passage.

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

Senator CONLEY: Mr. President and Members of the Senate: I've looked at this Constitutional Amendment now almost since the initial introduction into this Body and I am still convinced that practically every bit of the language that is present in this Amendment could be drafted and Adopted by way of the Statute route. In fact, encompassed within the Resolution it states that the Legislature shall enact the appropriate statutory Legislation, and it goes on and expresses in what way. All it does really is reiterate some of the constitutional provisions presently within the Constitution with respect to the presiding officer of this Body and the presiding officer of the other Body.

The only real Constitutional merit that I see in this Resolution is that dealing with reapportionment to the Senate. I would have no objections to supporting that type of Amendment, but with respect to encompassing all of this verbal literature into the constitution again, it rubs me the wrong way.

In fact, I noticed in the Statement of Fact of the bill when it appeared before us that it said it was trying to cut down a long sentence. Well, as I read this Amendment, it reminds me of some of the literature I used to get from a former Chief Executive of the State, and it has not been condensed whatsoever, and therefore I urge the Senate to vote against the pending Motion.

The PRESIDENT: is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would request 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.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I'd like to put the question out to the Chairman of the State Government Committee, Senator Ault, to actually explain to us the necessity of this Constitutional Amendment being put out before the voters.

The PRESIDENT: The Senator from Washington, Senator Silverman, has posed the ques-

tion to the Chair.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: To answer Senator Silverman's question, first, the main reason is to change the date from 1984 to 1983 on Apportionment of the Senate which is to be taken care of somewhere, and because it was a Constitutional Amendment, to change the convening from January to December. There are some people who believe that we should actually limit what we can do in that December convening, this does that.

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

Senator NAJARIAN: Mr. President and Members of the Senate: I have read the Amendment and I don't believe that it really limits what the Senate can do in those three days. It really requires certain things that we have to do, such as electing three Constitutional Officers and the Officers of the House and the Senate, but it doesn't say that we can't do any other things during those three days.

I have some questions, too. The Amendment says that the Legislature shall only meet for those three days and then adjourn until January, and would that mean the Governor then could not call us into a Special Session for the remainder of December, if that should become necessary?

I don't know that it would always be possible to elect the Attorney General, Secretary of State, and the Treasurer in three days, having been through sort of a traumatic experience not too long ago. I can foresee difficulties in restricting ourselves to just three days for all of those important officers.

It occurred to me that the time between the General Election and December 5 is not very long and it might interfere with the Legislative tradition, of being able to appoint or nominate defeated political candidates for these officers because, you know, they are fatigued emotionally and physically after an election, shocked and stunned by the rejection of the voters, and might not be able to decide in those few weeks whether or not they want to be candidates for the Attorney-General, the Secretary of State. I think that we could elect those officers in December now, the way the Constitution is written. It merely says they shall be elected bi-annually. It seems to me they could be elected bi-annually in January, December, March, whatever the Statutes say. As far as reapportionment of the Senate, that's not until 1983 and we'd have 1980, 1981, and 1982 to deal with that problem if we chose to do so.

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

Senator CONLEY: Mr. President and Members of the Senate: I thank Senator Najarian for her remarks and it's obvious to me that the three Senators serving in this body at the time that this resolution was before the Committee on State Government exercised great wisdom and all three of them voted that it Ought Not to Pass.

The PRESIDENT: A Roll Call has been Ordered.

The pending question before the Senate is Final Passage of this Constitutional Amendment.

A Yes vote will be in favor of Final Passage of this Constitutional Amendment.

A No vote will be opposed.

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

ROLL CALL

YEA — Ault, Collins, Cote, Devoe, Emerson, Gill, Huber, Perkins, Pierce, Redmond, Shute, Sutton, Teague.

NAY — Carpenter, Chapman, Clark, Conley, Farley, Hichens, Martin, McBrearty, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Trotzky, Usher.

ABSENT — Danton, Katz, Lovell.

A Roll Call was had.

Senator Ault of Kennebec, was granted permission to change his vote from Yea to Nay.

12 Senators having voted in the affirmative and 17 Senators having voted in the negative with 3 Senators being absent and 12 being less than two-thirds of the membership present. This Resolution Fails of Final Passage.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President, Having voted on the prevailing side, I now move reconsideration of our action whereby this Resolution failed of Final Passage.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now moves the Senate reconsider its action whereby this Resolution Failed Final Passage.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

On Motion by Senator Pierce of Kennebec, retabled for 1 Legislative Day, pending the Motion of Senator Ault of Kennebec.

(Off Record Remarks)

On Motion by Senator Pierce of Kennebec, the Senate voted to remove from the Unassigned Table:

SENATE REPORT — from the Committee on Judiciary — Bill — "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine". (Emergency) (S. P. 7) (L. D. 14) Ought to Pass in New Draft under Same Title (S. P. 401) (L. D. 1161)

Tabled — March 16, 1979 by Senator Pierce of Kennebec.

Pending — Acceptance of Report.

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

Senator COLLINS: Mr. President, I think we've had time now to look this bill over and to see if there is anything that needed correction. A couple of Senators have spoken to me about corrections that do need to be offered and tomorrow we'll be offering those Amendments that are needed to perfect the bill. If any Senators have any other questions, I know that members of the Judiciary Committee will be glad to be of help.

The Ought To Pass, in New Draft under same Title Report of the Committee Accepted.

The Bill, in New Draft, Read Once.

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

Senator CONLEY: Mr. President, I pose the question through the Chair, to the good Senator from Knox, Senator Collins, if Joint Rule 19A or whatever the new joint rule is, that we passed a couple of days ago, would have any bearing on offering Amendments to the errors and inconsistencies?

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question, through the Chair?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: It's my understanding that the new joint rule would apply, that amendments that have been printed, distributed, in the required length of time would be in order, and others would not be in order. If anyone has any problem with that, I hope they will speak to me because I'm not trying to rush this thing through. If someone has something, I certainly will cooperate. I think it's important that those amendments get printed, at least a day ahead of presentation, so everyone has a chance to see them.

The Bill, in New Draft, Tomorrow Assigned for Second Reading.

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

On Motion by Senator Pierce of Kennebec, adjourned until 10 o'clock, tomorrow morning.