

# 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

April 11, 1979

Senate called to Order by the President.

Prayer by Father James Michaud, St. Augustine's Church, Augusta.

Father MICHAUD: We Pray! Heavenly Father, send down and touch our hearts with your spirit of wisdom. During this most Holy Week, when we remember how profoundly you went out of your way for us, assist the Senators of this great State of Maine, and assist all those who are here present this morning, so that their comments, their feelings and decisions may be guided by a deep spirit of sacrifice and self-denials for the sake of others.

Re-ignite in us, your gifts of faith, of hope, and love. We ask this through Christ our Lord. Amen.

(Off Record Remarks)

Out of Order and Under Suspension of the Rules,

On motion by Senator Huber of Cumberland, the Senate voted to take from the unassigned table:

Bill, "An Act to Fund and Implement Agreements between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and Other Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act." (Emergency) (H. P. 1263) (L. D. 1447)

Tabled—April 5, 1979 by Senator Huber of Cumberland.

Pending—Passage to be Engrossed.

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

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

There are times when the decisions we have made as public officials come back to haunt us. I suggest that this probably happens just at the moment when we most deserve it.

Five years ago we passed a collective bargaining law because, among other things, we grew tired of administering the personnel law. And that is just what we were doing—not only then, but on many occasions since. We have only to remember the time two years ago when we passed legislation implementing the Hay Plan, and it is pretty clear that the legislative branch of this state was then engaged in personnel administration. We did a bad job of it, so did the professional personnel administrators who had to enforce the laws we enacted.

We had resolved to be rid of this compulsion to intrude into the management of state employees relations, and still we got ourselves dragged back into it. We passed a collective bargaining law, after all, to wash our hands of labor-management's squabbles. We were about as successful in our hand-washing as Pontius Pilate.

Implementing the Collective Bargaining Law took longer than anyone thought. Remember when we worried that the Governor might have to begin negotiations before January of 1975? Negotiations in fact only got started in October of 1977 and would not conclude for more than another year.

Some of us were elected to this body during that time, with or without the help of state employee's votes. But then none of us thought those votes would matter when we had so cleverly passed the buck over to the Governor's Office. Well, look at what the Governor's Office just passed us back!

The Governor met his obligations to bargain in good faith, the union won the overwhelming ratification of its membership—a substantial majority of all state workers. Our sole obligation in the legislature is to fund this agreement; and not one member of this body

has yet stood up to say the cost of this contract is in any way unreasonable.

The Collective Bargaining Law is a sound piece of legislation—as complex as any we have ever enacted, and yet more successful than most others we blessed with our good intentions. The essence of that legislation is its objective to improve "the relationship between the State of Maine and its employees." We had the wisdom then to identify the roles of the various branches of state government, and to employ their respective obligations into legislation.

We said it was the duty of a labor organization to represent all the employees in a bargaining unit regardless of an individual's willingness to pay his fair share of the cost of such representation.

We said it was the duty of the Governor to negotiate an agreement with a labor organization in good faith, and to administer the contract agreed upon.

We said it was the duty of the Maine Labor Relations Board to hear complaints of unfair labor practices, including any interference by the State or a union with an employee's right voluntarily to join or participate in a labor organization.

And we said very clearly and emphatically that it was the duty of the legislature to act upon those portions of tentative agreements which require our action—that is, those cost items requiring appropriation.

Now this collective bargaining process which we all felt would unburden us of labor relations issues has come back to haunt us; and we are surprised to find, especially when the telephone rings, that nothing has really changed.

State employees haven't changed in their desire for better wages, hours and working conditions;

The Governor's Office hasn't changed in its desire to retain control of its management prerogatives;

The Labor Board hasn't lost sight of its obligations to enforce the provisions of the State Employees Labor Relations Act;

And neither has this Legislature—the Maine Legislature—changed.

We still meddle in personnel administration; We still second-guess the management of state government;

We still engage in confrontation politics with state workers.

Our previous decisions have come back to haunt us, and with good reason: The boogeyman is us!

The MSEA didn't go out and try to appropriate money to pay for state employee raises;

The Governor of Maine didn't try to hold unfair labor practice hearings, or issue cease and desist orders;

The Maine Labor Relations Board didn't try to represent state employees in grievances they had with state Agencies;

So why the hell are we, the Legislature, trying to negotiate the state employee contracts?

It is the Executive Branch, after all, which is defined as the "Public Employer" under the State Employees Labor Relations Act. As such, the Governor and his designees risk being found guilty by the Maine Labor Relations Board of refusing to bargain with a union in good faith.

It is not the Legislature but the Governor and his designees who must run the risk of reaching an impasse in negotiations which may result in a politically embarrassing fact-finding report, or ultimately, an arbitrated settlement—a settlement imposed by a third party with respect to matters other than wages, pensions and insurance.

And it is the Office of the Governor which must be called to account when state workers are driven to the point of breaking the collective bargaining law itself and engaging in illegal strikes and work actions.

But we in the Legislature have lately convinced each other that we can intrude into the negotiation process after the fact, without assuming any liability for violating the State Employees Labor Relations Act; without taking any responsibility for wildcat strikes and other work actions; or without further undermining the battered morale of State workers.

It is easy for some of us to usurp the authority of the Governor to negotiate an agreement with a union who represents 9,300 employees without taking any of the risks; without being accountable to the Labor Board or the courts; and without having to administer the contract afterwards.

The Republican-controlled Senate has thrown yet another stumbling block into the path of responsible Labor-Management Relations. It does not want to engage in personnel administration, but it will not permit the Governor to exercise his lawful management of the State employee workforce.

The Republican-controlled Senate has usurped the authority of the Governor to negotiate and administer collective bargaining agreements.

The Republican-controlled Senate has usurped the authority of the Maine Labor Relations Board and the Judiciary of this State to hear and adjudicate charges of violations of employee rights.

The Republican-controlled Senate has usurped the right of the Maine State Employees Association to answer the demand of a majority of state employees that a dwindling minority should no longer enjoy a free ride.

And if the Republicans in the Senate are permitted to go home and celebrate Easter Sunday, they may even come back next week claiming a moral obligation to sit at the right hand of God to judge the living and the dead.

State employees made their decision to be represented by labor unions. This legislature—the Maine Legislature—gave state employees the right to make that choice, a majority have so chosen, and now you Republicans will strip them of their collective bargaining rights to appease the right-wing national Right-to-Work Committee.

You want to hold this state employee contract hostage you know that you cannot pass a Right-to-Work Bill over the Governor's veto;

That you cannot repeal the Collective Bargaining Law itself;

That you cannot restore the paternalistic personnel system of the past.

Anyone knows that the only agreements which endure are those which are obtained through the mutual assent of the parties concerned. Any agreement which is imposed upon the parties by an outsider, whether that person be an arbitrator or a political party, ultimately deprives both parties of the power to enter into agreements. It is the policy of the State of Maine that this freedom to make an agreement shall not be abridged unless either party has abdicated its responsibility to bargain in good faith.

For this freedom to be abridged for partisan political causes, advanced by those who are not even employees of the State of Maine, by those who do not even have a personal stake in the outcome of this controversy, let the real parties in interest take their case to court.

Let them stand the test of legal process, not parliamentary maneuverings;

Let them come forward into the light of day, instead of promoting their anti-labor causes behind closed doors;

Let them stand accountable for their actions, and let them account for the inaction of a handful of politicians;

And let them confront those employees who they presume to represent without benefit of election or endorsement.

Why not let the elected representatives of state employees, and state employees themselves, speak for their own rights? Otherwise,

the public will know that the Republicans in the Maine Senate do not care for working people, but speak for business interests who have always opposed the right of employee self-termination that collective bargaining promises.

