

# 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 17, 1979

Senate called to Order by the President.

Prayer by The Honorable Walter W. Hichens of Eliot.

Senator HICHENS: Let us pray! Our Lord and Our God, as we have just celebrated the Easter Season, in which we have been reminded of thy great love, and compassion for mankind we return to our duties, in this State Senate today, with all the business before us, all the controversial issues that we have to face, asking Lord that thou too, will grant us love and compassion, for those whom we serve.

Help us to seek thy wisdom and understanding through thee, of the ways in which we should handle this business; the way that we should vote on the various issues; the way that we should represent those who have sent us here to do their work, in the state for them.

Bless each one of us and guide us in thy service. we ask in thy name. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

**Senate Paper**

A Joint Resolution In Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Ronald F. Banks of Brewer, a prominent history professor; (S. P. 504) is presented by Senator Devoe of Penobscot. Co-sponsored by Senator Sewall of Penobscot and Representative Gavett of Orono and Representative Tarbell of Bangor.

Which was Read and Passed.

Sent down forthwith for concurrence.

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

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

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

Senator Carpenter of Aroostook, was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Recessed until the sound of the Bell.

**Recess**

**After Recess**

The Senate called to order by the President.

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

Senator CONLEY: Mr. President is the Senate in possession of L.D. 382, An Act Concerning Issuance and Renewals of Liquor Licenses?

The PRESIDENT: The Chair would answer in the affirmative the Bill having been held at the request of the Senator.

Senator CONLEY: Mr. President, I move that the Senate Reconsider its action whereby this Bill was Enacted.

The PRESIDENT: The Senator from Cumberland, Senator Conley moves that the Senate Reconsider its action whereby Bill, An Act Concerning Issuance and Renewals of Liquor Licenses. (H. P. 316) (L. D. 382) was Passed to be Enacted.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the Motion by the Senator from Cumberland, Senator Conley.

(Off Record Remarks)

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

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

In the Senate, April 11, Passed to be Engrossed as amended by Committee Amendment "A" (S-84) as amended by Senate Amendment "B" (S-102), thereto.

Comes from the House, Bill and Papers, Indefinitely Postponed, in non-concurrence.

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

Senator PERKINS: Mr. President, I move that the Senate Insist and ask for a Committee of Conference.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves that the Senate Insist and ask for a Committee of Conference.

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

Senator O'LEARY: I guess that this is the instant hamburger bill, or the infamous deer December slaughter bill.

I have had letters from all over the State, some of them do appreciate a little levity in our proceedings here. I have had a very few that were very caustic and not deserving of an answer.

It was interesting to read an amendment, excuse me a letter that was addressed to the good Senator from Hancock, Senator Perkins. The author of that letter, was in complete opposition to the amendment that I proposed the other day. Which was in itself a little bit of levity, I know was not going anywhere, but with the comments, by the good Senator from Somerset, Senator Redmond, who proposed it, these people were talking about going back to the frontiersmans days, I felt that it was appropriate.

In this letter to Senator Perkins, the author suggested that perhaps when we talk about the bow hunters, that we restrict them to wearing loincloths only, and give a war hoop every 10 minutes, so the author of that letter has a little bit of levity too.

Mr. President, in my remarks the other day, I was talking about deer conservation and I would not have opposed this Bill, had they asked for 3 special days perhaps before the bow hunters or shortly after the bow hunters, but in the name of deer conservation and preservation of one of our natural resources, I would ask that we Recede and Concur.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Recede and Concur with the House.

The Chair will order a Division.

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

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

11 Senators having voted in the affirmative and 15 Senators in the negative, the motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Insist and ask for a Committee of Conference?

The Motion Prevailed.

**Joint Order**

An Expression of Legislative Sentiment recognizing that:

The Boothbay Region High School Seahawks, coached by I. J. Pinkham and his assistant, Fred Lewis, have become the Western Maine Boys' Class C Basketball Champions... (H. P. 1306)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

**House Paper**

Bill, "An Act to Establish the Insurance Regulatory Commission." (H. P. 1305)

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

Which was Read.

On Motion by the Senator from Kennebec, Senator Pierce, Tabled for 1 Legislative Day, pending Reference.

**Communication**

March 20, 1979

Senator Richard H. Pierce

Chairman

Legislative Council

State House

Augusta, Maine 04333

Dear Senator Pierce:

In accordance with PL Chapter 711, establishing the Interim Education Finance Commission, I enclose herein the final report of the commission and a copy of the legislation required to implement its recommendations.

Respectfully submitted,

WILLIAM KIRK

Chairman

(S. P. 503)

Which was Read and with accompanying Report, Ordered Placed on File.

Sent down for concurrence.