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

Senator TROTZKY: Mr. President and Members of the Senate: I feel the charges made today by the Democratic Minority Leader in the Senate shouldn't go unchallenged.

In Article 3 of the Contract, called Union Security it states: "It shall be a condition of employment that those who are not, and do not become members of the Maine State Employees' Association shall pay a service fee equal to 80% of MSEA dues." I'd like to read a statement to the Senate here, this statement I quote "there may be here and there a worker who for certain reasons unexplainable to us does not join a union of labor. This is his right, no matter how morally wrong he may be. It is his legal right and no one can or dare question his exercise of that legal right." This is not a statement from a Republican. It's a statement from Samuel Gompers, who was the father of the American Labor Movement.

Secondly, this Legislature sustained a veto of an Independent Governor on an Agency Shop Bill. It was the MSEA Union Leaders who came into the back of this Chamber, to try to force that Agency Shop Bill, through this legislature in a Democratic process, that bill was defeated by this Maine Legislature.

It appears to me that the Governor of the State of Maine, Governor Brennan, should have respected the wishes of the Maine Legislature when they defeated that Agency Shop Bill.

I feel, as I stated before that everyone of the Senators in this Body, both Republican and Democratic alike, feel that the time is well past due that state employees of our state should receive the increases in wages that have been negotiated, but this Union Security Clause is objectionable to me, and it's also objectionable to many of my constituents.

I cannot stand here and allow the Minority Leader to stand up and say that the Republicans of the Senate do not care about the state employees of our state. Maybe we care about more than just the majority of them, that Minority that chooses not to belong to the union.

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

Senator CONLEY: Mr. President and Members of the Senate: As a card carrying member of the Brotherhood of Railroad Clerks for a number of years, apparently recognizing the fact that the good Senator from Penobscot, Senator Trotzky, does not really understand Unionism. No one is being forced to join a union. No one has established an Agency Shop. The only thing that has been done under the Collective Bargaining Law of this State, is allowed state employees and their negotiators to meet and collectively bargain in good faith with the Chief Executive or members representing the Executive Department.

I suggest to the good Senator from Penobscot, why shouldn't people pay their fair share?

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

Senator PRAY: Mr. President and Members of the Senate: Since this issue has come up before us, and the Senator from Penobscot wishes to refer back to the legislative history of L. D. 391, a Bill which I sponsored 2 years ago, and 2 years before that, and which Governor Longley vetoed both times, and since the good Senator mentioned that this Body, in its wisdom, chose not to pass that piece of legislation, I'd like to remind the Senator, on May 5th of 1977 he voted for it on a Roll Call.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you. In reference to the debate on that issue, as it appeared at that time, and to be sure that we all understand the process of what we are debating, at that time when the Governor vetoed the bill, some votes did change but did not require necessarily a majority of the members present. Although I will assure the members here who were not in the Senate at that time, that a majority of the Republican-controlled Senate, at that time, did vote to sustain the Governor's veto.

I would also remind the members of this Chamber, there are 4 Republican members in this Body, who voted for the over-ride of the veto, 2 of them serving in the other Body at that time, and 2 of them still serving in the Senate. But to remain consistent and to say that we, the members of the legislature, or that the Senate, Republican or Democrat, as opposed to union security, is not true.

In my first term down here with the good Senator from Penobscot, Senator Curtis, who is no longer with us, the two of us had co-sponsored legislation dealing with the University of Maine, in a labor agreement with them. I would just like to state so that you would all know where the Senate stands on this issue as to whether or not it's clearly cut, that we either favor or do not favor union security, in that piece of legislation which was passed, and of course, some of the Republicans had to vote for it if we were going to pass it in the Senate. In Title 26, Subsection 1028, there is a clause for the negotiations of union security. We passed it, and we allowed that they would be allowed to negotiate union security.

I see a certain amount of inconsistency, to say, one day we're opposed to it and the next day we're in favor of it, depending perhaps on who we're giving it to.

Maybe some people consider those who work for the University of Maine a little bit better than those who are classified as state employees. Maybe we should decide, you know, that certain groups should have certain rights and certain groups shouldn't have certain rights, and I think that's exactly the position we're coming down to, today.

I read the other day, when this issue first came up, last Thursday, the remarks of the Senator from Kennebec, Senator Katz, who can't be with us today, but the remarks he made in 1974, when the Act was passed, and the two directions that he suggested to the legislature that it could take, in his successful attempt to take out the Union Security Clause at that time.

One was the Legislation Forum at that time, and two, was the Amendment which he had, was to take out union security, and for those groups who represented the employees to negotiate for it.

We've debated this issue to great lengths, and we keep talking about fair share, but nobody stops to talk about the process where fair share was received. Nobody talks about what the union or the association gave up to get fair share. Nobody talks about the other issues that were traded away, and for us to leave the impression upon anybody, either in this Chamber, the Press, or the people of this state, that the Governor just gave them fair share and got nothing in return is erroneous.

I can also remember quite well the debate on 391 at the time when the Senator from Cumberland, Senator Conley, stood up and waved his Union Card around, and I can also remember the Senator from Penobscot, Senator Trotzky, waving his Exxon Credit Card around.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: It concerns me that the Senator from Penobscot, in trying to make his case for his position today, has somehow misused the intent and the words of Samuel

Gompers, late President of the AFL.

I think I have here a quote which more directly goes to the heart of the problem before us today, and somewhat clarifies his position on the labor movement. I would like to add this to the record. "The Labor Movement is not partisan to a Political Party, it is partisan to a principle, the principle of equal rights and human freedom."

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: It seems to me that the longer we keep this bill around here, the more ridiculous the situation gets. It reminds me a little bit of Marshall Dodge's comical record, part of which refers to a question posed to a farmer in Maine as to how do you get to East Millinocket, and the response is, you can't get there from here.

It seems to me that that's exactly the situations we're in this morning. Now, I've looked through this contract, and there are things in here that I'm not crazy about, but there are not things in here that my feelings are strong enough about to make me vote against the contract.

I would just remind my Republican colleagues in here, as I'm sure you're all very well aware, to make sure everybody understands that if you don't like one thing in that contract, and it bothers you that strongly, then you vote against the funding of it. You don't try to reopen it because that's illegal under the Maine Labor Relations Act. Now this whole situation, as I said, is getting a bit ridiculous. I certainly hope this morning that we can move this thing on down, probably have it back very quickly.

Mr. President, I would 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.

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 would urge the Senate to vote against the pending motion of Engrossing this Bill. I would pose the question through the Chair, if I may, Mr. President, to the Secretary of the Senate, I would ask for the Report of the Committee with respect to this Bill.

Which Report was Read.

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

Senator HUBER: Mr. President and Members of the Senate: I'd like to clarify the Committee vote, in light of the situation which is now taking place. Shortly, after the Committee vote which was unanimous, I issued a statement which included the following:

On behalf of the Republican members of this committee however, I must point out that the bills we have had under consideration contain only the cost items resulting from collective bargaining. We have considered the appropriations aspects of this legislation as we are charged and have voted accordingly.

Inherent in these bills, although not actually included in the legislation, is the serious policy question of the agency shop or fair share provision which has been negotiated. The Republican members of this Committee feel that we, as members of the Appropriations Committee, must confine our consideration to the appropriations aspects of the bills before us. As legislators, in general, however, we reserve the right to deal with the other policy aspects of collective bargaining as we see fit.

I think we're faced today with a situation where the court specifically has not dealt, and

expressly has not dealt with the fair share provision. The legislative history as has been pointed out, has been unclear. To deal with this policy matter, which I feel is a legislative policy matter, by separate legislation is from a practical standpoint, impossible given the philosophic distribution of the two branches of the legislature.

So the item before us, which in Section 6 says, "notwithstanding any other provisions of the law, the provisions of the agreements between the State and the Maine State Employees Association shall prevail." If we enact this legislation, we are stating very clearly a legislative intent. Whatever we say in debate, may, conceivably, be considered by the courts, that we are influencing the courts, by a very clear statement, by acceptance of these 5 agreements.

The good Senator from Aroostook, Senator Carpenter, has reviewed an agreement. There are 4 other agreements, which I presume are very similar. I would presume they are probably in the neighborhood of 60 pages long. We have not seen hide nor hair of them. By finally enacting this Bill we are accepting roughly, I assume, 300 pages of documents which have been negotiated, to my knowledge 80% approximately, have not been written. I certainly have not seen them, I have seen one presented in draft form, with what I'm told is final amendments, and I've no reason to doubt this.

Just yesterday we enacted the VTI Contract, which was also meant to be untamperable. Unfortunately, between the Department of Education and the Budget Office they neglected to put in \$349,000, each year, which the Appropriations Committee, by a Committee Amendment replaced in the Contract.

So, if we go to final enactment with this, I think it's important that the Senate realize we're enacting 250 pages that we have never seen, I have no reason to believe there is anything wrong with the other 4 contracts, which I am told and presume are very similar. I'm not a lawyer, but to enact something you've never seen doesn't make much sense to me.

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

Senator CONLEY: Mr. President and Members of the Senate: I point out that the remarks made by the good Senator from Cumberland, Senator Huber, when he made mention of the VTI contract, it was my understanding that that amendment dealt solely with an appropriation. It is also my understanding that under the law that is the duty of the Maine Legislature, that we are to be confronted with the appropriations dealing with any agreement.

For those of this Body who have reservations about the so-called clause that is the area of controversy, it is my understanding, and I know it is the understanding of every member of this Senate, that any money that is collected through the MSEA Employees, under the so-called free-ride provision, that is to be held in escrow, and that there is going to be a court challenge. I would only suggest again, that if we are going to violate the law, or the spirit of the law ourselves, then I would suggest, why don't state employees have that same right?

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

Senator SUTTON: Mr. President, I feel it incumbent as a representative of some 33,000 people of the State of Maine, to remind my colleagues and to bring to attention something I feel very strongly about. Although I support the basic concept that collective bargaining should take place in some other arena other than the legislature, I feel very strongly that we have a 3 Branch Governing Body of our State, the Executive, the Judicial, and the Legislature, and that none of us, at any time, must acquiesce our responsibility to represent, as best we see fit, all the people of the State of Maine, regardless of any past actions whatsoever.

When people come to me and say, what are

you all doing in the Senate? I don't care whether you have decided that collective bargaining should take place somewhere else. If something needs to be done, this is what we elect you to go to Augusta to do, and I'd just like to remind everybody that as an elected representative of part of all the people of the State of Maine, that I will always, as long as I am up here, use that prerogative.

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

Senator PRAY: Mr. President and Members of the Senate: I'm concerned about some of the remarks that are being made here today in reference to the concerns of seeing the contract. As one of 4 members a few years ago who voted against the Hay Plan, and one of those reasons was that I hadn't had the opportunity to see it. I believe there was only one copy made available to the Senate, for the 33 members to look at, at that time. Yet, at that time, it was overwhelmingly passed by the other members of the Chamber who had not seen that contract, or they had not seen the full 132 pages, I believe it was, of the Hay Plan. That didn't hold us up. The Senator from Cumberland, Senator Huber, states that he is concerned about the contract, in it's present form, I would just point out also, that he was opposed to the Collective Bargaining Law in 1974 when that was passed.

In reference to the remarks of the 3 Branches of Government, we haven't given up any of our power or our authority. We've stated in statutes that the legislature would vote on the money matter. We also recognize that the Governor plays a role in the collective bargaining process, as the negotiator for the State. We also recognize, and it has been mentioned in previous debate, that the third branch of Government, the Judiciary Branch of Government can play a role if any individual wants to challenge the contract as it is before us.

The MSEA has stated that they would hold the money in escrow, in case, any court suit did come along. So, we are involving the 3 branches of Government, or possibly the 3 branches of Government could become involved, but to state and to say that the reason that we are at this time, passing this bill to be Engrossed, as amended, I think is completely outside of the intent of the collective bargaining process as we passed it for the people of the State of Maine. To remove politics, to remove the legislature, and to retain the authority within the legislature for the appropriations of those contracts.

The PRESIDENT: Before the Chair states the question, the chair would like to thank the gallery for its forbearance and its patience and its good manners here this morning. Thank you very much.

The PRESIDENT: The pending question before the Senate is the Engrossment of L. D. 1447.

A Yes vote will be in favor of the Passage of this Bill to be Engrossed.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Chapman, Devoe, Emerson, Gill, Hichens, Huber, Lovell, McBairty, Perkins, Pierce, Redmond, Sutton, Teague, Trotsky.

NAY — Carpenter, Clark, Conley, Cote, Farley, Minkowsky, Najarian, O'Leary, Pray, Shute, Trafton, Usher.

ABSENT — Collins, Danton, Katz, Martin, Silverman.

A Roll Call was had.

15 Senators having voted in the affirmative and 12 Senators in the negative, and 5 Senators being absent, the Bill is Passed to be Engrossed, as amended.

Sent Down, forthwith, for concurrence.

#### (Senate at Ease)

The Senate called to Order by the President.

#### (Off Record Remarks)

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

Senator HICHENS: Thank you Mr. President.

We've often heard that April showers needful are to bring mayflowers

And bright sunshine shall follow stormy weather.

And in our Senate Chamber here we oft have sessions that seem drear

As we work out the several bills together:

But even though we sometimes have some friction—and on occasion lose control of diction,

We find that in the end things work out well.

And oft we're disappointed with a measure that meets defeat much to our own displeasure.

And why it happens that way none can tell.

And often in the routine of the session—we get a break to offset mild depression—

Such as when a birthday comes along.

And today we have before us an occasion—that I observe without need of persuasion,

In honoring one who this year joined our throng;

And I'm sure that you'll join me in celebrating the birthday

Of one here who has a rating

That's tops—her obligation she'll fulfill.

So, as we're all classed as birds of a feather—let's on this issue all join in together

In wishing Happy Birthday — Barbara Gill.

Senator Gill of Cumberland, was granted unanimous consent to address the Senate, On the Record.

Senator GILL: I just wanted to say, that I have never had a larger Birthday Party in all my life, as today.

Reading of the Journal of yesterday.

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

Bill, "An Act to Provide an Effective Penalty Under the Labor Laws for Violation of the Statute Requiring a Written Statement of Reason for Termination of Employment." (H. P. 176) (L. D. 210)

In the Senate, April 6, Report "B" Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" (H-162), in non-concurrence.

Comes from the House. Passed to be Engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" (H-201), thereto, in non-concurrence.

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

Senator SUTTON: Mr. President, when this Bill came before us the Committee Report that we did not accept, had in it the provision may instead of shall, which gave the judge, in the case of not getting the written reasons for termination the option of finding whatever he saw fit.

The Report that we turned down now would be exactly as it is amended and for that reason I move that the Senate Adhere.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion Prevailed.