**Committee Reports**

The following Ought Not to Pass report shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Remove the Restriction on Selling or Raising Live Animals as a Fund-raising Device." (H. P. 293) (L. D. 390)

**Leave to Withdraw**

The Committee on Judiciary on, Bill, "An Act Providing Authority to Modify District Court Divisions and District by Rule of Court after Public Hearing." (H. P. 458) (L. D. 571)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of Probate as Constitutional Offices. (H. P. 197) (L. D. 246)

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 — As Amended**

The Committee on Health and Institutional Services on, Bill, "An Act to Establish a Demonstration Project to Create a Grant and Loan Program to Assist Older Citizens in Purchasing Medically Prescribed Eyeglasses, Dentures and Hearing Aids." (H. P. 683) (L. D. 907)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-200)

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

The Committee on Transportation on, Bill, "An Act Relating to Weights of Commercial Vehicles." (H. P. 73) (L. D. 82)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-205)

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

Which Reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted

in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act to Provide for Continuing Education for Real Estate Brokers and Salesmen." (H. P. 364) (L. D. 480)

Reported that the same Ought to Pass in New Draft under same Title. (H. P. 1303) (L. D. 1559)

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

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 just happened to be looking over this particular bill, and I just can not at the present time, see the rationale behind the Business Committee for mandating a 12 hour course for real estate brokers, who are working at this particular profession at this present time.

You may recall, I think that it was 2 years ago, at the time, there was a bill before us, that more or less put the real estate brokers profession in the category that you had to have a college degree in order to become a real estate broker. I think this way is just a round-about way of doing the very very same thing.

Now a person who has been in the real estate profession for a number of years, I doubt very much, has to go through an intensified 12 hour course mandated by the Commission. This basically if I understand the redraft at the present time does this, basically I do not think that this should be part or parcel to the free enterprise system of mandating these people to continue doing this. Maybe we can get an explanation by some members of the Business Legislation Committee relative to this?

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

Senator CHAPMAN: Mr. President and Members of the Senate: This is a re-draft, which is quite different from the original document, which did create quite a bit of concern among the real estate industry, however that concern has moderated significantly with the introduction of this particular new draft.

It does require 12 hours of courses in the course of 2 years, in order to renew your license. But it also establishes a committee to review these courses. A committee on which, I believe the majority, I do not have the information right in front of me, of members are real estate agents.

Also we were presented in the Committee with very clear information that correspondence courses would be available and are readily available especially through the University of Southern Maine. It was felt that the concerns about those real estate agents in the rural communities in meeting this requirement were not going to be serious concerns. The bill does address the need to protect the public by having real estate agents well aware of the current modern trends and developments in Real Estate Law.

There are a number of circumstances that can cause suit to be brought as a result of people being harmed by getting inadequate information in a real estate transaction. There are some who feel "well let that be the case and that person will go to another real estate agent another time." There is a concern that a party may be injured and injured rather adversely in going through such an experience. As you will notice the report was unanimous and we felt that the redrafted bill, was a good version.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: With the explanation by the good Senator from Sagadahoc, Senator

Chapman. I am looking at the legal profession, are they mandated to take a 12 hour course? We have just as many discrepancies materializing in the legal profession during the course of a year. How about the physicians in the State of Maine, are they mandated to have a course to up-grade their professional skills?

It seems like this basically is discrimination against one particular segment of the free enterprise system primarily the real estate brokers.

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

Senator SUTTON: The good Senator from Androscoggin, asked an interesting question. I think that the answer to at least part of his question is yes. All the doctors of our hospitals are required to take continuing education and so are the nurses.

By the way I just happened to open a piece of my mail and it is from one of the real estate agents in our area, who is supporting this Bill. All of the calls and letters that I have gotten have been from real estate agents they are all supporting this continuing education, for realtors.

It happens to be one profession that lots of folks get into, it is a great part-time profession. It is a great retirement profession, which is all fine. But at the same time the consequences brought about by all the legal ramifications of real estate these days, are very devastating and I would certainly support this.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate. I think that the good Senator from Oxford, Senator Sutton, hit it on the head. Apparently like any other profession, we stand to have a surplus and this is one sure way of drying up oppression. As soon as you start drying up that particular field, eventually you are going to have a very very serious problem in outlying areas, having professional people handle the real estate transactions.

Maybe from the view point of some realtors who are in it, I can see their particular point of view, that they do not want any further competition in that particular industry.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the acceptance of the Ought to Pass in New Draft Report of the Committee.

The Chair will order a Division.

Will all those Senators in favor of Accepting the Ought to Pass in New Draft Report, please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 8 Senators in the negative, the Ought to Pass in New Draft Report of the Committee, Accepted, in concurrence.