#### Joint Order

An Expression of Legislative Sentiment recognizing that:

Miss Constance Crandlemire, daughter of Mr. and Mrs. Richard Crandlemire of Vanceboro, has received the Maine State Good Citi-

zen Award for 1979, sponsored by the Lydia Putnam Chapter of Daughters of the American Revolution... (H. P. 1297)

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

#### Joint Resolution

A Joint Resolution In Memoriam:

WHEREAS, the Members of the Legislature have learned of the death on April 7, 1979, of Robert M. Crocker of Silver Springs, Maryland; and

WHEREAS, Robert M. Crocker was a graduate of Bates College, Lewiston, Maine, in the year 1938; and

WHEREAS, Robert M. Crocker, following a period of apprenticeship in journalism, became the Augusta, Maine, Capitol Correspondent for the Associated Press; and

WHEREAS, Robert M. Crocker thereby earned a solid legislative and State Government reputation as a highly professional, ethical and respected journalist; and

WHEREAS, such respect was duly noted by his election as the first President of the State House Newsmen's Association and a 1969 award for professionalism by then Governor Kenneth E. Curtis; and

WHEREAS, during the years following, Robert M. Crocker was repeatedly named as National Secretary-Treasurer of the American Newspaper Guild; and

WHEREAS, Robert M. Crocker was, in the opinion of the cosponsors of this Resolution, a newspaperman's newsman of the highest quality: now, therefore, be it

RESOLVED: That we, the Members of the 109th Session of the Maine Legislature, do hereby pay this official tribute to the late Robert M. Crocker and so enter this memoriam into the archives of the State; and be it further

RESOLVED: That the Clerk of the House be directed to send duly authenticated copies of this memoriam to the widow of Robert M. Crocker, Dorothy, to the daughter, Janet Rohman and the son, Steven.

(H. P. 1298)

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

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

Senator SUTTON: Mr. President, I move that the Senate Reconsider its action whereby we voted to Adhere on L. D. 210.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now moves that the Senate Reconsider its action whereby it voted to Adhere, on Bill, "An Act to Provide an Effective Penalty Under the Labor Laws for Violation of the Statute Requiring a Written Statement of Reason for Termination of Employment." (H. P. 176) (L. D. 210)...

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.

#### Communications

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

April 6, 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 Energy and Natural Resources has had under consideration the nomination of Lionel C. Ferland to the position on the Board of Environmental Protection.

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 — 7

ABSENT: 4

Senator Trotzky, Rep. Doukas, Rep. Jacques, Rep. Dexter.

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Lionel C. Ferland to the position of the Board of Environmental Protection be confirmed.

Sincerely,

S/JAMES MCBREAIRTY

Senate Chairman

S/WILLIAM BLODGETT

House Chairman

Which was Read and Ordered Placed on file.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Lionel C. Ferland be confirmed.

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — None

NAY — Ault, Chapman, Clark, Conley, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Traf ton, Trotzky, Usher, Sewall.

ABSENT — Carpenter, Collins, Danton, Katz, Martin, Silverman.

No Senators having voted in the affirmative and 27 Senators in the negative, with 6 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Lionel C. Ferland is confirmed.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

April 6, 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 Energy and Natural Resources has had under consideration the nomination of Maynard F. Marsh to the position on the Board of Environmental Protection.

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 — 7

ABSENT: 4

Senator Trotzky, Rep. Doukas, Rep. Jacques, Rep. Dexter.

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Maynard F. Marsh to the position of the Board of Environmental Protection be confirmed.

Sincerely,

S/JAMES MCBREAIRTY

Senate Chairman

S/WILLIAM BLODGETT

House Chairman

Which was Read and Ordered Placed on file.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Maynard F. Marsh be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources 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 — Pray.

NAY — Ault, Clark, Conley, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, McBreairty, Minkowsky, Najarian, O'Leary, Pierce, Redmond, Shute, Sutton, Teague, Traf ton, Trotzky, Usher, Sewall.

ABSENT — Carpenter, Chapman, Collins, Danton, Katz, Martin, Perkins, Silverman.

1 Senator having voted in the affirmative and 24 Senators in the negative, with 8 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 Maynard F. Marsh is confirmed.

#### SENATE CHAMBER

President's Office

April 10, 1979

Honorable Barbara A. Gill  
Honorable Sandra Prescott  
Chairmen, Health & Institutional Services  
Committee

State House  
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Diana Chase Scully of Portland for membership on the Health Facilities Cost Review Board.

Pursuant to Title 22, MRSA 353, this nomination will require review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

(S. P. 501)

Which was Read and Referred to the Committee on Health and Institutional Services.

Sent down for concurrence.

(Off Record Remarks)

#### Senate Paper

Senator Najarian of Cumberland, Cosponsor: Senator Gill of Cumberland presented, Bill, "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1979, Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government and Amending the Effective Date of Abolishing the Mental Health and Mental Retardation Fund." (Emergency) (S. P. 500)

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



Sent down for concurrence.

#### Orders

An Expression of Legislative Sentiment recognizing that:

The Southern Aroostook Community High School has won the Northern Maine One-Act Play Competition for the two years, 1978-1979. (S. P. 498) is presented by Senator Carpenter of Aroostook, cosponsored by Representative Lougee of Island Falls.

An Expression of Legislative Sentiment recognizing that:

Omer and Carmen Canuel of Lewiston are celebrating the occasion of their 50th Wedding Anniversary. (S. P. 499) is presented by Senator Minkowsky of Androscoggin.

Which were Read and Passed.

Sent down for concurrence.

#### Committee Reports

##### House

##### Leave to Withdraw

The Committee on Labor on, Bill, "An Act to Clarify Issues under the Municipal Public Employees Labor Relations Statutes." (H. P. 218) (L. D. 266)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

##### Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act to Appropriate Funds for a Conference on Families." (Emergency) (H. P. 877) (L. D. 1083)

Reported that the same Ought to Pass.

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

Which Report was Read and Accepted and the Bill Read Once and tomorrow assigned for Second Reading.

The Committee on Labor on, Bill, "An Act to Make the Voluntary Payment of Workers' Compensation Nonprejudicial." (H. P. 417) (L. D. 542)

Report that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-189)

Which Report was Read and Accepted in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence, and the Bill, as amended, tomorrow assigned for Second Reading.

##### Ought to Pass — As Amended

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Tending Traps in the Unorganized Territories." (H. P. 391) (L. D. 500)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-186)

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

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

The Committee on Local and County Government on, Bill, "An Act to Define the Post of Hancock County Sheriff as Full Time." (H. P. 472) (L. D. 590)

Report that the same Ought to Pass as amended by Committee Amendment "A" (H-185)

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" Read.

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

Senator PERKINS: Mr. President, I present Senate Amendment "A" (S-100) to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-100) Read and Adopted.

Committee Amendment "A", as amended, Adopted, in non-concurrence and the Bill, as amended, tomorrow assigned for Second Reading.

The Committee on Health and Institutional Services on, Bill, "An Act Concerning Rules and Regulations on the Licensing of Ambulances and Ambulance Personnel." (H. P. 594) (L. D. 738)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-179)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-191), thereto.

Which Report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted in concurrence. Committee Amendment "A" as amended by House Amendment "A" thereto was Adopted, in concurrence, and the Bill, as amended, tomorrow assigned for Second Reading.

#### (Off Record Remarks)

##### Divided Report

The Majority of the Committee on Education on, Bill, "An Act Authorizing the State Board of Education to Receive the Advice of Students." (H. P. 730) (L. D. 917)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TROTZKY of Penobscot

GILL of Cumberland

MINKOWSKY of Androscoggin

Representatives:

FENLASON of Danforth

LEWIS of Auburn

DAVIS of Monmouth

LEIGHTON of Harrison

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-188).

Signed:

Representatives:

ROLDE of York

LOCKE of Sebec

CONNOLLY of Portland

BIRT of East Millinocket

GOWEN of Standish

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.

##### Senate

##### Leave to Withdraw

Senator Lovell for the Committee on Aging, Retirement and Veterans on, RESOLVE, to Provide Minimum Retirement Benefits for Mrs. Elizabeth Ramsay of South Portland. (S. P. 372) (L. D. 1152)

Reported that the same be granted Leave to Withdraw.

Senator Lovell for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to

End Subsidized Early Retirement Payments Under the Maine State Retirement System Statute." (S. P. 306) (L. D. 892)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

##### Ought to Pass — As Amended

Senator Pierce for the Committee on Election Laws on, Bill, "An Act Pertaining to Absentee Voting." (S. P. 121) (L. D. 230)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-98)

Which Report was Read.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate: I looked at this bill and I thought I recognized it, and when I finally analyzed it, it was by title only, L. D. 230, it really doesn't do what we intend to do, in fact the amendment was something we never even thought about, nor discussed. I certainly feel it would be encumbent upon the Chairman of the Election Laws Committee to render an evaluation as to how this Bill has received this Ought to Pass Report, as amended, which has no resemblance at all to the original Bill.

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

Senator PIERCE: Mr. President, and Members of the Senate: I believe this is what is known as making a good Bill better. I'm sure that the Senator from Androscoggin, Senator Minkowsky, did present the committee with a fine piece of legislation, but the committee did see fit to improve on it.

The first thing we did was strike out everything in his bill. Since the title is a broad one, An Act Pertaining to Absentee Voting, we did feel that this was an opportunity to address a couple of inequities, which we did find in the law.

Number one, prisoners presently are allowed to vote with a minor exception, if you're in Thomaston State Prison, you can vote Absentee, wherever you're from in the state, but if you happen to live in Thomaston, according to the law, there is a technicality, you can't vote.

So, whereas there might be some difference of opinion whether prisoners should vote or shouldn't, since the law presently allows them to, this only says that if they are incarcerated in the particular town that they live, then they can also vote.

In other words, another example, might be, if I was from Augusta, and was incarcerated in Thomaston or any other jail, I would be able to vote, but if I happen to be in the Kennebec County Jail, I would not be able to vote, so this didn't seem to make much sense, so we did address that problem.

Another one is that some of the coastal islands, who have just a handful of people, the Secretary of State finds it necessary to set up some mainland polling places for them and really to go to needless expense for a handful of people so that we did allow them also, under these circumstances, to allow absentee. Which I think would be, not only more convenient for them, but really makes a lot more sense, so those are the two issues we did address in this otherwise meritorious, however, piece of legislation.

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

Senator PRAY: Mr. President, and Members of the Senate: As I read the amendment before us, I see there's a section in present law which talks about an individual being physically incapable of voting. Under my interpretation of that, would mean somebody that's in the confinement of a jail or an institution, such as a penal institution, that he presently would be allowed, because he'd be physically incapable of

going to the polls. So, I'd question as to whether or not we have to spell out confinement in Jail or Penal Institution.

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

Senator PIERCE: I can only say that question was addressed by myself and by the good Senator, both as lay people, we are assured by the attorneys working with the Committee, that it is necessary that we address this, with different language than we presently have.

The Ought to Pass, as amended, Report of the Committee, Accepted, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, and the Bill, as amended, tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to Political Fundraising by State Employees." (S. P. 270) (L. D. 811)

Reported that the same Ought to Pass.

Signed:

Sensors:

FARLEY of York

Representatives:

SMALL of Bath  
NADEAU of Lewiston  
BERRY of Buxton  
STUDLEY of Berwick  
GOULD of Old Town  
TIERNEY of Lisbon  
HALL of Sangerville  
BENOIT of South Portland  
WENTWORTH of Wells  
SEWALL of Newcastle

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

Signed:

Sensor:

PIERCE of Kennebec

Which Reports were read.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of either Committee Report.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Provide for the Registration of Off-road Motorcycle Type Vehicles." (S. P. 276) (L. D. 858)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

EMERSON of Penobscot

Representatives:

McKEAN of Limestone  
HUNTER of Benton  
ELIAS of Madison  
CARROLL of Limerick  
STROUT of Corinth  
JACQUES of Lewiston  
HUTCHINGS of Lincolnville

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S-99)

Signed:

Sensors:

O'LEARY of Oxford  
USHER of Cumberland

Representatives:

BROWN of Mexico  
LOUGEE of Island Falls  
McPHERSON of Eliot

Which Reports were Read.

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

Sensor EMERSON: Mr. President, I move we accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cum-

berland, Senator Usher.

Sensor USHER: I would ask for a Division.

The PRESIDENT: A Division has been requested.

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

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

15 Senators having voted in the affirmative and 8 Senators in the negative, the motion to accept the Majority Ought Not to Pass Report does prevail.

Sent down for concurrence.

#### Second Readers

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

##### House

Bill, "An Act Concerning 8-Year Semitrailer Registration." (Emergency) (H. P. 578) (L. D. 726)

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

##### House — As Amended

Bill, "An Act to Prohibit an Intentional Attempt to Elude a Police Officer through High-speed Driving." (H. P. 543) (L. D. 674)

Bill, "An Act to Compensate for Certain Wells within Highway Rights-of-Way." (H. P. 536) (L. D. 657)

Bill, "An Act Relating to Weight Imparted by Tire Width of Tires on Certain Farm Trucks." (H. P. 231) (L. D. 336)

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

Bill, "An Act to Authorize the Town of Dennyville to Vote on Certain Local Option Questions Concerning the Sale of Liquor." (Emergency) (H. P. 188) (L. D. 238)

Which was Read a Second Time.

On motion by Senator Shute of Waldo, the Senate voted to reconsider its action whereby House Amendment "D" was Adopted.

On motion by Senator Shute of Waldo, House Amendment "D", Indefinitely Postponed, in non-concurrence.

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

Sensor SHUTE: I now present Senate Amendment "A" (S-101) and move its Adoption.

The PRESIDENT: The Senator from Waldo, Senator Shute, now offers Senate Amendment "A" to L. D. 238 and moves its Adoption.

Sensor Amendment "A" (S-101) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

##### Enactors

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

An Act to Eliminate the Dependency Disqualification for Persons Receiving Survivor's Benefits from the State Retirement System. (S. P. 203) (L. D. 535)

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

An Act Concerning Euthanasia of a Sick or Injured dog Brought to a Veterinarian, to a Humane Society or to a Shelter. (H. P. 77) (L. D. 85)

An Act Concerning Cruelty to Animals. (H. P. 119) (L. D. 129)

An Act to Extend the Time in which Appeals from Deputies' Decisions may be Taken in Unemployment Compensation Cases. (H. P. 343) (L. D. 442)

An Act to Permit Signed Statements of Psychologists and Chiropractors to be Admitted into Evidence Before the Workers' Compensation Board. (H. P. 377) (L. D. 540)

An Act Concerning Workers' Compensation for Fire Personnel. (H. P. 397) (L. D. 504)

An Act Relating to Interest on Benefits under the Workers' Compensation Act. (H. P. 420) (L. D. 533)

An Act to Include the Cost of Processing and Collecting Real Estate Tax Liens within the Amount of the Lien Itself. (H. P. 571) (L. D. 719)

An Act Concerning the Governor and Council of the Penobscot Indian Tribe. (H. P. 827) (L. D. 1025)

An Act Concerning the Maine Automobile and Property Insurance Cancellation Control Act. (H. P. 208) (L. D. 257)

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 Relating to Occupational Loss of Hearing. (S. P. 199) (L. D. 495)

On motion by Senator Sutton of Oxford, Tabled for 2 Legislative Days, pending Passage to be Enacted.

An Act Providing for Equitable Unemployment Compensation Contributions by Related Corporations that Concurrently Employ the Same Individual. (S. P. 195) (L. D. 462)

On motion by Senator Pray of Penobscot, Tabled for 2 Legislative Days, pending Passage to be Enacted.