The Bill, in New Draft, Read Once and tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Concerning the Transportation of Legally Killed Deer." (H. P. 271) (L. D. 345)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

PIERCE of Kennebec  
USHER of Cumberland

Representatives:

GILLIS of Calais  
PETERSON of Caribou  
MacEACHERN of Lincoln  
TOZIER of Unity  
JACQUES of Waterville  
MASTERMAN of Milo  
VOSE of Eastport  
CHURCHILL of Orland  
PAUL of Sanford

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-208)

Signed:

Senator: REDMOND of Somerset  
Representative:

DOW of West Gardiner

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

The following Ought Not to Pass report shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act Concerning Indeterminate Sentence to the Maine Youth Center." (S. P. 285) (L. D. 844)

#### Ought to Pass — As Amended

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Provide Birth Certificates for Foreign-born Citizens Adopted by Maine Parents." (S. P. 72) (L. D. 126)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-106)

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.

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships." (S. P. 310) (L. D. 901)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-107)

Signed:

Sensors:

REDMOND of Somerset  
USHER of Cumberland  
PIERCE of Kennebec

Representatives:

GILLIS of Calais  
PAUL of Sanford  
JACQUES of Waterville  
MASTERMAN of Milo  
VOSE of Eastport  
DOW of West Gardiner  
MacEACHERN of Lincoln  
CHURCHILL of Orland

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

Signed:

Representatives:

TOZIER of Unity  
PETERSON of Caribou

Which Reports were Read.

On Motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Acceptance of Either Committee Report.

#### Second Readers

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

#### House

Bill, "An Act Relating to Self-insurance under the Workers' Compensation Act." (H. P. 396) (L. D. 526)

On Motion by Senator Chapman of Sagadahoc, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

#### House — As Amended

Bill, "An Act to Establish Registration of Polygraph Examiners." (H. P. 91) (L. D. 103)

Bill, "An Act to Establish Standards for the Sale and Installation of Foam Plastic Insulation." (H. P. 622) (L. D. 779)

Bill, "An Act to Clarify Certain Provisions of the Banking Laws Relating to Savings Banks." (H. P. 334) (L. D. 433)

Bill, "An Act to Protect Insurance Claim Adjusters and Appraisers from Conflict of Interest." (H. P. 654) (L. D. 813)

Bill, "An Act Concerning Appeals to the Superior Court." (H. P. 601) (L. D. 748)

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

#### Senate

Bill, "An Act to Authorize Service of Process by Notaries Public and Justices of the Peace." (S. P. 246) (L. D. 695)

Bill, "An Act to Revise the Fees for the Licensing of Psychologists." (S. P. 426) (L. D. 1295)

Bill, "An Act to Clarify and Correct Laws Related to Real Estate Brokers and Salesmen." (S. P. 391) (L. D. 1202)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Relating to Native Farm Produce." (S. P. 226) (L. D. 641)

Bill, "An Act to Authorize the Secretary of State to Issue a Duplicate Certificate of Title for a Motor Vehicle if the Original Certificate is Unavailable." (S. P. 356) (L. D. 1104)

Which was 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 Provide for the Consideration of Environmental and Economic Effects Associated with the Tidal Power Demonstration Project at Half Moon Cove. (H. P. 558) (L. D. 705)

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

An Act to Amend the Mandatory Shoreland Zoning Act. (H. P. 210) (L. D. 258)

An Act to Prohibit the Possession of Manufactured Items the Serial Numbers of Which have Been Altered. (H. P. 470) (L. D. 598)

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 Concerning the Registration under the Motor Vehicle Statutes of Farm Motor Vehicles Using Dolly Axles. (H. P. 426) (L. D. 588)

On Motion by Senator Emerson, of Penobscot, Tabled for 1 Legislative Day, pending Enactment

An Act Concerning Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park. (H. P. 134) (L. D. 145)

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

On Motion by the Senator from Penobscot, Senator Emerson, the Bill Recommended to the Committee on Transportation, in concurrence.

#### Emergency

An Act Concerning the Continuation of Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children. (S. P. 75) (L. D. 165)

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

#### Emergency

An Act to Provide Malt and Table Wine Licenses for Ship Chandlers. (S. P. 288) (L. D. 851)

#### Emergency

An Act to Clarify Standards for Consumer Membership under the Health Facilities Information Disclosure Act. (S. P. 141) (L. D. 317)

These being emergency measures and having received the affirmative votes 25 members of the Senate, with 1 Senator voting in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Orders of the Day

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

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

Tabled—April 11, 1979 by Senator Sutton of Oxford

Pending—Enactment

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

Senator SUTTON: Mr. President, this particular Bill has caused a little confusion amongst some of us. When we reported this out of Committee, there were concerns about the changing in the frequencies that this Bill asked as far as Worker's Compensation and loss of occupational hearing.

The present Bill reads, 500 or 1,000 or 2,000 cycles if there is any loss or impairment there the Worker's Compensation will pay the affected employee.