RESOLVE, to Repeal Certain Provisions Requiring the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta. (H. P. 559) (L. D. 706)

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

#### Emergency

An Act Extending the Time for Apportionment of County Taxes from March to March, April or May in the Year 1979. (H. P. 1275) (L. D. 1478)

This being an emergency measure and having received the affirmative votes of 23 members of the Senate, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

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

HOUSE REPORTS — From the Committee on Election Laws — Bill, "An Act Relating to Nomination Petitions for Municipal Office." (H. P. 556) (L. D. 703) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled—April 9, 1979 by Senator Perkins of Hancock.

Pending—Acceptance of either Report.

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

Sensor PIERCE: Mr. President, I move we accept the Minority Ought Not To Pass Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Pierce moves that the Senate accept the Minority Ought Not To Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Sensor PRAY: Mr. President, I'd like to direct a question to the Chairman of the Election Laws Committee. It's my understanding that the Bill, the Majority Ought To Pass Report basically brings into line the requirements for municipal officers very similar to legislative officers. Would that be true?

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

Sensor PIERCE: Mr. President, what this bill would do, would indeed bring it into line



with the the state-wide requirements, however, if anything, I think that the state-wide requirements probably ought to be brought into line with some of these municipal requirements. In this day, when we are trying, number 1, to get people to run for office, but on the other hand, trying to keep frivolous candidates from running for office, doesn't seem to me to be too much to ask if a town has 5,000 or 10,000 or whatever the population, for them to get 75 signatures. That's not very many, and if a candidate isn't liable enough to get those 75 signatures, I don't think that we should be reducing that so that they only have to get the 25, and thereby we probably would have more frivolous candidates. So I think we're going in the wrong direction if we pass this legislation we're reducing the number of signatures. I don't think we should require 500 or 1,000 or anything that's going to be difficult for people to do, but under present law I think it's working very well, 75 signatures certainly does not appear to me to be an undue hardship on anybody.

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

Senator PRAY: Mr. President and Members of the Senate: I appreciate the explanation from the Chairman of the Election Laws Committee, the good Senator from Kennebec, Senator Pierce, but I do become concerned about the statement in reference to frivolous candidates, and the fact that we should tighten up the process and not allow these individuals on the ballot. That comment, alone, makes me a little leery at this time as to exactly what the attempts would be, the intent of the legislature is when many individuals running for the other branch of the legislature, in many instances only need 25 names, or so forth. I would hope that perhaps we could defeat the motion and maybe address the nomination petitions in an amendment to include state officials or state officers as well, and require that they receive more signatures.

The Minority Ought Not to Pass Report of the Committee, accepted in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Appropriate Funds to the Department of Mental Health and Corrections." (Emergency) (S. P. 494) (L. D. 1545)

Tabled—April 9, 1979 by Senator Perkins of Hancock.

Pending—Passage to be Engrossed.

On motion by Senator Perkins of Hancock. Tabled 1 Legislative Day, pending passage to be engrossed.

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

Bill, "An Act to Permit Deer Hunting with Muzzle-loading Rifles." (S. P. 39) (L. D. 25)

Tabled—April 9, 1979 by Senator Sewall of Penobscot.

Pending—Passage to be Engrossed.

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

Senator CHAPMAN: I move that the Senate Suspend its Rules.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now moves that the Senate Suspend its 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 action whereby Committee Amendment "A" was Adopted.

Senator CHAPMAN: I present Senate Amendment "B" (S-102) to Committee Amendment "A" and move its adoption.

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

Senate Amendment "B" (S-102) Read.

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

Senator CHAPMAN: Thank you, Mr. President, and Members of the Senate: This amendment includes within the definition of a muzzle-loading rifle, a musket. The difference between a musket and a rifle is that a musket is smooth-bored, a rifle is rifle-bored. The rifling in the bore gives a spin to the projectile, allows it to be much more accurate, so in adding muskets, I'm only adding instruments of weapons that are less accurate, but not owning a muzzle-loading rifle, I do have a musket, and I don't know why I should be excluded. In order to be effective with a musket, you must be at fairly close range, no more than 5 yards, a much closer range and I don't see this as destroying the intent of the Bill, I move its adoption.

Senate Amendment "B" to Committee Amendment "A" Adopted.

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

Senator O'LEARY: I now present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-93) read.

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

Senator O'LEARY: Mr. President and Members of the Senate: I did not participate in the debate on this bill last Thursday, however, I feel that I must make an effort here today to in a small way, help conserve our dwindling deer herd.

At one time in the hills of Northwestern Maine we had the best deer hunting country of the whole state. Check the records if you want to, but it's the truth, and the deer killing in the town of Byron was consistently higher than any other area of the State.

In our family we have a little more than 100 acres with a hunting camp on it, and it's right in the middle of the woods I can assure you. I could be sure that every day I hunted I would see one or more deer. As a matter of fact, after a new snow you would think them there woods is nothing but a sheep pasture. Mr. President, that was more than 10 years ago, and I would submit to the Members of this Senate that today there perhaps aren't more than 4 or 5 deer on the whole mountain side.

It's a combination of three things that has brought this about. A couple of bad winters of too much snow, an infestation of Coy-Dogs, and Hunting Pressure.

I can remember when hunting season opened on October 15, and ended on November 30th. Then it was changed to October 21st to November 30th. Then it was changed for just the whole month of November. Now it's 4 weeks in November in the Northern Zone and 3 weeks in the Southern Zone, and the reason for this is to protect the dwindling deer herd. It's that simple.

I would venture a guess that about one out of every 7 or 8 hunters do get a deer during the regular hunting season, but let me assure you here today that if you were to give me the first three days of December to hunt, and that's what this Bill does, and there's a foot and a half of snow, and there are 7 or 8 of these frontiersmen with their automobiles, loading muzzle-loaders headed into a deer year, I will assure you that there will be nearly 100% success, a virtual slaughter. I would ask if this is deer herd conservation?

The good Senator from Somerset, Senator Redmond, has a bill that will make Zone 3, in Northwestern Maine, have a buck's only season. The good Senator recognizes the fact that there are very few deer left in our regions. Is it his purpose in supporting this bill to completely eliminate what few we do have left?

Last Thursday you heard the Senator from Androscoggin, Senator Trafton, read from the

Department of Inland Fisheries and Wildlife Report or newsletter, where the Department is concerned for our deer heard population, and you heard the Senator from Somerset. Senator Redmond tell you that the Department does not oppose the Bill. Of course not, look at the extra fees in this bill, and best of all, just think of how many hunters will rush right out and buy one of these muzzle-loaders, and why not, 3 more days of hunting in December when the deer are yarded.

Mr. President, I will submit to you and the members of this Senate, that if this bill is passed, I will not take my lever-action 30-30 from the gun case. I will not take my Bold-action 30-06 from the gun case. I will not take my semi-automatic 308 from the gun case, but I will take my 50 caliber muzzle-loader and join in the slaughter, because I would like to get just one more before they are all gone.

This bill will do only two things. Number one, greatly increase the sale of muzzle-loaders, number two further decimate our deer herd. So with the hope of conserving a valuable resource Mr. President, I move the Indefinite Postponement of this Bill and all of its accompanying papers. Thank you.

The PRESIDENT: The Chair would advise the Senator that his motion is not in order at this moment, because there is an amendment before the body which must be disposed of first.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, could I request the Secretary to read the amendment beginning with the language after Section 2526 please?

The Amendment was Read.

The PRESIDENT: In order to lay this matter to rest, the Chair will state that in the opinion of the Chair this amendment is frivolous and therefore is out of order.

Committee Amendment "A", as amended, Adopted.

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

The PRESIDENT: The Senator from Oxford, Senator O'Leary now moves that the Bill and all of its accompanying papers be Indefinitely Postponed.

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

Senator PERKINS: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: We debated this bill the other day, and after listening to the catch that the Senator from Oxford, Senator O'Leary has at his home I would hope that nobody decided to try to storm it, but the other day we mentioned, in reference to the muzzle-loading season and then the next thing would be perhaps the pistol season cause I do hunt with a 44 Magnum pistol for a couple of weeks during the first 2 weeks of the season.

Exactly what I expressed that day as a fear has come true today. We have gone from muzzle-loading rifles, and now muskets. The next items, perhaps will be shotguns, and then we'll start defining the different types of rifles that we'll have and the different seasons that we'll have.

The Amendment that was offered by the Senator from Oxford, Senator O'Leary, was ruled Out of Order, I think that we should also understand some of the statements that he made in reference to that time of the year which we're calling for season, and those are very serious implications into adding on 3 days to the season following the season. I, like the Senator from Oxford, Senator O'Leary, can remember back when the deer season used to be 6 weeks, and it never entered into December, it never ended past that last week of November. There was a

reason, and that reason he stated just a few moments ago, is that is the time of the year that deer herds start to herd up for the winter.

A couple of weekends ago coming back down on a Sunday evening, I had the opportunity to see roughly 27 deer in one herd, so what we're taking about, in this same time period, near the end of the deer season is the opportunity for the muzzle-loaders and the musket hunters to go into a deer yard and sit and wait for 20, maybe 30 deer, in some instances, a dozen in many instances, to come out. I consider hunting a sport, not a slaughter like my seat mate, the Senator from Cumberland, Senator Conley, but I think that's exactly what we would be doing if we extended the hunting period into December. We, basically, would be allowing the slaughter of a resource that we have, and I trust the management of the Fish and Game Department presently, which has economically hurt one industry in the State, those who make a living off the sportsmen of this state, but those industries have survived, and they have accepted the fact that the seasons have been shortened. They also always realize that if there is any future shortening of the season that it will come in the beginning of the season, and not at the end. To add on additional days at the end of the season, it would only be detrimental to the herd. I support the motion by the Senator from Oxford, Senator O'Leary.

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

Senator REDMOND: The amendment regarding muskets, I thought, perhaps I would clarify that a little bit. The early muskets were 7 feet long and weighed 40 lbs. and more. They fired single round balls or buckshot. The first ones were matchless, they were matched locks, in which a cord match set off the powder, and then they were followed by wheel locks, flint locks, and then cap locks. With respect to the economics of the issue we're debating now, I would like to add that this bill is really for a special interest, small group of nearly 200 people in this State, and their hobby is to revive and to relive the heritage which this State is proud of.

The flint lock rifles are powdered by means of a powder horn, and flint lock firing mechanisms were used on firearms from the 1600's to about 1850. Flint lock has a piece of flint in the cocking hammer, when the trigger is pulled, the flint strikes a piece of steel. This makes sparks, which sets off the powder charge and fires the bullet. Flint locks were first used in muskets, then in pistols and rifles. Firearms using percussion caps later replaced flint lock weapons.

Prehistoric man used flint to make spears, knives, and arrowheads. Later when man learned that flint gave a spark when it was struck against some hard metal he began using it to start fires.

It was not until 1802 that Mr. Eluthere Irenee Dupont founded that company in Delaware to manufacture better gun powder, but this country saw its development at that time when man's best friend was his gun. Samuel De-champlain, who helped establish French North America around the turn of the 16th and 17th centuries was in Bangor. This is part of our history.

I submit to you, Ladies and Gentlemen of the Senate that tourists are becoming a most important part of our economy here in Maine, and these 200 people are re-enacting the period of the pioneer days, in the most authentic and precise manner, and this on their own free will, and have come to this legislature to ask for 3 days a year in our forests to complete this historical scenario. In the interest of social and economic growth of this great State, I hope that the Senate will pass this bill.

The PRESIDENT: The pending question before the Senate is the question by the Senator from Oxford, Senator O'Leary that this Bill and all of its accompanying papers be Indefinitely Postponed.

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

Senator O'LEARY: Mr. President, there is nothing in our laws today, during the open season when everyone else is in the woods, they with their muzzle-loaders or muskets can hunt.

They have the same hunting time as the rest of us, but I cannot see when these deer are herded up and in the yards, and it is very easy to find them, all you have got to do is follow the tracks, and they will lead you right to them. Right into the deer yards, they are all congregated. You can have a virtual slaughter. I say it will compel more of these people to buy muzzle-loaders, and we are going to decimate our herds even more. I think that this is a bad bill for our deer conservation.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Indefinitely Postpone this Bill, please rise in their places to be counted.

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

9 Senators having voted in the affirmative and 13 Senators in the negative the motion to Indefinitely Postpone does not prevail.

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

Sent down for concurrence.

The President laid before the Senate the Fourth tabled and specially assigned matter: Bill, "An Act Relating to Constables and Special Police Officers." (H. P. 250) (L. D. 295) Tabled—April 10, 1979 by Senator Sewall of Penobscot.

Pending—Enactment.

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

Senator CONLEY: Mr. President. Last week when this Bill was before us, it was tabled because, at least, I was concerned enough to try to have an amendment drafted that might be more palatable to this Law that is now in the enactment stage.

I would just sight specifically what in one paragraph the law states as it is now before us.

It states:

'A constable's certificate of appointment shall state whether or not he is allowed to carry a weapon, concealed or unconcealed, in the performance of his duties.'

If a constable is restricted in carrying a weapon the prohibition shall not be affected by any weapons license the individual may possess.

I am concerned about constables carrying guns to start with. As I stated last week, in Maine the Liquor Inspectors for the State, the Fish and Game Wardens for the State, Police-men, Sheriffs, all must take the course at the Maine Criminal Justice Academy for a purpose. Primarily it is to indoctrinate into them, at least part of the program, is how sensitive their role as a law enforcement officer is in dealing with the public.

I know that in the City of Portland people are given psychological examination, primarily again, to see if we can catch just by one more step any individual who may not be the type of individual who should be walking the streets of our city with a gun strapped to his side.

I have grave concern because these people deal with the public, and they deal with the public daily. I am concerned because I know that human beings being what they are obviously have different moods, and there are some people that become extremely irrational or excited on occasion and how does one respond to that type of individual?

I mentioned last week, in debate of this Bill, the communities no longer are protected under the guise of governmental immunity. That every community today had better be well protected for any acts that are committed by any of its employees.

I spoke with the Chairman of the Legal Affairs Committee with respect to the amendment that I mentioned earlier, of trying to bring about more of a safeguard prior to the issuance of any licenses or permits to constables operating in any community.

I would like to read that amendment, because I think that it is what I have stated. One precautionary measure that would, at least, I believe make most town officials a little bit more at ease when it comes to the issuance of such a permit.

I would quote from that amendment which states, "A Constable's certificate of appointment shall state whether or not he is allowed to carry a weapon, concealed or unconcealed, in the performance of his duties."

'Any limitation regarding the use of a weapon shall only apply at those times when the constable is performing his duties. A constable shall not be allowed to carry a weapon if he is unable to provide proof of possessing sufficient skill and knowledge in handling of firearms in accordance with such standards of proficiency as shall be adopted by the Chief of the State Police for the implementation of this section.'

A very simple amendment that clarifies and states that this individual who is going to be walking the streets of our communities shall at least have measured up to the standards by the Chief of the State Police with respect to carrying a firearm.