There seems to be some question among the experts as to whether we should go higher than this, some said that the Bill asked for 4,000 and some said that they thought that 3,000 was OK, but they are not sure after 2,000, age has a lot to do with the dropping off of hearing. All things considered we thought that there might be a problem there, but there was not enough scientific evidence to support the change at this particular time. So it was our thought that we were amending the Bill to strike out the changes in the frequencies and just correct the calibration standard. We found to our dismay that the amendment did not come out that way, but it came out with the whole Bill as it was originally presented.

I did not know at that time, that the Errors and Inconsistencies Bill could correct the calibration standard as well as the word change in there. So for that reason I think that we can now get that taken care of by the Errors and Inconsistencies Bill and I would move the Indefinite Postponement of this Bill and all of its accompanying papers.

The PRESIDENT: 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 pending question before the Senate is the Motion by the Senator from Oxford, Senator Sutton, that L. D. 495 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Chapman, Collins, Gill, Huber, Katz, Lovell, McBairty, Perkins, Pierce, Redmond, Sutton, Teague, Trotzky.

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

ABSENT — Ault, Danton, Devoe, Emerson,

Silverman.

A Roll Call was had.

14 Senators having voted in the affirmative and 13 Senators in the negative, with 5 Senators being absent, the Motion to Indefinitely Postpone in concurrence does prevail.

Sent down for concurrence.

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

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

Tabled—April 11, 1979 by Senator Pray of Penobscot

Pending—Enactment

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

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

Senator LOVELL: Mr. President I move we reconsider L. D. 495.

The PRESIDENT: The Senator from York, Senator Lovell, moves that the Senator reconsider its action of earlier in today's session whereby Bill, "An Act Relating to Occupational Loss of Hearing." (S. P. 199) (L. D. 495) was Indefinitely Postponed.

The PRESIDENT: 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 pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senator Reconsider its Action where by L. D. 495 was Indefinitely Postponed.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

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

#### ROLL CALL

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

NAY — Chapman, Collins, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBairty, Perkins, Pierce, Redmond, Sutton, Teague, Trotzky.

ABSENT — Ault, Danton, Devoe, Silverman.

A Roll Call was had.

13 Senators having voted in the affirmative, and 15 Senators in the negative, with 4 Senators being absent, the Motion to Reconsider does not prevail.

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

HOUSE REPORT — from the Committee on Business Legislation — Bill, "An Act to Permit Certain Maine Pharmacists to Fill the Prescription of Certain Nonresident Physicians." (H. P. 784) (L. D. 984) Ought to Pass as Amended by Committee Amendment "A" (H. 195)

Tabled — April 12, 1979 by Senator Pray of Penobscot.

Pending — Acceptance of Report.

The Ought to Pass, as amended, Committee Report Accepted, in concurrence, the Bill Read Once.

Committee Amendment "A" Read and Adopted, in concurrence.

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

Senator CLARK: An unusual request, Mr. President. I move that the Rules be Suspended for the purpose of giving this Bill its Second Reading at this Time.

The PRESIDENT: The Senator from Cumberland, Senator Clark, now moves that the Senate Suspend its Rules, in order to give this Bill its Second Reading, by title only at this time.

Is this the pleasure of the Senate?

It is a vote.

The Bill as amended, was Read a Second Time.

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

Senator CLARK: Mr. President, I present Senate Amendment "A" to L. D. 984 under filing number S-108 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Clark, now offers Senate Amendment "A" (S-108) and moves its Adoption.

Senate Amendment "A" (S-108) 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:

HOUSE REPORTS — from the Committee on Energy and Natural Resources — Bill "An Act Relating to Municipal use of Land Control Techniques under the zoning laws." (H. P. 371) (L. D. 482)

Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-187). Minority Report — Ought Not to Pass.

Tabled—April 12, 1979 by Senator Perkins of Hancock

Pending—Acceptance of Either Report

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

Senator GILL: Mr. President I move that we Accept the Majority Report, I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator GILL: This piece of Legislation is a very short piece of Legislation, it is an enabling piece. It allows voluntary participation in communities who want to participate in it. What it does is it protects from suburban developmental pressure agriculture and forest lands capable of economic production in the future.

It also helps to maintain the towns essentially rural and open character. It also fosters development in areas best suited to specific uses by providing economic incentives to owners of the property and the various land use district. It also provides for the orderly development of land and the timely transition of land from vacate to occupied use.

This particular piece of Legislation was brought forth by the Municipal Officers in Cape Elizabeth, and they have a problem whereas they are putting in a sewer and they would like to have the municipal services continue in the dense areas and around the sewer and they would also like to maintain the agricultural lands that are existing in Cape Elizabeth, at this point for agricultural use. The only way that they can do it is by proper planning and they have come up with this piece of Legislation which will allow for transfer developmental rights.

Generally the Courts hold that regulation confining the use or value of property owners land is unlawful and this is one of the alternatives, to really get around it, by creating a market for Transfer Developmental Rights. How it would work would be a town designates a portion of its open land which may be farm land or forest land, which it desires to protect. A developer would have to buy a certificate to that open land in order to develop in a dense area. If a developer was developing in an area, around the sewer, say in Cape Elizabeth and he was allowed one unit per acre, he could proba-

bly go in there and put up two units because the sewer could take it and he could buy a certificate from some farm land owner, which would preserve his land in the area. The community which would benefit from this are the fringe area communities because of the demands on housing in those communities, where there is active development going on. The very very rural communities which have low land values and little development rights it would not work very well up there, but this is strictly voluntary communities who do not have to participate, what it does allow is the enabling legislation for those communities who wish to be involved can be involved.

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

Senator McBREAITY: Mr. President, Honorable Members of the Senate: I signed the Minority Ought Not to Pass Report on this Bill, because I feel that it is not needed. Cape Elizabeth can do what they are proposing to do now, the only change that they are taking is that they might be sued from somebody because they are kind of stepping on their constitutional rights.

This would allow for the purchase of development rights, which could be moved somewhere else but the extra charge for these development rights would have to be charged to the new location and would make it almost impossible for the ordinary person to purchase one of those lots. It also has a floating zone, that I guess would allow for nearly anything.

Now the reason that I signed it Ought Not to Pass, is because I think that maybe this might be a good Bill for Cape Elizabeth, I do not believe that they have allowed to date one mobile home, to be set up in that town, as I understand.

From my town and many other towns in this State I do not believe that it is a good bill. Thank you. Mr. President I would hope that you would not accept the majority ought to pass report and finally accept the minority ought not to pass report. I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I would just urge those people to vote for the majority report, because this is an item where it can be handled if the community wishes. If the community does not wish to participate it does not have to participate. But there are those communities in the state that are growing and they also have land that they would like to preserve for the future.

It is not only a Cape Elizabeth Bill, Senator McBreaity, but we in South Portland could have used this a while back, because we had a golf course, that was our municipal golf course, while it was owned privately the owner had considered the possibility of building homes there and that would have used up our land, thank goodness our community was farsighted enough to buy the course and we do have it preserved as an open area, and it is a beautiful area, so there are other communities and I think that this is an innovation in planning.

We have places in Massachusetts, New York and Philadelphia. There are many places that have tried this and it has worked very effectively. So I would hope that this Chamber would vote for the Majority Report, and allow those towns and cities to be involved if they wish to be involved.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought to Pass Report, please rise in their places to be counted.

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

The Chair recognizes the Senator from Androscoggin Senator Trafton.

Senator TRAFTON: I would 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 Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate. I would just like to echo some of the words of the Senator from Cumberland, Senator Gill, and remind you to look at the Bill, L. D. 482.

This is entirely permissive Legislation, so that if one area of the state does not wish to include these kinds of techniques in their comprehensive land use plan, they certainly do not have to. If another part of the state would like to use some of these newer techniques that have developed, then they can make that decision locally and choose to include that in their comprehensive plan. So I would urge you not to deny some parts of this state, that would like to use these new innovative techniques, the opportunity to do so.

I think for instance where the local control of the comprehensive plan would be best served is if you would vote in favor of this Bill.

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

Senator O'LEARY: Mr. President if we are to have any honesty and integrity in the planning boards of our various communities throughout the State, then I would urge that we defeat this bill.

If someone is going to put in a development of some kind in some municipality within an area that is zoned, and purchases that property, and then the members of that community decide that they do not like that, one piece that is going to be developed in that way, say we have moved the zone, now there is no room for you just move out.

That is what this Bill is all about, they will take maybe a doctors office building or something like that in this municipality but they do not want a mom and pop grocery store, this is what it is all about.

There has got to be a little bit of honesty and integrity in our planning boards, and there is at the present time. This Bill is designed for just one thing, to keep the planning board from Cape Elizabeth from having to possibly go to court, not surely go to court, just possible, that is all that this is about. It is a bad bill.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Gill, that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

#### ROLL CALL

YEA — Clark, Collins, Conley, Gill, Huber, Lovell, Trafton.

NAY — Carpenter, Chapman, Cote, Emerson, Farley, Hichens, Katz, Martin, McBreaity, Minkowsky, Najarian, O'Leary Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Trotzky, Usher.

ABSENT — Ault, Danton, Devoe, Silverman.

A Roll Call was had.

7 Senators having voted in the affirmative and 21 Senators in the negative, with 4 Senators being absent, the Motion to Accept the Majority Ought to Pass as amended, Report, does not prevail.

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 Fifth Tabled, and specially assigned matter: Bill, "An Act Pertaining to Absentee Voting." (S. P. 121) (L. D. 230)

Tabled—April 12, 1979 by Senator Minkowsky of Androscoggin

Pending—Passage to be Engrossed

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

Senator MINKOWSKY: Mr. President and Members of the Senate. I guess that this is another Bill last weekend we had a little levity on. This was a Bill that I had so much confidence that it would be a unanimous report from our Election Laws Committee, but unfortunately I found they gutted out the entire Bill, and placed something in there that was not relevant to the Bill, and of course I had reservations at that time, if they were germane to the issue.