I think that would make not only the municipal officers of any community a little more at ease, but I would think that it would also make the citizens living in that community feel a little more at ease.

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

Senator REDMOND: I would like to pose a question to the good Senator from Cumberland, as to whether the constable would: How would he go about getting this OK from the Chief of the State Police of Maine before he could use his weapon? Would it be a form of licensing or would there be an application or how would he go about it?

The PRESIDENT: The Senator from Somerset, Senator Redmond has posed a question.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Thank you, Mr. President. Mr. President, I would think that an individual who was going to apply as a constable and he needed a certificate stating that he was qualified to handle such a weapon that he could very easily go to one of the Sheriff's firing ranges, if they have them or to the State Police over here at the Criminal Justice Academy, to fire off a pistol. They could go almost any place where local law enforcement officers today must qualify before the issuance of any firearm is given to them.

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

Senator SHUTE: Has Senate Amendment (S-90) been adopted?

The PRESIDENT: The Chair would advise the Senator from Waldo, Senator Shute, that the amendment to which he refers has not been presented.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Suspend its Rules.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I request a Division.

The PRESIDENT: A Division has been requested.

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

Will all those Senators opposed, please rise in

their places to be counted.

6 Senators having voted in the affirmative and 15 in the negative, the motion to Suspend the Rules does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I would request a Roll Call on 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 Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Here again we have a situation where some peaceful people living in North Anson, or Caratunk, or Jackman, we have a very elaborate system of deputy sheriffs, in the sheriffs' department, as a matter of fact, I live next door to the Sheriff of Somerset County, and almost every weekend they gather there and they have targets and they are marksmen. I have had the occasion to observe them during their activities and it seems as if, I do not know why, we would have to go to the State Police.

It seems as if we can handle that sort of activity in our own local areas. This is the only reason why I would like to leave it so that we let the people in those small communities take care of their own business.

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

Senator SHUTE: Mr. President and Members of the Senate: At the present time the way the Bill is you would not have to have your constable qualified at the Police Academy. That would only be in case the Senate did adopt S-90 which they did not.

It was the feeling of the committee, I might remind the Senate that this Bill came out of committee once, unanimous ought not to pass, to begin with. Then it was put back to committee because a couple of people had not signed it, and we tried to work with the lobbyists of the Maine Municipal Association to put something in the law to protect the communities, but we did not want something so restrictive that they could not have constables in the town which, by law they are required to have. Dog Constables, Clam Constables, or whatever.

The way that the Bill is engrossed at the present time, the municipal officers would only have to certify whether that person would or should not carry a firearm, in the performance of his duty, and that is much more than we have at the present time on the books. It would not require any knowledge or going to any Academy to certify knowledge of weapons.

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

Senator FARLEY: Mr. President and Members of the Senate: As the good Senator from Waldo, Senator Shute, pointed out this Bill did come out originally a unanimous ought not to pass, for the simple reasons that it was the feeling of the Committee their interpretation of the Bill, in testimony that there was liberalization of what is going on now, and which is not what the committee wanted at all.

It was sent back to committee, this does tighten up the present law, for those of you who are concerned that presently they can make anybody a constable and let him have a firearm and use it as he wants to. Of course they are subject under the Torts Claim Act and have to be bonded and everything else.

This does tighten up the present law, now that was the concern of the committee and I assure you that the intent of Senator Conley's amendment, that's now before us, the commit-

tee was very concerned about that and I think that it does satisfy some of the concerns that would have been addressed in Senator Conley's amendment.

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

Senator CONLEY: Mr. President, I am not going to pursue this any further, but I would only clearly state that municipalities, I can not understand why they cannot just name policemen constables, and escape the expense of sending people through the Maine Criminal Justice Academy, or that the State Police can't call their Law Enforcement Officers constables, again to escape the cost of going through the Criminal Justice Academy.

We have the Academy for one thing and that is to try to educate the individuals who are pursuing that course, that profession to become Law Enforcement Officer that they are trained, particularly trained in the handling of a weapon.

I am concerned about the citizens of this State whether it is in North Anson, Maine or whether it is in the ghettos of Portland.

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

Senator SHUTE: I am concerned about the municipal officers in this state too.

Now, municipal officers are elected and if we do not have enough confidence in our municipal officers, in our towns to allow them this little privilege, probably we should pass some mandatory legislation, but my people are not interested in much more mandatory legislation, out of Augusta.

Now it may be hard to understand, but some of the communities are only made up of 150 people, they do not have a police officer, all they have is a dog constable. They are not going to send that dog constable to Waterville, for about \$2,000, and then next year he will quit and they will have to hire another dog constable in that community.

I think this Bill we are discussing right now goes quite a ways, and it would not bother me, too much, if you are not satisfied with the Bill, and you do not think it does what it should do that we should kill the whole bill, and we can have what we have on the laws right at the present time, which is nothing.

The PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate is the Enactment of LD 295.

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, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Teague, Usher.

NAY — Conley, Najarian Trafton, Trotzky.

ABSENT — Ault, Collins, Danton, Katz, Martin, Silverman, Sutton.

A Roll Call was had.

21 Senators having voted in the affirmative, and 4 Senators in the negative, and 7 Senators being absent, this Bill is Passed to be Enacted.

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

The Chair laid before the Senate the fifth tabled and specially assigned matter:

SENATE REPORTS — From the Committee on Energy and Natural Resources Bill, "An Act to Amend the Spruce Budworm Protection District Boundary." (S. P. 320) (L. D. 950) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-92); Minority Report — Ought Not to Pass.

Tabled—April 10, 1979 by Senator Sewall of Penobscot.

Pending—Motion of Senator McBreaity of

Aroostook to Accept Minority Report.

On motion by Senator Pierce of Kennebec, retabled for 1 Legislative Day.

The Chair laid before the Senate the sixth tabled and specially assigned matter:

Bill, "An Act Regulating Hunting with Muzzle-loading Rifles." (H. P. 498) (L. D. 622)

Tabled—April 10, 1979 by Senator Sewall of Penobscot.

Pending—Enactment.

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

Senator O'LEARY: Mr. President, I would urge the Senate to vote against Enactment of this Bill. I think I made it pretty clear the other day that it's in conflict with another section of the law, and if a game warden or any law enforcement official sights one of these loaded weapons in an automobile or truck, under Section 2455, and he is aware of the law, then this person is guilty of transporting a loaded weapon.

So 2458B, which is what is being proposed in the enactment here, is in direct conflict with that section of the law so I would urge you to vote against the pending motion, which is enactment.

The PRESIDENT: Is the Senate ready for the question?

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

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

Senator O'LEARY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Passage to be Enacted, 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 11 Senators in the negative, L. D. 622 fails Enactment, in non-concurrence.

Sent down for concurrence.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I wish to pose a Parliamentary Inquiry.

Senator CONLEY: Could I ask of the Chair why the doors are being secured to the Senate Chamber?

The PRESIDENT: The doors should not be secured, except during the Roll Call.

The Sergeant-at-Arms will unsecure the Doors.

The Chair laid before the Senate the seventh tabled and specially assigned matter:

HOUSE REPORTS — From the Committee on Education — Bill, "An Act Relating to the Advisory Board to the Firemen's Training Program of the Department of Educational and Cultural Services." (H. P. 173) (L. D. 223) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-132); Minority Report—Ought to Pass as Amended by Committee Amendment "B" (H-133)

Tabled—April 10, 1979 by Senator Minkowsky of Androscoggin.

Pending—Motion by Senator Hichens of York that the Bill and Papers be Indefinitely Postponed.

On motion by Senator Hichens of York, retabled for 1 Legislative Day.

On motion by Senator Pierce of Kennebec, adjourned until 2 o'clock tomorrow afternoon.