This morning I am going to attempt to amend the Committee Report to address a very important item, insofar as larger municipalities in the State of Maine are concerned. Also of great concern of the Town and City Clerks who issue a number of Absentee Ballots.

At the present time the law, states that a person can not get more than 40 absentee ballots, at any one time. But in my municipality as in many others, people who are running for county office for example pick up 40 ballots in the City of Lewiston, 40 ballots in the City of Auburn, and 40 ballots or more in other areas.

Now if there happens to be a large nursing home in that area, this proves to be quite an imposition upon the city clerks and town clerks in which to keep track of all these different absentee ballots.

Presently that law is being very easily circumvented, because if I had a nursing home where I went in and picked up all of the absentee ballots, shall we say about 65, it would be nothing at all for me to take 40 from the city clerk and then allocate the other 25 to my son or my wife or to my daughter. This basically amounts to a very, very difficult job on the part of the city clerks to keep track of this.

If I were running for county office it would be an imposition upon the candidate. A person has got a team all lined up and it is willing to go out and take care of all of those absentee ballots there should not be a limitation, and this is exactly the sentiment expressed by the city and town clerks. I believe that our illustrious chairman of our Election Laws Committee was very cognizant of this particular factor.

There was only one objection to this particular bill, and that was in section 2 of the Bill which is a brand new part of the Bill, which we have taken out of this particular amendment.

All that we are addressing here today, is the deletion that the clerk shall issue any third party, so designated only enough absentee ballots to insure that such a person shall not be in the possession at any time of more than 40 absentee ballots for voters in a municipality.

We are deleting that Section 4 under subsection 1253, and in Section 5 subsection 1253, subsection 3, the clerk shall keep a list of all third persons, designated in applications or requests to whom absentee ballots are sent or delivered pursuant to subsection 2, and the number of absentee ballots, sent or delivered to such persons. Such third persons shall not be in possession at any time of more than 40 Absentee Ballots, in a municipality.

All that this amounts to, Mr. President and Members of the Senate is to make it a little easier for the candidate to pick up the absentee ballots especially in large facilities where there are many absentee ballots, to be picked up during a primary election or a general election and also to alleviate the responsibility on the clerks to keep a running tally of these particular ballots. On that particular note, Mr.

President and Members of the Senate, I would hope that you would accept Senate Amendment "A" to Committee Amendment "A" under filing number S-121 to L. D. 230 and I would so present this amendment Mr. President.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate Suspend its Rules, in order to reconsider the adoption of Committee Amendment "A".

Is this a pleasure of the Senate.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President I would ask for a Division on that motion.

The good Senator from Androscoggin, my friend, Senator Minkowsky, mentioned that there was only one objection at the hearing to this Bill, that is true. I think however that he overlooked the unanimous committee report, took this section of the bill out, and it was not by accident.

There probably is no area, bar none, of election laws where there is more abuse than there is in the absentee ballot part of our voting system. Just a short time ago there were a couple of changes in the laws, which mandated that we would have to date absentee ballots for one thing, so that if you went to a nursing home or you went somewhere else you could not get one or two or five of them signed.

It put a ceiling on how many ballots that you could have at once, so that people couldn't take out 150 or 250 or whatever absentee ballots. I think that those were two good and positive changes in our law. This bill came in and sort of did away with them both. Well seeing that that was unacceptable the good Senator says well maybe I will get 1/2 of it put back in.

Well I suspect that anybody running around with more than 40 absentee ballots may or may not be up to any good. I think that the law has worked very well since it has been changed. I do not think that there is any hardship on anybody, including the town clerks who just have to keep a list and they know that if I turn in three then they can take three off from my list. I have not had any town clerk complaining about the extra work.

I think for us to weaken the present law in anyway is a very serious mistake. Sure they can get around the law, or circumvent it, but if they do it I want to make it just as hard as I can for them to circumvent that law. I do not want to make it easier for them. I do not want people to have 150 and 250 or 350 or a limitless number of absentee ballots. I say that the number now is 40, that is a reasonable number and let's leave it there.

The PRESIDENT: The Chair would advise both the previous Senators that Suspending the Rules, is not debateable, but the Chair felt that it should allow equal time, but from now on in this debate it will not be allowed.

Is it now the pleasure of the Senate to Suspend its Rules?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of suspending its rules, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 13 Senators voting in the negative, the motion to suspend the rules, does not prevail.

The Bill, Passed to be Engrossed, as amended.

Sent down for concurrence.

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

SENATE REPORTS—from the Committee on Election Laws—Bill, "An Act Relating to Political Fundraising by State Employees." (S.

P. 270) (L. D. 811) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled—April 12, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

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

Senator PIERCE: Mr. President, I move that this item lie on the Table pending Acceptance of Either Report.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that L. D. 811 be Tabled pending Acceptance of Either Report.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I move that this item be Tabled for 1 Legislative day.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L. D. 811 be Tabled for 1 Legislative day, pending Acceptance of Either Report.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of tabling this matter for one legislative day, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 14 Senators in the negative, the Motion to Table for 1 legislative day does not prevail.

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

Senator CONLEY: Mr. President, I move that this item be Tabled until later in today's session.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this item be Tabled until later in today's session, pending Acceptance of Either Committee Report.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of tabling this matter until later in today's session, please rise in their places to be counted.

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

12 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Table until later in today's session, does not prevail.

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

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

Senator CONLEY: Mr. President and Members of the Senate. It is difficult enough to be the minority party in this branch, and we do have to work together. Now I have talked about laying items on the table unassigned, I have deplored it and it has generally been accepted by the majority party that no one in this body would be putting anything on the table unassigned.

The Majority Floorleader himself stated to me only two weeks ago, that we would be tabling for 1 day or 2 days, at a time and no more.

The Bill that was just placed on the table was a 12 to 1 ought to pass report. I am really not that fired up over the Bill, one way or the other, but it does seem to me that if we are going to play politics then I can play politics just as damn hard as anybody in this chamber.

The PRESIDENT: The Chair would ask the Senator to be a little more discrete.

Senator CONLEY: Excuse me, sir. I can guarantee the assistant majority floorleader



assistant majority floorleader that we can stop every bill here that takes a two-thirds vote of Enactment.

Now if you want to play games, we can play games, but I would at least appreciate the fact that nobody in my party can put a bill on the table unassigned, then nobody in the majority party can put a bill on that table unassigned.

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

The President 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 Fireman'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 12, 1979 by Senator Conley of Cumberland

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

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

Senator MINKOWSKY: Mr. President and Members of the Senate. I certainly hope that this afternoon that you do not accept the Indefinite Postponement Motion.

This particular Bill had a very, very fine and fair hearing before the Education Committee, and was done in a very, very constructive manner on behalf of the National Fire Science Academy, which is part of the Department of Commerce, to bring to light the additional training we should have for our firefighters in the State of Maine.

Now Maine was one of the four states that was designated as a pilot project to get these Federal Funds without any municipal input to further make our fire fighters more proficient in their work.

Now one of the things that was going to be done, is Maine was going to be used as a pilot project, for approximately six months. Then go back to the Department of Commerce and evaluate exactly what we have done, how we are handling the situation, where we are going, how we are going to get there, and the end results of the entire test. Then Maine would become eligible for Federal funds through the National Fire Science Academy.

Now basically the amendment of L. D. 223 under filing number H-132 calls for three things basically.

The change in the membership for the Committee, and we are talking about an existing ongoing committee. Provide for the election of a Chairman from amongst its members, and to clarify that training programs are voluntary we are not mandating fire departments in the State of Maine to take these programs, we are saying that it is strictly a voluntary proposal.

I spoke to some volunteer firemen last evening, both in Kennebec and Androscoggin Counties, and I discussed this issue with them, and there was no objection whatsoever to it. They looked upon it as a very viable, practical way of getting additional training to be more proficient in their particular profession.

Mr. President and Members of the Senate, I sincerely hope that you would oppose the motion to Indefinitely Postpone this Bill, allow it to accept the Majority Ought to Pass Report. If we can find other areas that we might have disagreement in we might be about to amend it on its course through both branches of the Legislature.

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

Senator HICHENS: Mr. President, according to the Statement of Fact of this Bill, it

amends that statutes concerning the firemen's training program in the Department of Educational and Cultural Services, by establishing an Advisory Board, for the programs that will replace the present advisory committee, by providing for equal representation from all related fire suppression forces on the board, in order to insure equal training for all fire departments, organized and unorganized.

L. D. 223 as has been referred to by the good Senator from Androscoggin, had two amendments to it when it was sent out of the Committee. A Divided Report of 11 to 2, both amendments have a section for expenses, but there is not a financial note attached to the Bill, I ask why?

Argument 1 is this, the proponents state that this Bill will give all fire organizations representation. The fact is that the Teamsters Union which has approximately 300 members and the Fire Marshalls are not represented. Does this mean that they will come in next year to increase the Board so that they may be represented? The Fire Service Training Advisory Committee already has a representative from the Council of Fire Fighters on its board. There are approximately 8,000 members in the Federation and approximately 600 in the Union Council. Under this Bill the Council would choose 2 members while the Federation would choose 3. The Federation chose 1 member of the Union already, as some union members belong to the Federation also.

The second argument by the proponents is that they are saying that they are the professionals and will be able to give more knowledge to the program, and that the program, will be adequate and proper training programs. The fact is that the program already has a professional staff, any fire department, volunteer, call or full-time can have the same training. The instructor certified and give the same training to all departments.

The Department of Education, already has a booklet out in which it is stated that when a community desires training, all that is necessary is for the Fire Chief to request a school by mailing a card to the supervisor in Augusta, at the following address. The address is included.

This program leads to an associate degree or certificate, from our Vocational Technical Institutes anyone volunteer or full-time may take this course, the programs are already advertised throughout the state such as this one that I have at Presque Isle, in Northern Maine Vocational Technical Institute, and supported by the Presque Isle Fire Department.

The third argument, is that having representation, federal monies will be available, if this make-up is not permitted then only full-time fire fighters will receive the money. I ask this afternoon, what money? Sources claim that Senator Muskie's Office could not locate any money, that would hinge on the make-up of this advisory board. The Department of Education does not know of any money now or in the future that will be stopped, because of the make-up of the advisory board. The Department of Education receives money for its Vocational Program under Federal Matching Funds, and there is no threat of this stopping, it comes under the Vocational Aid Agreement.

Money from the Department of Commerce, the Department of Commerce holds seminars throughout the country, the closest one to Maine has been held in Manchester, New Hampshire. Anyone can go up there, pay the entrance fee and the money for board and room. The Department of Commerce also provides audio-visual material in different states. The Department of Education has the audio-visual kits now and they are available to anyone for the asking. It has been reported that the Maine Fire Chiefs Association voted in favor, in reality only 40 firemen of the 400 fire chiefs attended that meeting, only 60% of them voted in favor. I ask you if this is proper representation

of the firemen throughout the State?

Rural Fire Departments in my area, are adamantly against this Bill, and I hope that you will vote ought not to pass.

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

Senator TROTZKY: Mr. President and Members of the Senate. I think that it is a very simple issue, here there are 13 members of this Advisory Board, and the Advisory Board, advises the Department of Education, on a Firemen's Training Program.

All this Bill is asking for basically is that 2 of the 13 members be members of the Maine Council of Fire Fighters Incorporated, which are the union fire fighters in the State of Maine. They are probably the most highly trained in the State.

Let me name the towns where the Maine Council of Fire Fighters have members, Auburn, Augusta, Bangor, Biddeford, Brewer, Lewiston, Gardiner, Old Town, Old Orchard Beach, Portland, South Portland, Saco, Sanford, Rockland, Rumford, Westbrook, Brunswick, and Bath.

It is only an Advisory Board, and all that we are asking here, the Majority of the Committee on Education, is that 2 members of the Union Fire Fighters, the Maine Council of Fire Fighters, Union be represented on that board. Again it is just advisory.

The President would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley, to the Rostrum, where he acted as President pro-tem.

The President then retired from the Senate Chamber.

The PRESIDENT Pro-Tem: The Chair will order a Division.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate. This last Thursday evening after we had tabled this Bill, several times, I went home, after a long tedious day in the Senate and passed the Fire Department of which I am a member, and saw that there was a crowd around the Fire Department, so I stopped in to see what was going on and indeed there was a training session, taking place that evening at the fire department.

I thought that was a good occasion to inquire as to the relevance of this proposed Legislation. I dropped in and asked the instructor if he indeed had problems with the Advisory Council as it stood now, and if there were adequate representation for several of the other forces? He said yes indeed there was. I then inquired of the Chief and others present if they had in fact been polled, regarding this piece of legislation and what their feeling was on it: The feeling was, and this was unanimous, they were not polled, they were not asked about membership on the Advisory Council. They knew nothing about the monies which were supposed to be forthcoming, and in fact opposed it because they felt that the training sessions now were very adequate.

The PRESIDENT pro-tem: The Chair will restate the question. The Motion before the Senate is the motion by the Senator from York, Senator Hichens, that this Bill and all of its accompanying papers, be Indefinitely Postponed.

Will all those Senators in favor of Indefinite Postponement, please rise in their places to be counted.

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

7 Senators having voted in the affirmative and 16 Senators in the negative, the Motion to Indefinitely Postpone, does not Prevail.

The Majority Ought to Pass Report Accepted, in concurrence. The Bill Read Once.



that we can stop every bill here that takes a two-thirds vote of Enactment.

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

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

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

Tabled—April 12, 1979 by Senator Conley of Cumberland.

Pending—Motion of Senator Trotzky of Penobscot to Reconsider Whereby Bill Failed of Enactment.

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

The Chair would direct the Senate's attention to Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships." (S. P. 310) (L. D. 901) which was tabled earlier in today's session, pending acceptance of Either Committee Report.

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

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

#### **Papers From the House**

##### **House Paper**

Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teacher's Association for Employees in the Bargaining Unit of Administrators at the Vocational-Technical Institutes and the School of Practical Nursing." (Emergency) (H. P. 1302) (L. D. 1561)

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.

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